

**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.

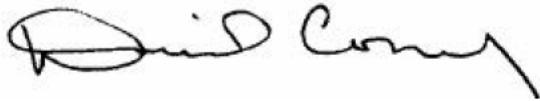
**TO THE HONORABLE, THE JUDGES OF THE UNITED STATES
ARMY COURT OF CRIMINAL APPEALS**

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.

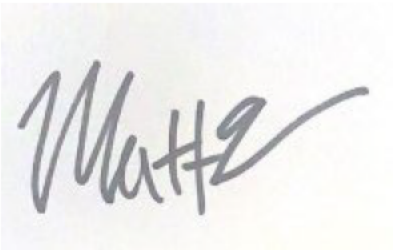
WHEREFORE, appellant respectfully requests this Honorable Court grant this motion for oral argument.



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

