IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES, Appellee	MOTION FOR EXTENSION (3)
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 14-day extension of time, until 19 July 2023, to file a Brief on Behalf of Appellant. The Brief on Behalf of Appellant is currently due on 5 July 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. §881, 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 Article 66(b)(1) 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 (3)

GRANTED: [redacted]

DENIED: _____

DATE: 29 June 2023

[redacted]

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

[redacted]

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 June 28, 2023.

[redacted]

MICHELLE L.W. SURRATT
Paralegal Specialist
Defense Appellate Division
[redacted]