

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee

**MOTION FOR EXTENSION
TO FILE REPLY BRIEF**

v.

Docket No. ARMY 20210286

Private First Class (E-3)
LUIS A. MORALESSANCHEZ
United States Army,
Appellant

Tried at Fort Bliss, Texas, on 5 June, 3 August, 22 September 2020, 14, 25–26 January, 19 February, and 3–8, 10, 17 May 2021, before a general court-martial appointed by Commander, Fort Bliss, Colonel Michael S. Devine and Colonel Robert L. Shuck, 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 this court for a seven (7) day extension of time until 11 May 2023 to file appellant's reply brief.

Appellant's reply brief is currently due on 4 May 2023.

1. Consistent with Army Regulation 27-26, Rules of Professional Conduct for Lawyers, the undersigned counsel request additional time to ensure that counsel have diligently investigated, thoroughly researched, and appropriately briefed the reply to the government's brief in this case in order to fulfill counsel's ethical obligation to represent the appellant's interest.

2. This is a contested case involving a mixed plea with twenty-five specifications, to include two contested convictions for Article 118 offenses. The record of trial with exhibits and attachments is approximately 4,000 pages, which includes 1461 pages of trial transcript. The sentence adjudged on 10 May 2021 included confinement for a total term of forty years and ten months and a dishonorable discharge. Appellant is still in confinement. Appellant concurs with this request.

3. Undersigned counsel filed the Brief on Behalf of Appellant on 27 February 2023. The government filed its answer brief on 27 April 2023. Appellant's reply brief is currently due on 4 May 2023. Appellant requests a seven-day extension of time to 11 May 2023.

4. As good cause for granting the extension, appellant submits:

a. Civilian counsel currently has 36 cases on his docket. Civilian defense counsel had oral argument before this court on 27 April 2023. Civilian counsel also has the following pending cases: ten before the Court of Appeals for the Armed Forces [CAAF]; 15 before this court; one before the Navy-Marine Corps Court of Criminal Appeals; two before the Air Force Court of Criminal Appeals; and five before the Court of Federal Claims. Additionally, civilian defense counsel currently has three pending writs of habeas corpus.

b. Second undersigned counsel is currently assigned 23 cases (17 contested) with approximately 13,000 transcript pages pending before this court and the CAAF. In the next two weeks, second undersigned counsel has one initial brief due to this court.


c. The government's answer brief is 39 pages. Appellate defense counsel require additional time to review the entire filing, coordinate with appellant at the U.S. Disciplinary Barracks, conduct research, and draft the reply brief.

5. The undersigned counsel request additional time to review the record, research issues, confer with appellant, and complete appellant's reply brief.

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


PANEL NO. 3

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GRANTED: 

DENIED: _____

DATE: 2 May 2023



FOR: WILLIAM E. CASSARA, Esq.
Civilian Appellate Defense Counsel



ANDREW R. BRITT
Captain, 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 May 2023.



ANDREW R. BRITT
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division