

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee

MOTION FOR EXTENSION (3)

v.

Docket No. ARMY 20220052

Private (E-2)
MATTHEW L. COE
United States Army,
Appellant

Tried at Fort Benning, Georgia, on 7
January, and 1–3 February 2022,
before a general court-martial
appointed by Commander, U.S. Army
Maneuver Center of Excellence,
Lieutenant Colonel Trevor I. Barna,
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 Rules
23 and 24 of this court's Rules of Appellate Procedure, and move for a 30-day
extension of time until 29 December 2022 to file a Brief on Behalf of Appellant.

1. Consistent with Army Regulation 27-26, Rules of Professional
Conduct for Lawyers, the undersigned counsel request additional time
to ensure that counsel have diligently investigated, thoroughly
researched, and appropriately briefed the assignments of error in this
case in order to fulfill counsel's ethical obligation to represent the
appellant's interest.

2. This is a contested case with mixed findings and a conviction for
an Article 120, UCMJ offense. Appellant's case involves multiple co-
accused, to include at least one companion case that is currently
pending before this court. The record of trial with exhibits and allied
papers is approximately 1,250 pages, which includes 742 pages of
trial transcript. The sentence adjudged on 3 February 2022 included
reduction to the grade of E-1, confinement for 24 months, and a
dishonorable discharge. Appellant is currently in confinement.
Appellant concurs with this request.

3. Appellant's brief is currently due on 29 November 2022.
Appellant requests a 30-day extension of time to 29 December 2022.
This is appellant's third request for an extension of time.

4. First undersigned counsel is currently assigned 29 cases (23 contested) with approximately 16,000 transcript pages pending before this court and the Court of Appeals for the Armed Forces (CAAF). Since the last extension request, first undersigned counsel filed two substantive initial briefs with this court and a petition with the CAAF. In the next thirty days, first undersigned counsel has three other initial briefs due to this court, and three supplements and a reply brief due to the CAAF.

5. The undersigned counsel request additional time to review the record, research issues, confer with appellant, and conduct supervisory review.

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


PANEL NO. 3


MOTION FOR
EXTENSION (3)

GRANTED: 

DENIED: _____

DATE: 29 November 2022


ANDREW R. BRITT
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division


JOYCE C. LIU
Major, Judge Advocate
Branch Chief
Defense Appellate Division

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 22 November 2022.



ANDREW R. BRITT
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division