

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**MOTION FOR EXTENSION TO  
FILE REPLY BRIEF**

v.

Docket No. ARMY 20230142

Staff Sergeant (E-6)  
**DARREN M. GALE**  
United States Army

Appellant

Tried at Joint Base Lewis-McChord, Washington, on 18 November 2022, and 15 February, 13 and 20 March 2023, before a general court-martial appointed by the Commander, Headquarters, 7th Infantry Division, Colonel Matthew Fitzgerald, 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 Internal Rules of Practice and Procedure, and moves this court to grant appellant's Motion for Extension of Time. The undersigned appellate defense counsel requests a 10-day extension of time, until 27 January 2024, to file a Reply Brief on Behalf of Appellant. The Reply Brief is currently due on 17 January 2024. Pursuant to Rule 24.1(b), the undersigned counsel asserts:

1. On 14 December 2023 appellant submitted his brief to this court. On 10 January 2024, the government filed the Brief on Behalf of Appellee.
2. Undersigned counsel is a reserve Defense Appellate Attorney. In his civilian capacity, undersigned counsel serves as an attorney-advisor at the Office of General Counsel, Department of Homeland Security Headquarters. In this capacity he currently has no scheduled days of leave prior to the current deadline and is working on a variety of priority and short deadline ethics assignments including a 16 January 2024 launch of the 2024 Confidential Financial Disclosure Season. Furthermore, undersigned counsel has three additional cases pending filing with this court.
3. Counsel requests additional time to ensure that 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.
4. The client consents to this extension.

WHEREFORE, appellate defense counsel respectfully request that this court grant the instant motion for an extension until 27 January 2024.



CODY CHEEK  
Major, JA  
Appellate Defense Counsel  
Defense Appellate Division



MITCHELL D. HERNIAK  
MAJ, JA  
Branch Chief  
Defense Appellate Division

MOTION FOR EXTENSION  
TO FILE REPLY BRIEF

Granted:  \_\_\_\_\_

Denied: \_\_\_\_\_

Date: 16 January 2024

## **CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was electronically submitted to the Army Court of Criminal Appeals and the Government Appellate Division on 11 January 2024.



Mitchell D. Herniak  
Major, Judge Advocate  
Branch Chief  
Defense Appellate Division