

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

MOTION FOR EXTENSION (3)

Appellee

v.

Docket No. ARMY 20220557

Private First Class (E-3)

THOMAS N. CHAPMAN

United States Army

Appellant

Tried at Fort Huachuca, Arizona on 8

June, 15 August, and 1-2 November

2022, before a general court-martial

appointed by Commander, United

States Army Intelligence Center of

Excellence and Fort Huachuca, Colonel

Jacqueline Emanuel, military judge,

presiding.

TO THE HONORABLE, THE JUDGES OF THE
UNITED STATES ARMY COURT OF CRIMINAL APPEALS

COMES NOW the undersigned appellate defense counsel, pursuant to Rules 23 and 24 of this court's Rules of Appellate Procedure, and moves this court to grant an extension of time until 8 November 2023 to file appellant's brief.

1. This is a contested trial involving solicitation and several specifications of child pornography. Appellant was sentenced to thirty-five months confinement and a bad-conduct discharge. Appellant remains in confinement.
2. The electronic record of trial, including allied documents, the transcript, and associated exhibits, is 952 pages.
3. Counsel's review of the file has identified issues that require further attention.
4. The undersigned is currently assigned to fourteen other active cases, including *United States v. Hasan*, a capital case. In the last month,

counsel has submitted two briefs and two motions to withdraw before this court; filed two substantive supplements, in addition to other pleadings, before the Court of Appeals for the Armed Forces [CAAF]; and assisted on *United States v. Strong*, which is scheduled for oral argument on 11 October 2023.

5. In addition to the work over the previous month, counsel's current responsibilities on other cases in the next thirty days serve as good cause for an extension of time. Specifically, the undersigned serves as lead counsel in *Hasan* and is currently working on a motion for reconsideration of the CAAF's 118-page opinion in that case decided on 6 September 2023. The motion is currently due 31 October 2023. Moreover, in addition to *Hasan*, the undersigned counsel is also working on one other case with an October filing deadline in which counsel does not anticipate an extension, as well as reply briefs that are anticipated in at least two other cases before this court this month.

6. As an additional consideration for this extension, the undersigned counsel's spouse gave birth four days ago and had been hospitalized since 7 September 2023 with pregnancy related complications.

7. Appellant's brief is currently due on 9 October 2023. Appellant requests a thirty-day extension of time until 8 November 2023. This extension is necessary to consult with appellant and complete appellant's brief.


8. Appellant consents to this extension request.

WHEREFORE, appellate defense counsel respectfully requests that this court grant the instant motion.

Panel No. 3



MOTION FOR EXTENSION (3)

GRANTED: 


DENIED: _____

DATE: 3 October 2023

BRYAN A. OSTERHAGE
Major, Judge Advocate
Defense Appellate Attorney
Defense Appellate Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to the
Army Court of Criminal Appeals and the Government Appellate Division on
2 October 2023.



Major, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division