

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,  
Appellee

**MOTION FOR ORAL  
ARGUMENT**

v.

Docket No. ARMY 20210389

Private First Class (E-3)  
**JOHN K. JARLEGO**  
United States Army,  
Appellant

Rehearing tried at Fort Leavenworth,  
Kansas on 18 January 2024, 23  
February 2024 & 14-15 May 2024,  
before a general court-martial  
appointed by Commander,  
Headquarters, United States Army  
Combined Arms Center & Fort  
Leavenworth, Colonel J. Harper Cook,  
military judge, presiding.

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

COMES NOW the undersigned appellate defense counsel, pursuant to Rules  
23 and 25 of this court's Rules of Appellate Procedure, and requests oral argument  
on the following assignment of error:

**WHETHER THE MILITARY JUDGE ERRED BY  
NOT SUPPRESSING APPELLANT'S  
STATEMENT?**

Argument is appropriate because this case presents important questions  
concerning the limits of what law enforcement may do when advising an accused  
of his rights under Article 31(b), Uniform Code of Military Justice. Oral argument

from both sides would assist this court in arriving at an informed and reasoned decision.

**Conclusion**

WHEREFORE, appellant, through undersigned appellate defense counsel, respectfully requests this court grant the motion for oral argument.

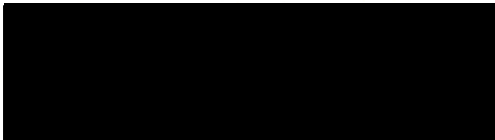
Panel No. 2

**MOTION FOR  
ORAL ARGUMENT**

GRANTED: 

DENIED: \_\_\_\_\_

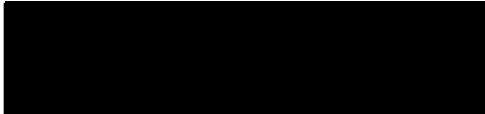
DATE: 13 March 2025



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 17 December 2024.



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

**From:** [USARMY Pentagon HQDA OTJAG Mailbox Clerk of Court eFiling](#)  
**To:** [Osterhage, Bryan A MAJ USARMY \(USA\); USARMY Pentagon HQDA OTJAG Mailbox TJ Service](#)  
**Cc:** [USARMY Pentagon HQDA OTJAG Mailbox DAD ACCAservice; USARMY Pentagon HQDA OTJAG Mailbox GAD ACCAservice; Potter, Jonathan F CIV USARMY HQDA OTJAG \(USA\)](#)  
**Subject:** RE: Jarlego-20210389-Motion for Oral Argument (241217)  
**Date:** Wednesday, December 18, 2024 3:22:00 PM  
**Attachments:** [Jarlego-20210389-Motion for Oral Argument \(241217\).pdf](#)

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Your pleading is in compliance with the Court's Rules of Practice and Procedure, and the pleading is accepted.

Very respectfully,

Office of the U.S. Army Clerk of Court  
9275 Gunston Road, Bldg. 1450  
Fort Belvoir, VA 22060-5546

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**From:** Osterhage, Bryan A MAJ USARMY (USA) <bryan.a.osterhage.mil@army.mil>  
**Sent:** Tuesday, December 17, 2024 10:13 PM  
**To:** USARMY Pentagon HQDA OTJAG Mailbox Clerk of Court eFiling <usarmy.pentagon.hqda-otjag.mbx.clerk-of-court-efiling@army.mil>; USARMY Pentagon HQDA OTJAG Mailbox TJ Service <usarmy.pentagon.hqda-otjag.mbx.tj-service@army.mil>  
**Cc:** USARMY Pentagon HQDA OTJAG Mailbox DAD ACCAservice <usarmy.pentagon.hqda-otjag.mbx.dad-accaservice@army.mil>; USARMY Pentagon HQDA OTJAG Mailbox GAD ACCAservice <usarmy.pentagon.hqda-otjag.mbx.gad-accaservice@army.mil>; Potter, Jonathan F CIV USARMY HQDA OTJAG (USA) <jonathan.f.potter3.civ@army.mil>  
**Subject:** Jarlego-20210389-Motion for Oral Argument (241217)

Dear Clerk of Court,

I hereby certify the following document was transmitted on the date/time of this message:

Jarlego-20210389-Motion for Oral Argument (241217)

One attachment was served.

Very respectfully,

Bryan Osterhage  
MAJ, JA  
Appellate Attorney  
Defense Appellate Division  
9275 Gunston Road  
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703-693-1132

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