IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES Appellee	**MOTION FOR EXTENSION (2)**
v.	Docket No. ARMY 20240324
Master Sergeant (E-8) **ROBERT A. MARSHALEK,** United States Army, Appellant	Tried at Fort Liberty, North Carolina, on 20 November 2023; 9 February 2024; 29 February 2024, 21-22 March 2024; 24-29 June 2024, before a general court-martial appointed by the Commander, Headquarters, Fort Bragg, Colonel J. Harper Cook, 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 moves this court to grant appellant's Motion for Extension of Time. The undersigned requests a 30-day extension until 15 May 2025 to file a Brief on Behalf of Appellant. The Brief is currently due on 15 April 2025. Pursuant to Rule 24.1(b), first undersigned counsel asserts:

1. On 29 June 2024, an enlisted panel, sitting as a general court-martial convicted appellant, Master Sergeant (MSG) Robert A. Marshalek, contrary to his pleas, of one specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ). (R. at 2038; Statement of Trial

Results). That same day, the enlisted panel sentenced appellant to a rank reduction to grade E-7. (R. at 2131; Statement of Trial Results). On 12 August 2024, the convening authority took no action on the findings and sentence. (Convening Authority Action). On 19 August 2024, the judge entered Judgement. (Judgement of the Court). This court docketed appellant's case on 15 January 2025 (Referral and Designation of Counsel).

2. Appellant's record of trial was received in the Defense Appellate Division on 15 January 2025, and the transcript is 2131 pages long. The current due date is 15 April 2025. Appellant concurs with this request for delay and is not confined.

3. The undersigned counsel was assigned this case on 3 February 2025. Undersigned counsel requests this second extension because she is conducting research and drafting three potential assignments of errors in this case after reviewing the lengthy 2131 page transcript and 4006 page record of trial. The additional time is also requested for supervisory review after undersigned counsel completes her draft of appellant's brief. In the days comprising the assignment of the case, the undersigned counsel filed one request for withdrawal in *United States v. Gomez* (filed 26 March 2025). Additionally, before the first deadline undersigned counsel presented oral argument in *United States v. Campbell* (ACCA Outreach Oral Argument on 30 January 2025); sat second chair in *United States v.*

Price (Oral Argument on 25 February 2025); filed two requests for withdrawals in *United States v. Lafounzio* (filed 10 February 2025) and *United States v. Mikkola* (filed 17 February 2025); filed two appellant briefs in *United States v. Myonte* (P1 with Grostefon filed 13 February 2025) and *United States v. Nixon* (one assignment of error filed 3 March 2025); and filed a supplement with the Court of Appeals for the Armed Forces (CAAF) in *United States v. Brassfield* (filed 11 March 2025 CAAF).

4. Consistent with Army Reg. 27-26, Rules of Professional Conduct for Lawyers, the undersigned counsel respectfully requests 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. Review of the materials is reasonably necessary for appellant, through counsel, to determine whether issues exist that merit presentation to this honorable court for consideration as part of its Article 66, UCMJ, review.

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

PANEL NO. 4

MOTION FOR
EXTENSION (2)

GRANTED: [redacted]

DENIED: _____

DATE: 10 April 2025

[redacted]
Amber L. Bunch
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division

[redacted]

Beau O. Watkins
Major, Judge Advocate
Branch Chief
Defense Appellate Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically filed with the Army Court and Government Appellate Division on April 9, 2025.

[redacted]
MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division