

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

MOTION FOR EXTENSION (2)

v.

Docket No. ARMY 20220231

Private (E-2)

TREVON K. COLEY,
United States Army,

Appellant

Tried at Kaiserslautern, Germany, on
6 January 2022 and 2 May 2022 – 6
May 2022, before a general court-
martial appointed by the Commander,
Headquarters, 21st Theater
Sustainment, Lieutenant Colonel
Lance Smith, 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 this court to grant appellant's Motion for Extension of Time. The undersigned appellate defense counsel request a 30-day extension of time until 8 February 2023 to file a Brief on Behalf of Appellant. The Brief on Behalf of Appellant is currently due on 9 January 2023. Pursuant to Rule 24.1(b), the undersigned counsel assert:

1. On 6 May 2022, an officer panel sitting as a general court-martial convicted Private (PV2) Trevon K. Coley, appellant, contrary to his pleas, of one specification of involuntary manslaughter with culpable negligence in violation of Article 119, Uniform Code of Military Justice (UCMJ) and one specification of

aggravated assault inflicting grievous bodily harm in violation of Article 128, UCMJ.¹ (R. at 9; Charge Sheet). Appellant pleaded guilty to one specification of violating a general order or regulation in violation of Article 92, UCMJ, and one specification of conspiracy, in violation of Article 81, UCMJ. (R. at 81). On 6 May 2022, the panel sentenced appellant to eight years of confinement, reduction to the grade of E-1, and a bad-conduct discharge. (R. at 904).

2. This court referred appellant's case on 12 August 2022. The undersigned counsel received the record of trial on 18 August 2022. Appellant's record of trial transcript is 907 pages long and it includes 2,230 pages of other material requiring review. Appellant is still in confinement and concurs with this request for delay.

3. On 25 November 2022, the first undersigned counsel sent a request to review the trial defense files from the civilian defense counsel and the military trial defense service (TDS) counsel detailed to represent appellant.

4. On 23 December 2022, the first undersigned counsel received the trial defense files from one of the two detailed defense counsel. The civilian defense counsel is still endeavoring to transfer the files related to the above captioned case.

¹ Appellant was acquitted of one specification of murder while engaging in an inherently dangerous act to another in violation of Article 118, UCMJ and one specification of leaving the scene of a vehicle accident as the driver in violation of Article 111, UCMJ. (R. at 789). The military judge dismissed one specification of drunken or reckless operation of a vehicle in violation of Article 113, UCMJ. (R. at 24).


The files that were received contain thousands of pages of notes, motions, reports, discovery, and emails.

5. Consistent with Army Reg. 27-26, Rules of Professional Conduct for Lawyers, undersigned request additional time to ensure that all due diligence has been done to adequately review, investigate, research, and draft matters on behalf of appellant, as well as fulfill counsel's ethical obligation to represent her interests.

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

PANEL NO. 4

MOTION FOR
EXTENSION (2)

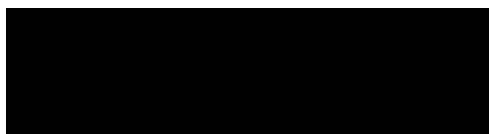
GRANTED: _____

DENIED: _____

DATE: 6 JAN 2023



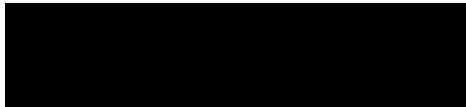
Rachel M. Rose
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division



Rachel P. Gordienko
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 Army Court and Government Appellate Division on January 4, 2023.



MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division