

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

MOTION FOR EXTENSION (4)

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 27 February 2021 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 E-1. 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 28 January 2021.

4. First undersigned counsel currently has nine cases pending a brief before this Court (including four contested cases), five cases pending the government's brief, and 13 cases pending before the Court of Appeals for the Armed Forces (including five with errors.) The second undersigned defense counsel has trial in Germany from 22-29 January 2021, trial at Fort Polk from 1-5 February 2021, and trial at Luke Air Force Base from 15-19 February. Additionally, he has pre-trial proceedings in Wright-Patterson, OH; Fort Wainwright, AK; and Graefenwohr, Germany on 8 February, 10 February, and 12 February, respectively.

5. On 8 January 2021, a recently retained member of the defense team motioned for this Court to view sealed materials. Due to COVID-19 protocols, said counsel has not been able to access the sealed materials as of the filing of this motion. Therefore, appellate defense counsel will need additional time to review the exhibits, complete potential assignments of error, and confer with appellant.

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

PANEL NO. 2

MOTION FOR EXTENSION (4)

GRANTED: _____

DENIED: _____

DATE: 21 January 202

FINAL


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 January 19, 2021.



MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division

