

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee

MOTION FOR EXTENSION (3)

v.

Docket No. ARMY 20220272

Specialist (E-4)
TAYRON D. DAVIS
United States Army,
Appellant

Tried at Kaiserslautern, Germany on 14 February 2022, 11 April 2022, 19 May 2022, and 23-24 May 2022 before a general court-martial convened by Commander, Headquarters, 21st Theater Sustainment Command, Colonel Charles Pritchard and Lieutenant Colonel Tom Hynes, Military Judges, presiding.

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

COME NOW the undersigned appellate defense counsel, pursuant to Rules 23 and 24 of this court's Rules of Appellate Procedure, and move for a thirty-day extension of time until 18 April 2023 to file a Brief on Behalf of Appellant.

1. This is a contested case involving two specifications of an Article 120 offense. The transcript and associated exhibits are approximately 600 pages. The sentence adjudged on 24 May 2022 included confinement for 120 days and a dishonorable discharge. Appellant is no longer in confinement.
2. While the first undersigned counsel has completed the review of the case, the undersigned counsel are presently investigating a matter relating to the detailing of the military judge that may greatly impact the issues presented to this court. Additional time is necessary for the undersigned counsel to complete this inquiry.

3. In addition to the above-captioned case, the first undersigned counsel is detailed to *United States v. Hasan*, a death penalty case, with oral argument set for 28 March 2023 at the Court of Appeals for the Armed Forces (CAAF). The first undersigned counsel is also detailed to ten other active cases, including one which was recently granted before the CAAF. Additionally, the first undersigned counsel is currently serving as an acting branch chief and anticipates acting in such capacity for the following sixty days, supervising four other action attorneys within the office.

4. Appellant's brief is currently due on 19 March 2023. Appellant requests a thirty-day extension of time until 18 April 2023.

5. Consistent with Army Reg. 27-26, Legal Services: Rules of Professional Conduct for Lawyers (28 Jun. 2018), the first undersigned counsel requests additional time to fulfill counsel's ethical obligation to represent appellant's interest.

6. Appellant consents to this extension request.

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


PANEL NO. 3

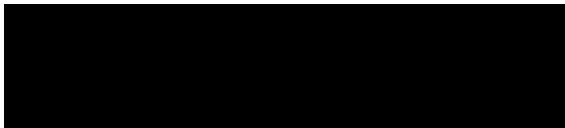
MOTION FOR EXTENSION (3)

GRANTED: 

DENIED: _____


DATE: 14 March 2023


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


JONATHAN F. POTTER
Senior Capital Defense Attorney
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 13 March 2023.



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