

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,
Petitioner

**MOTION FOR LEAVE TO FILE
A SUPPLEMENT TO THE WRIT
OF PROHIBITION**

v.

Case No. ARMY Misc. 20220001

Colonel (O-6)
CHARLES L. PRITCHARD,
Military Judge,
Respondent

Lieutenant Colonel (O-5)
ANDREW J. DIAL,
U.S. Army
Real Party in Interest

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

COMES NOW the United States, by and through undersigned appellate government counsel, pursuant to the Joint Rules of Appellate Procedure for the Courts of Criminal Appeals [J.R.A.P. R.], (1 Jan. 2019) 23(d), and Army Court of Criminal Appeals Rules of Appellate Procedure [A.C.C.A. R.], (1 Jan. 2019) 17.1(e), and moves for leave to file a supplement to the writ of prohibition.

The government requested extraordinary relief in the form of a writ of prohibition on 24 January 2022. The government wishes to address additional distinctions relevant to a similarly situated analysis, pertinent to the arguments contained in the body of our original petition and footnote three (3) within the

petition. (Pet'r. Br. 12, n. 3). Good cause for this delayed filing is that, after filing the writ of prohibition, the government determined additional discussion of footnote three (3) was necessary. The supplemental pleading will assist this court in addressing the issues raised in the writ of prohibition, and fully notify the Real Party in Interest (RPI) of the government's arguments. Petitioner acknowledges that this court has ordered the RPI to file an answer within twenty (20) days of receipt of the writ of prohibition. Should this court grant the government's motion for leave to file a supplemental pleading, the government has no objection to extending the RPI's deadline to twenty (20) days of receipt of this supplemental pleading.

Conclusion

WHEREFORE, the government prays that this Honorable Court grant this motion.

PANEL: 3

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GRANTED: _____

DENIED: _____

DATE: _____



KAREY B. MARREN
Branch Chief, Government
Appellate Division

CERTIFICATE OF SERVICE, U.S. v. COL PRITCHARD, CHARLES L., (Respondent); MSG DIAL, ANDREW J. (Real Party in Interest) (Misc 20220001)

I certify that a copy of the foregoing was sent via electronic submission to the Defense Appellate Division at [REDACTED]

[REDACTED] on this 29th day of January 2022.

[REDACTED]

Senior Paralegal Specialist
Government Appellate Division

[REDACTED]