

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

MOTION FOR EXTENSION (3)

Appellee

v.

Docket No. ARMY 20230178

Staff Sergeant (E-6) (Retired)

DAVID GARCIA, JR.

United States Army

Appellant

Tried at Fort Hood, Texas on 4 August 2022, 17 October 2022, and 28 March-6 April 2023, before a general court-martial appointed by Commander, Headquarters, III Corps and Fort Hood, Colonel Maureen A. Kohn, military judge, 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 this court to grant an extension of time until 5 June 2024 to file appellant's brief.

1. This is a fully contested trial of a retired accused involving multiple charges and specifications of sexual offenses against three child victims. Appellant was sentenced to five years of confinement and a dishonorable discharge. Appellant remains in confinement.
2. The electronic record of trial, including allied documents, the transcript, and associated exhibits, is 3,377 pages.
3. Counsels' review of the case has identified multiple issues that require further attention.
4. The first undersigned is on eleven other active cases and is currently working on multiple other briefs with upcoming deadlines.

5. The second undersigned counsel is currently detailed to eleven other active cases, including *United States v. Hasan*, a capital case, which the second undersigned serves as lead military counsel. Presently, the second undersigned is working on a supplement due to the Court of Appeals for the Armed Forces on April 30th, a brief in *United States v. Thompson*, a contested murder case, due to this court in May, and the Supreme Court petition in *Hasan*.

6. Appellant's brief is due on 6 May 2024. Appellant requests a thirty-day extension of time until 5 June 2024. This extension is necessary to consult with appellant and complete appellant's brief.

7. Appellant consents to this extension request.

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


Panel No. 2



MOTION FOR EXTENSION (3)

GRANTED: 

DENIED: _____

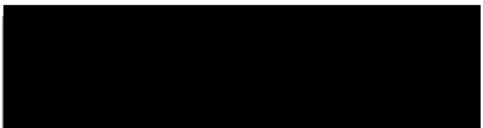
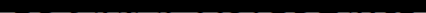
DATE: 30 April 2024


SCOTT HOCKENBERRY
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Daniel Conway & Associates
Attorneys-At-Law



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 29 April 2024.



BRYAN A. OSTERHAAGE

Major, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division