

I IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee

v.

Private (E-1)
LUKE A. WATKINS,
United States Army,
Appellant

**MOTION FOR LEAVE TO FILE
SUPPLEMENTAL BRIEF ON
BEHALF OF APPELLANT**

Docket No. ARMY 20210638

Tried at Fort Hood, Texas, on 12
August, 27 September, 30 November,
and 1–3 December 2021, before a
general court-martial appointed by
Commander, III Corps and Fort Hood,
Lieutenant Colonel Tiffany D. Pond,
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 17.1(e) of this court’s Rules of Appellate Procedure and move for leave to
file a Supplemental Brief on Behalf of Appellant.

1. Appellant filed his brief on 21 February 2023. The government
filed its brief on 21 June 2023. On 27 June 2023, the Supreme Court
of United States (SCOTUS) issued its ruling on *Counterman v.*
Colorado, _S.Ct._ (2023).

2. In the light of the *Counterman* ruling that recklessness is the *mens*
rea required for “true threat” cases, the appellant moves to
supplement his brief as to his conviction of communicating a threat in
violation of Article 115, UCMJ.

WHEREFORE, appellate defense counsel respectfully request that this court grant the instant motion.


PANEL NO. 3

MOTION TO FILE
SUPPLEMENTAL BRIEF


GRANTED: _____

DENIED: _____

DATE: 13 July 2023



TUGS D. ARMSTRONG
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division



MITCH 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 Army
Court and Government Appellate Division on June 23, 2023.



MICHELLE L.W. SURRATT
Paralegal Specialist
Defense Appellate Division

