

**IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS**

UNITED STATES

Appellee

**MOTION TO FILE OUT OF TIME  
AND MOTION FOR EXTENSION  
TO FILE DEFENSE APPELLATE  
EXHIBITS A, B, AND C**

v.

Docket No. ARMY 20220160

Private First Class (E-3)  
**STEFON M. REID,**  
United States Army,

Appellant

Tried at Fort Polk,<sup>1</sup> 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 to File Defense Appellate Exhibits A, B, and C Out of Time. The undersigned appellate defense counsel request a seven-day extension of time until 13 December 2023 to file a Motion to Attach Appellate Exhibits A, B, and C. The Brief on Behalf of Appellant and Motion to Attach are currently due on 6 December 2023. Pursuant to Rule 24.1(b), the undersigned counsel assert:

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<sup>1</sup> Now named Fort Johnson.

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 U.S.C. § 920 [UCMJ] (The Charge, Specification 1).<sup>2</sup> (R. at 432; Charge Sheet). On the 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 took no action. (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 6 December 2023.

3. On November 28, 2023, the undersigned counsel filed a Motion to File Appellant's Motion to Attach Defense Appellate Exhibits A, B, and C Under Seal along with a Motion to File Brief Under Seal. Both the brief and supporting exhibits discuss evidence that was not admitted or referenced at trial, but if raised,

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

would have been evidence of the “victim engaged in other sexual behavior” and therefore subject to the procedural requirements of Military Rules of Evidence 412. The motions are pending before the court.

4. The Brief on Behalf of Appellant and the Motion to Attach Defense Appellate Exhibits A, B, and C are complete and ready for filing. The seven-day extension request is made to await this court’s ruling on the Motions to Seal before filing.

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 TO FILE OUT OF TIME

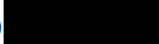
GRANTED: \_\_\_\_\_

DENIED:  As Moot

DATE: 6 December 2023

MOTION FOR EXTENSION TO  
FILE MOTION TO ATTACH  
DEFENSE APPELLATE EXHIBITS  
A, B, AND C

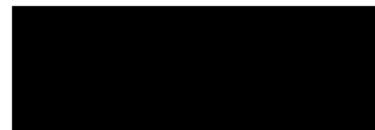
GRANTED: \_\_\_\_\_

DENIED:  As Moot

DATE: 6 December 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 December 4, 2023.



MELINDA J. JOHNSON  
Paralegal Specialist  
Defense Appellate Division