

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,  
Appellee

MOTION FOR EXTENSION (2)

v.

Docket No. ARMY 20210676

Private (E-2)  
**MATTHEW WHITE**  
United States Army,  
Appellant

Tried at Fort Huachuca, Arizona, on  
11 November, 14 December 2021,  
27-29 March 2022, before a general  
court-martial appointed by the  
Commander, Headquarters, U.S. Army  
Intelligence Center of Excellence and  
Fort Huachuca, Lieutenant Colonel  
Michael E. Korte, 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 move this  
court to grant appellant's Motion for Extension of Time. The undersigned  
appellate defense counsel requests a 30-day extension of time, until <sup>5</sup>~~3~~ July 2023, to  
file a Brief on Behalf of Appellant. The Brief on Behalf of Appellant is currently  
<sup>5</sup>  
due on ~~3~~ June 2023. Pursuant to Rule 24.1(b), the first undersigned counsel  
asserts:

1. On 29 March 2022, a military judge sitting as a general court-martial, found Private (PV2) Matthew White (appellant) guilty contrary to his pleas of one specification of conspiring to obstruct justice, two specifications of wrongful introduction of lysergic acid diethylamide (LSD), and one specification of obstruction of justice in

violation of Articles 81, 112a, and 131b, Uniform Code of Military Justice, 10 U.S.C. §§81, 912a, and 931b [UCMJ]. The military judge also found appellant guilty pursuant to his plea of two specifications of wrongful distribution of LSD, one specification of wrongful use of LSD, one specification of wrongful possession of LSD in violation of Article 112a. Appellant was found not guilty of one specification of attempting to introduce controlled substance and one specification of posting a video online in violations of Articles 80 and 134. The military judge sentenced appellant to twenty-five months of confinement and dishonorable discharge. On 6 April 2022, the convening authority took no action.

2. This court referred appellant's case on 6 January 2023. Defense Appellate Division assigned the case to an appellate counsel who recently received a Permanent Change of Station Order. Around this time, appellant also submitted his intent to appeal his subsequent case under Article 66(b)(1) authority. Subsequently, the case was assigned to another attorney. After reviewing the case, the newly assigned attorney discovered, he had previously conferred with appellant's trial attorney about the underlying issues in this case. Upon discovering this conflict, the division assigned the case to the undersigned counsel.

3. Undersigned counsel received the record of trial which included 723 transcript pages, approximately 2,990 pages of other documents on 10 May 2023. She is also reviewing the other case material containing 641 pages of documents containing closely related issues. In addition, she is working on 29 other cases, including 5 CAAF and 21 ACCA pending cases.

4. Counsel requests additional time to review all the materials and consult the client to ensure that all due diligence has been done to adequately review, investigate, research, and additional matters on behalf of appellant, as well as fulfill counsel's ethical obligation to represent his interests.

5. Appellant is confined at Joint Regional Correctional Facility, Fort Leavenworth and endorses this request.

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

PANEL NO. 2

MOTION FOR EXTENSION (2)

GRANTED:                     

DENIED:                     

DATE: 1 June 2023



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



MITCHELL D. HERNIAK  
MAJ, JA  
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 May 30, 2023.



MELINDA J. JOHNSON  
Paralegal Specialist  
Defense Appellate Division