

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

UNITED STATES

Appellee

**MOTION TO FILE OUT OF TIME  
AND MOTION FOR EXTENSION  
(5)**

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 Out of Time. The undersigned appellate defense counsel request a seven-day extension of time until 13 December 2023 to file a Brief on Behalf of Appellant. The Brief on Behalf of Appellant is currently due on 6 December 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

---

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

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 Brief Under Seal due to Assignments of Error One and Two of the brief discussing evidence that was not admitted or referenced at trial, but if raised, 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 Motion is pending before the court.

---

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

4. The Brief on Behalf of Appellant is complete and ready for filing. The seven-day extension request is made to await this court's ruling on the Motion to File Under 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: \_\_\_\_\_

DATE: 6 December 2023

MOTION FOR EXTENSION (5)

GRANTED: 

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

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