

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

MOTION FOR EXTENSION (2)

v.

Docket No. ARMY 20220160

Private First Class (E-3)

STEFON M. REID,

United States Army,

Appellant

Tried at Fort Polk,¹ Louisiana, on 9 and 30-31 March 2022 and 1 April 2022, before a general court-martial appointed by the Commander, Joint Readiness Training Center and Fort Polk, LTC Scott Z. Hughes, 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 7 October 2023 to file a Brief on Behalf of Appellant. The Brief on Behalf of Appellant is currently due on 7 September 2023. Pursuant to Rule 24.1(b), the undersigned counsel assert:

1. On 1 April 2022, a military judge sitting as a general court-martial convicted appellant, Private First Class Stefon M. Reid, contrary to his pleas, of Sexual Assault, in violation of Article 120, Uniform Code of Military Justice, 10

¹ Now named Fort Johnson.

U.S.C. § 920 [UCMJ] (The Charge, Specification 1).² (R. at 432; Charge Sheet).

On that same day, the military judge sentenced appellant to be discharged from the service with a dishonorable discharge, to be reduced to the grade of E-1, and to be confined for three years. (R. at 480).

On 2 February 2023, the convening authority approved the findings and adjudged sentence. (Convening Authority Action). On 9 March 2023, the military judge entered Judgment. (Judgment of the Court). This court docketed appellant's case on 10 April 2023. (Referral and Designation of Counsel).

2. Appellant's record of trial was received in the Defense Appellate Division on 11 April 2023, and is 1,073 pages long. The current due date 7 September 2023. Appellant concurs with this request for delay.

3. The first undersigned counsel was assigned to this case on 20 April 2023. In the ninety days comprising extension one, the first undersigned counsel has filed the following: *United States v. SFC Aaron J. Jesmer*, Army 20220307 (Motion to Withdraw); *United States v. Haynes O. Gibson*, Army 20220203 (one assignment of error); *United States v. Dominic Diaz*, Army 20220596 (P1 Brief with matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982)); and

² The military judge found defendant not guilty of Rape, in violation of UCMJ, Article 120.

United States v. Garciamoya, Army 20230131 (P1 Brief). The undersigned defense counsel currently has four cases before this court.


4. Additionally, the undersigned defense counsel is a reservist who is an Assistant United States Attorney in his civilian profession. In this capacity, the undersigned defense counsel has approximately 30 cases currently pending in federal court. This case further involves approximately sixty-six pages of under seal transcript. Due to the first undersigned defense counsel being a reservist, counsel was not able to review the underseal material until 7 August 2023, when counsel was at USALSA for annual training. This request is made, in part, to allow counsel to discuss the underseal material with appellant in preparation for the filling of the Brief on Behalf of Appellant.

5. Consistent with Army Reg. 27-26, Rules of Professional Conduct for Lawyers, undersigned request additional time to ensure 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. 2

MOTION FOR
EXTENSION (2)

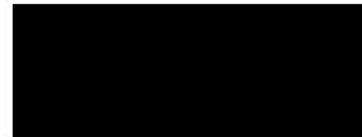
GRANTED: 

DENIED: _____

DATE: 30 August 2023



Jake D. Nare
Major, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division



Mitchell D. Herniak
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 August 29, 2023.



MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division