

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

MOTION FOR EXTENSION (4)

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 December 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 on nine other active cases, including *United States v. Hasan*, a capital case, which the undersigned serves as

lead military counsel. The petition for reconsideration in *Hasan* following the 118-page decision by the Court of Appeals for the Armed Forces [CAAF] on 6 September 2023 is a primary responsibility for the undersigned, and the petition is currently due at the end of this month. In addition to *Hasan*, over the last thirty days, the undersigned has submitted filings in three other cases, and in the next thirty days, anticipates filing a final brief in one case before this court and assisting the final brief in *United States v. Mendoza* before the CAAF.

5. The undersigned counsel only officially returned to the office on 26 October 2023 following the birth of his third child, which necessitated a combined hospitalization stay for his spouse and newborn from 7 September to 4 October 2023.

6. Appellant's brief is currently due on 8 November 2023. Appellant requests a thirty-day extension of time until 8 December 2023. This extension is necessary to consult with appellant and complete appellant's brief. The undersigned does not anticipate any additional extensions.

7. Appellant consents to this extension request.

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

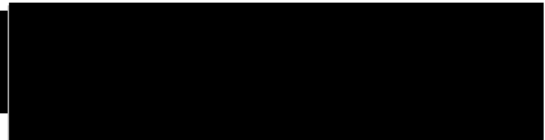
Panel No. 3

MOTION FOR EXTENSION (4)

GRANTED:


DENIED:

DATE: 03 November 2023


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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted
to the Army Court and Government Appellate Division on 1 November 2023.



BRYAN A. OSTERHAUG

Major, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division