

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

MOTION FOR EXTENSION (2)

v.

Docket No. ARMY 20140735

Staff Sergeant (E-6)

ANGEL M. SANCHEZ

United States Army

Appellant

Tried at Fort Leonard Wood, Missouri on 12 August, 3 and 22–24 September 2014, before a general court-martial appointed by Commander, Headquarters, Maneuver Support Center of Excellence and Fort Leonard Wood, Colonel Jeffery R. Nance, military judge, presiding. Re-tried at Fort Leavenworth, Kansas, on 17 September 2019 and 7 January 2020, before a general court-martial appointed by Commander, Headquarters, United States Army Combined Arms Center & Fort Leavenworth, Lieutenant Colonel S. Charles Neill, 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 appellant's Motion for Extension of Time. The undersigned appellate defense counsel request a 30-day extension of time until 26 September 2020 to file a Brief on Behalf of Appellant. The Brief on Behalf of Appellant is currently due on 27 August 2020. Pursuant to Rule 24.1(b), the first undersigned counsel asserts:

1. On 22–24 September 2014, a military judge sitting as a general court-martial convicted appellant, pursuant to his pleas, of three specifications of violating a general order by engaging in conduct of a sexual nature with basic trainees in violation of Article 92, 10 U.S.C. § 892 (2012) [UCMJ]. Contrary to his pleas, the military judge convicted appellant of an additional specification of violating a general order, four specifications of cruelty and maltreatment, four specifications of sexual assault, and six specifications of abusive sexual contact, in violation of Articles 92, 93 and 120 UCMJ. The military judge found appellant not guilty of one specification of violating Army Reg. 600-20, Army Command Policy, (18 Mar. 2008), by wrongfully having a sexual relationship with a trainee, four specifications of cruelty and maltreatment, two specifications of sexual assault, and two specifications of abusive sexual contact, in violation of Articles 92, 93 and 120, UCMJ. The military judge sentenced appellant to a dishonorable discharge, confinement for twenty years, forfeiture of all pay and allowances, and reduction to the grade of E-1. The convening authority deferred adjudged and waived automatic forfeitures and approved the remainder of the adjudged sentence.

2. On 28 March 2017, this court affirmed the findings of guilty and sentence. *United States v. Sanchez*, 2017 CCA LEXIS 203 (A. Ct. Crim. App. 28 March 2017). Appellant requested reconsideration based on the Court of Appeals for the Armed Forces' (C.A.A.F.) decision in *United States v. Hukill*, 76 M.J. 219 (C.A.A.F. 2017). This court granted reconsideration, and again affirmed the findings and sentence on 17 July 2017. *United States v. Sanchez*, 2017 CCA LEXIS 470 (A. Ct. Crim. App. 17 July 2017).

3. Appellant petitioned the Court of Appeals for the Armed Forces (C.A.A.F.). On 15 October 2018, C.A.A.F. both granted appellant's petition and reversed the decision of this court, remanding appellant's case to this court for a new Article 66 review. *United States v. Sanchez*, 78 M.J. 166 (C.A.A.F. 2018). Upon remand, this court set aside the findings of guilty as to Specifications 1, 2, 3, 4, 7, 8, 11, 13, 14, and 15 of Charge I and the sentence. This court affirmed remaining findings of guilty. *United States v. Sanchez*, 2019 CCA LEXIS 164 (A. Ct. Crim. App. 10 April 2019).

4. On 7 January 2020, a military judge sitting as a general court-martial convicted appellant, pursuant to his pleas, of three specifications of abusive sexual contact, in violation of Article 120, UCMJ. The military judge sentenced appellant to a dishonorable discharge, confinement for 54 months, and reduction to the grade of E-1. The convening authority approved the adjudged sentence.

5. Appellant's new record of trial was received in the Defense Appellate Division on 29 May 2020, and is 134 pages long. The current due date is Tuesday, 27 August 2020. However, in order to advance appellant's interests, the first undersigned counsel must also review his original record of trial, which is 692 pages long. Additionally, this case was transferred to the first undersigned appellate defense counsel on 14 July 2020 in anticipation of the prior appellate defense counsel's exit from Defense Appellate Division.

6. The first undersigned counsel has spoken to appellant, who supports this motion. The first undersigned appellate defense counsel has nearly completed review of both records of trial. When appellate defense counsel submitted his request for the first extension, he did not anticipate the necessity of this delay request. However, in the interim, appellate defense counsel has identified an issue requiring briefing, and needs additional time. Appellate defense counsel does not anticipate requesting an additional extension.

5. Counsel request additional time to ensure that all due diligence has been done to adequately review, investigate, research, and draft matters on behalf of appellant, as well as fulfill counsel's ethical obligation to represent his interests.

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

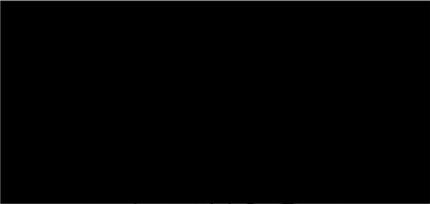
PANEL NO. 4

MOTION FOR EXTENSION

GRANTED: 

DENIED: _____

DATE: AUG 24 2020



Paul T. Shirk
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division



Kyle C. Sprague
Major, Judge Advocate
Acting Deputy Chief
Defense Appellate Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army
Court and Government Appellate Division on 22 August 2020.



Paul T. Skink
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division