

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**MOTION FOR EXTENSION TO
FILE REPLY BRIEF**

v.

Docket No. ARMY 20230151

Sergeant First Class (E-7)
MICHAEL S. MALONE
United States Army

Appellant

Tried at Fort Bliss, Texas, on 22
March 2023, before a general court-
martial appointed by Commander, 1st
Armored Division, Lieutenant Colonel
Jessica Conn, 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 7-day extension of time, until 7 March 2024, to file a Reply Brief on Behalf of Appellant. The Reply Brief is currently due on 29 February 2024.

Pursuant to Rule 24.1(b), the undersigned counsel asserts:

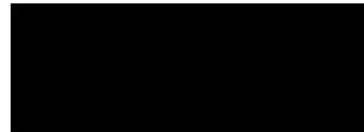
1. On 10 November 2023, appellant submitted his brief to this court. On 22 February 2024, the government filed the Brief on Behalf of Appellee.

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 (DHS HQ). In this capacity, he currently has no scheduled days of leave until the exact day of the current deadline. At DHS HQ, the undersigned counsel is currently responsible for dozens of assignments, including numerous pending deadlines related to the 2024 Confidential Financial Disclosure Season. Furthermore, undersigned counsel has three additional cases pending filing with this court.
3. Consistent with Army Reg. 27-26, Rules of Professional Conduct for Lawyers, the undersigned 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 7 March 2024.



CODY CHEEK
Major, JA
Appellate Defense Counsel
Defense Appellate Division



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

PANEL NO. 3

MOTION FOR EXTENSION
TO FILE REPLY BRIEF

Granted



Denied: _____

Date: 27 February 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 February 26, 2024.



MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division