

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

UNITED STATES,  
*Appellee*

**APPELLANT’S MOTION FOR  
ORAL ARGUMENT**

v.

Docket No. ARMY 20220575

Captain (O-3),  
**ROSS E. DOWNUM**,  
United States Army,  
*Appellant*

Tried at Fort Hood, Texas, on 25 July,  
19 August, and 7-10 November 2022  
before a general court-martial  
appointed by Commander,  
Headquarters, 1st Cavalry Division,  
Colonel Steven Henricks, Lieutenant  
Colonel Scott Hughes, military judges,  
presiding.

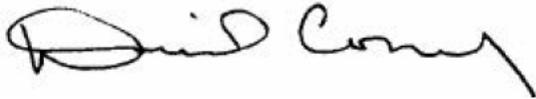
**TO THE HONORABLE, THE JUDGES OF THE UNITED STATES  
ARMY COURT OF CRIMINAL APPEALS**

COMES NOW the undersigned appellate defense counsel, pursuant to Rules  
23 and 25 of the Rules of Appellate Procedure, and requests oral argument on  
behalf of appellant on the following assignment of error:

**II. WHETHER APPELLANT RECEIVED  
INEFFECTIVE ASSISTANCE OF COUNSEL.**

Argument is appropriate given the unique nature of this issue where trial  
defense counsel failed to inform his client that the client’s testimony would be  
impeached, and then personally called the witness who provided the impeachment.

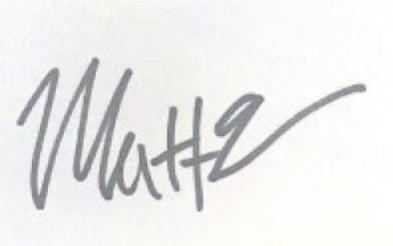
WHEREFORE, appellant respectfully requests this Honorable Court grant this motion for oral argument.



DANIEL CONWAY  
Lead Civilian Appellate Defense  
Counsel  
Daniel Conway and Associates



SCOTT HOCKENBERRY  
Assistant Civilian Appellate Defense  
Counsel  
Daniel Conway and Associates



MATTHEW S. FIELDS  
Captain, Judge Advocate  
Appellate Defense Counsel  
Defense Appellate Division  
U.S. Army Legal Services Agency  
9275 Gunston Road  
Fort Belvoir, Virginia 22060



PANEL NO. 3

MOTION FOR ORAL ARGUMENT:

GRANTED: 

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

DATE: 11 January 2024

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was electronically submitted to Army Court and Government Appellate Division on November 30, 2023.



**MICHELLE L.W. Surratt**  
**Paralegal Specialist**  
**Defense Appellate Division**

