

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

MOTION FOR EXTENSION (4)

v.

Docket No. ARMY 20220345

Private First Class (E-3)

ANTHONY M. ELMORE,

United States Army,

Appellant

Tried at Fort Bragg, North Carolina, on 17 February, 31 March, 27-30 June 2022, before a general court-martial appointed by the Commander, Headquarters, 82nd Airborne Division, Colonel J. Harper Cook, 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 Internal Rules of Practice and Procedure and move this court to grant appellant's Motion for Extension of Time. The undersigned counsels request a 30-day extension of time, until 6 August 2023, to file a Brief on Behalf of Appellant. The Brief on Behalf of Appellant is currently due on 7 July 2023. Pursuant to Rule 24.1(b), the undersigned counsel assert:

1. On 30 June 2022, an enlisted panel sitting as a general court-martial found Private First-Class Anthony M. Elmore (appellant) guilty, contrary to his plea, of two specifications of sexual assault in violation of Articles 120, Uniform Code of Military Justice, 10 U.S.C. §920 (2018) [UCMJ]. The military judge sentenced appellant to five-year confinement and dishonorable discharge. On 10 August 2022, the convening authority took no action.

2. This court referred appellant's case on 9 December 2022. Undersigned counsel received the record of trial which included 891 transcript pages, approximately 420 pages of other documents, and additional sealed exhibits and records.

3. Appellant did not receive the copy of his Record of Trial until February 2023. Appellant is confined at Joint Regional Correctional Facility, Fort Leavenworth and endorses this request.

4. Undersigned civilian defense attorney, who lives overseas, was retained on 25 April 2023 and filed a Motion for Extension and Motion to View and Photocopy Sealed Material. On 28 April 2023, the court denied appellant's Motion to Photocopy. On 25 June 2023, the civilian defense counsel traveled to Fort Belvoir to review the sealed materials.

5. Counsels request additional time to review all the materials and consult the client to ensure that all due diligence has been done to adequately review, investigate, research, and additional 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 2

MOTION FOR EXTENSION (4)

GRANTED: _____

DENIED: _____

DATE: 29 June 2023


ROBERT FELDMER
Civilian Appellate Defense Counsel



TUMENTUGS D. ARMSTRONG
CPT, JA
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army Court and Government Appellate Division on June 28, 2023.



MICHELLE L.W. Surratt
Paralegal Specialist
Defense Appellate Division

