

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

MOTION FOR EXTENSION (2)

Appellee

v.

Docket No. ARMY 20200347

Private First Class (E-3)
AUSTIN C. HAMILTON
United States Army
Appellant

Tried at Joint Base Lewis-McChord,
Washington, on 20 February, 15 May,
and 22-26 June 2020, before a general
court-martial appointed by
Commander, 7th Infantry Division,
Colonel Joseph Keeler, Military Judge,
presiding.

TO THE HONORABLE, THE JUDGES OF THE
UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Pursuant to Rule 24 of this court's Rules of Appellate Procedure, the undersigned counsel respectfully moves this court to grant a 30-day extension of time until 9 May 2021 to file appellant's brief and assignment of errors. As good cause to grant this extension, the undersigned counsel asserts:

1. This is the second motion for an extension of time in this case. The brief is currently due on 9 April 2021.
2. The trial was contested.
3. The transcript contains 842 pages.
4. The approved sentence, adjudged on 26 June 2020, included a reduction to the grade of E-1, confinement for eight years, and a dishonorable discharge.

5. Appellant is currently confined. He concurs with this extension.

6. The undersigned counsel requires additional time. Counsel has nearly completed review of the transcript and record of trial, which contains 1,760 pages. While this case represents civilian counsel's first priority in her current appellate caseload, she requires additional time to complete her review and advise appellant regarding potential errors. Counsel's other relevant caseload includes: (1) US v. [REDACTED] (Administrative Separation Hearing, 29 Mar-2 Apr 21); (2) US v. Guihama (AFCCA)– undersigned counsel is researching potential assignments of error.

7. The undersigned counsel believes that the requested extension is in the best interest of appellant and that denying this request will materially prejudice his appellate rights.

WHEREFORE, appellant, by and through the undersigned counsel, respectfully requests a 30-day extension of time until 9 May 2021 to file appellant's brief.

PANEL NO. 4

MOTION FOR EXTENSION (2)

GRANTED: [REDACTED]


DENIED: _____

DATE: 26 March 2021

[REDACTED]
CATHERINE M. CHERKASKY, Esq.
C.A.A.F. Bar No. 34965
Illinois IARDC No. 6311030
California Bar No. 266492
[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army
Court and Government Appellate Division on March 25, 2021.


MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division
