

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

v.

Private First Class (E-3)
JEROME J. FORREST,
United States Army,
Appellant

**MOTION FOR EXTENSION TO
FILE REPLY BRIEF ON BEHALF
OF APPELLANT**

Docket No. ARMY 20200715

Tried at Fort Campbell, Kentucky, on 8 May 2019, 6 August 2019, 29 August 2019, 25 October 2019, 2 December 2019, 19 February 2020, 7 December 2020, 9-11 December 2020, and 14-16 December 2020 before a general court-martial convened by the Commander, Headquarters, Fort Campbell, Colonel Matthew A. Calarco and Colonel Jacqueline Tubbs, 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 Rules of Appellate Procedure, and move this court to grant appellant's Motion for Extension of Time. The undersigned appellate defense counsel request a 10-day extension of time until 2 June 2022 to file a Reply 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 respond to the Government's Brief in this case and to fulfil counsel's ethical obligation to represent Appellant's interest.

2. On 16 December 2020, a military judge sitting as a general court-martial convicted appellant, contrary to his plea, of one specification of violating Article 118, intentional murder. 10 U.S.C. § 918 (2018). The military judge sentenced appellant to a dishonorable discharge and confinement for life with eligibility for parole. Appellant is still in confinement and concurs with this request.
3. On 19 April 2021, this court received appellant's record of trial which includes 1,273 pages of transcript and an additional 1,509 pages of exhibits and allied documents (plus multiple discs).
4. The current due date is 23 May 2022. Appellate defense counsel filed a motion for extension to file the reply brief on Tuesday 18 January 2022.
5. Defense counsel gives the following reasons for the need for an extension:
 - a. Appellant was sentenced to confinement for life. His appeal included five assignments of error and four additional briefed issues in *Grostepon*. The original brief was 63 pages long. The appellee's brief addresses the five assignments of error and is 37 pages long. The assignments of error include nuanced fact specific arguments as well as technical and legally novel issues. Seven days is simply not enough time to adequately research and respond to the government's brief.
 - b. First undersigned appellate defense counsel was assigned to this case in January 2022, shortly before the filing of appellant's brief, when the originally assigned counsel began the process of ending his time of service on active duty. While the first undersigned counsel has worked diligently to read the extensive record of trial and fully understand the briefed issues, he does not have the same level of familiarity as his predecessor, who worked on the case for nine months. Additionally, the first undersigned counsel will be attending the Field Screening Officer Course from 23 to 26 May 2022.
6. undersigned counsel currently has 13 cases pending the Brief on Behalf of Appellant before this Court (including six contested), five

cases filed but pending the government's brief or this court's decision, and two cases pending before the CAAF.

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

PANEL NO. 4

MOTION FOR EXTENSION
TO FILE APPELLANT'S REPLY
BRIEF



IAN P. SMITH
CPT, JA
Defense Appellate Division

GRANTED: 

DENIED: _____

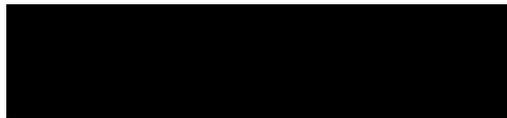


MAJ, JA
Branch Chief
Defense Appellate Division

DATE: 23 MAY 2022

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army Court and Government Appellate Division on May 20, 2022.



MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division