

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

MOTION FOR EXTENSION (2)

v.

Docket No. ARMY 20190663

Specialist (E-4)

NICHOLAS R. ST. JEAN,

United States Army

Appellant

Tried at Fort Sill, Oklahoma, on 24-26

September 2019; before a general

court-martial appointed by

Commander, Fires Center of

Excellence and Fort Sill, Colonels

Robert L. Shuck and Douglas K.

Watkins and Lieutenant Colonel Joseph

T. Marcee, 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 Internal Rules of Practice and Procedure, and move for a 30-day extension of time until 29 December 2020 to file a Brief on Behalf of Appellant.

1. Consistent with Army Reg. 27-26, Rules of Professional Conduct for Lawyers, undersigned counsel request additional time to ensure that all due diligence has been done to adequately review, investigate, research, and brief the assignments of error in this case and to fulfil counsel's ethical obligation to represent Appellant's interest.
2. This record of trial in this contested case is 566 pages. The approved sentence was adjudged on 26 September 2019, and it includes a dishonorable discharge, confinement for 5 years, and a reduction to Private E1. Appellant is still in confinement. Appellant concurs with this request.
3. The record of trial was received in the Defense Appellate Division on 2 July 2020. The current due date is 29 November 2020.

4. First undersigned counsel currently has 14 cases pending a brief before this Court (including 10 contested cases) and 11 cases pending before the Court of Appeals for the Armed Forces. The second undersigned defense counsel has significant trial court conflicts due to COVID-19 related delays earlier this year. In the next 30 days, counsel has 3 separation boards, 4 Article 32 Investigations, and 3 contested trials (one may be continued).

5. The undersigned counsel requests additional time to review the record and companion cases, research issues, confer with appellant and accomplish supervisory review.

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

PANEL NO. 2

MOTION FOR EXTENSION (2)

GRANTED: _____

DENIED: _____

DATE: 17 Nov 20



THOMAS J. TRAVERS
CPT, JA
Appellate Defense Counsel
Defense Appellate Division



Daniel Conway
Civilian Appellate Defense Counsel
Gary Myers, Daniel Conway and
Assoc.



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CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army Court and Government Appellate Division on November 16, 2020.



MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division

