

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

MOTION FOR ORAL ARGUMENT

v.

Docket No. ARMY 20220541

Second Lieutenant (O-1)

DALTON C. CLARK

United States Army,

Appellant

Tried at Fort Riley, Kansas on 5 January and 8-12 August 2022, before a general court-martial appointed by Commander, Headquarters. 1st Infantry Division and Fort Riley, Colonel Steven Hendricks and Lieutenant Colonel Thomas Calhoun-Lopez, military judges, 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 25 of this Court's Rules of Appellate Procedure, and request oral argument on behalf of the appellant. Undersigned counsel request argument on the following assignment of error.

I. WHETHER THE MILITARY JUDGE ERRED IN REFUSING TO GRANT APPELLANT'S REQUEST FOR A WITNESS DUE TO UNTIMLINESS

Argument is appropriate because this case involves an important question concerning when it is appropriate for the government to deny witness production and what their responsibility is to use compulsory process.

Oral argument from both sides would assist this court in arriving at an informed and reasoned decision.

Conclusion

WHEREFORE, appellant, through undersigned appellate defense counsel, respectfully request this Court grant the motion for oral argument.

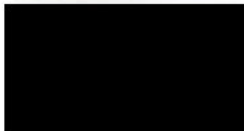
PANEL NO. 4

MOTION FOR
ORAL ARGUMENT

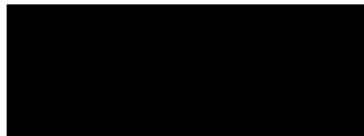
GRANTED: _____

DENIED: _____

DATE: 3 January 2024



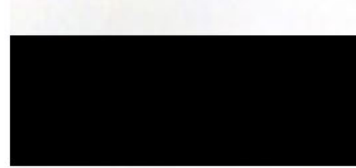
Matthew S. Fields
Captain, Judge Advocate
Appellate Defense Counsel
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Mitchell D. Herniak
Major, Judge Advocate
Branch Chief
Defense Appellate Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to the Army Court and Government Appellate Division on 29 September 2023.



MATTHEW S. FIELDS
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division