

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

MOTION FOR EXTENSION (2)

v.

Docket No. ARMY 20230037

Private First Class
LAKEEVA K. SWINT,
United States Army,

Appellant

Tried at Schofield Barracks, Hawaii
on 1 December 2022 and 23 January
2023, before a special court-martial
authorized to adjudge a bad-conduct
discharge, appointed by the
Commander, 25th Infantry Division,
Lieutenant Colonel Michael 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 Rules of Appellate Procedure, and move for a 30 day
extension of time until 26 December 2023 to file a Brief on Behalf of Appellant.

Consistent with Army Regulation 27-26, Rules of Professional Conduct for
Lawyers, the undersigned counsel request additional time to ensure that counsel
has diligently investigated, thoroughly researched, and appropriately briefed the
assignments of error in this case to fulfill counsels' ethical obligation to represent
the appellant's interest.

This is a contested case. The trial transcript contains 269 pages and
the electronic record of trial (eROT) consists of 672 Pages. The sentence

was adjudged on 24 January 2023, and it included a bad-conduct discharge, confinement for thirty days, and hard labor without confinement for three months.

The Brief on Behalf of Appellant is currently due on 26 November 2023. Appellant requests a 30-day extension of time to 26 December 2023 to file appellant's brief.

First undersigned counsel was on temporary duty (TDY) at Joint Base Lewis-McChord for the Court of Appeals for the Armed Forces Outreach Argument in *United States v. Strong* from October 10 through October 12, 2023, and this court's Outreach Argument at Campbell Law School in Raleigh, North Carolina for the case of *United States v. Phillips* from October 15 until October 16, 2023. First undersigned counsel assisted in the Wayne E. Alley Military Law Moot Court Competition on 20 and 21 October 2023. First undersigned counsel attended several meetings in the months of September and October as a member of the board for the Council of Appellate Lawyers in preparation for the Appellate Judges Education Institute, taking place between November 2-5, 2023. First undersigned counsel attended that conference. On 6-8 November 2023, first undersigned counsel was TDY in Syracuse, New York for this court's Outreach Argument in *United States v. Herman*. Additionally, first undersigned counsel is preparing a motion to reconsider CAAF's decision affirming the death sentence in

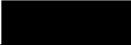
United States v. Hasan. First undersigned counsel is also currently detailed as lead counsel in five other cases and has supervisory responsibilities on more than twenty other cases in the division.

Undersigned counsel respectfully requests additional time to review the record, research issues, confer with appellant, and accomplish supervisory review.

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

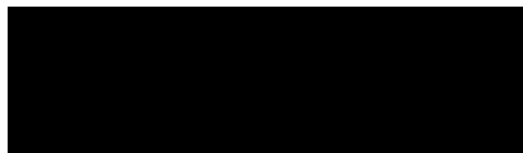
PANEL NO. 3

MOTION FOR EXTENSION (2)

GRANTED:  _____

DENIED: _____

DATE: 27 November 2023



Jonathan F. Potter
Senior Appellate Counsel
Defense Appellate Division



Robert W. Rodriguez
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 November 21, 2023.



MICHELLE L.W. SURRATT
Paralegal Specialist
Defense Appellate Division

