

### 3N THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**MOTION FOR EXTENSION (3)**

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 10 March 2023 to file a Brief on Behalf of Appellant. The Brief on Behalf of Appellant is currently due on 8 February 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.<sup>1</sup> (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. 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 was still endeavoring to transfer the files related to the above captioned

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<sup>1</sup> 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).

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

5. On 6 January 2023, this court granted the second request for an extension. The new filing deadline was set for 8 February 2023.

6. On 23 January 2023, the first undersigned counsel received a disk containing the requested trial defense files belonging to the civilian defense counsel. This disk contained 17 folders with 192 discrete files to review.

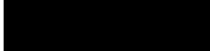
7. On 17 January 2023 and again on 30 January 2023, the first undersigned counsel sent additional requests for information to both defense attorneys. TDS attorney declined to submit any answers and to the date of filing, a response from the civilian defense attorney is pending.

8. 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 review, investigate, research, and draft matters on behalf of appellant, as well as fulfill counsel's ethical obligation to represent his interests.

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


PANEL NO. 4


MOTION FOR  
EXTENSION (3)

GRANTED: 

DENIED: \_\_\_\_\_

DATE: 2 FEB 23

  
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 February 1, 2023.



**MICHELLE L.W. SURRATT**  
**Paralegal Specialist**  
**Defense Appellate Division**

