

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

MOTION TO WITHDRAW
APPELLANTS MOTION TO
WITHDRAW APPELLATE
REVIEW AND MOTION FOR 10
DAY EXTENSION OF TIME TO
REFILE (EXTENSION 4)

Appellee

v.

Docket No. ARMY 20210506

Specialist (E-3)

RAUL HERNANDEZPEREZ

United States Army

Appellant

Tried at Wheeler Army Airfield,
Hawaii, on 17 June 2021, 13-14
September 2021, before a general
court martial, appointed by the
Commander, Headquarters, 8th
Theatre Sustainment Command,
Colonel Mark Bridges, military
judge, presiding.

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

COME NOW the undersigned appellate defense counsel, pursuant to Rule 23 of this court's Rules of Appellate Procedure, and move to withdraw appellant's Motion to Withdraw Appellate Review, which was filed on 27 July 2021. In addition, undersigned appellate defense counsel, pursuant to Rules 23 and 24 of this court's Rules of Appellate Procedure, and moves for a 10-day extension of time until **11 August 2022** to refile Appellant's Motion to Withdraw Appellate

Review. This is undersigned appellate counsel's fourth request for an extension of time.

1. The current due date is **1 August 2022**. The entire record is 642 pages.

A military judge sitting as a general court martial found appellant guilty in accordance with his pleas of one specification of premeditated murder and one specification of violating a lawful order. (Charge Sheet). The military judge sentenced appellant to be confined for 62 years, reduction to the grade of E-1 and a dishonorable discharge.

2. This request for an extension of time is necessary in order to correct an error on the DD2330 Waiver/Withdrawal of Appellate Rights form submitted as an appendix to Appellant's motion to withdraw appellate review. Undersigned counsel has contacted the Ft. Leavenworth TDS office to facilitate the signature of a corrected form, and will refile appellant's motion to withdraw appellate review upon receipt of the corrected and signed DD2330. Appellant consents to an extension of time to correct and refile the original submitted motion to withdraw, and remains in confinement.

WHEREFORE, appellate defense counsel respectfully requests that this court grant the instant motions.

PANEL NO. 4

MOTION TO WITHDRAW
APPELLANT'S MOTION TO
WITHDRAW APPELLATE REVIEW

GRANTED: _____

DENIED: _____

DATE: _____

SARAH H. BAILEY
CPT, JA
Appellate Defense Counsel
Defense Appellate Division

MOTION FOR EXTENSION

GRANTED _____

MITCHELL HERNIAK
MAJ, JA
Branch Chief
Defense Appellate Division

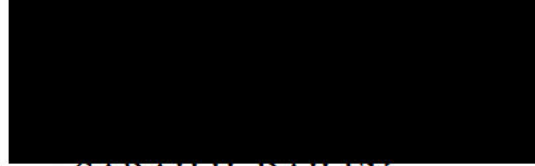
In order to refile corrected DD Form 2330.

DENIED: _____

DATE: _____

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to the Army Court and Government Appellate Division on 29 July 2022.



SARAH H. BAILEY
CPT, JA
Appellate Defense Counsel
Defense Appellate Division