IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES	Appellee	**MOTION TO FILE OUT OF TIME AND MOTION FOR EXTENSION (6)**
v.		Docket No. ARMY 20230392
Private First Class (E-3) **ALIM A. ECEVIT,** United States Army,	Appellant	Tried at Wheeler Army Airfield, Hawaii, on 2 June and 18 July 2023, before a general court-martial 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 this court to grant appellant's Motion for Extension Six (6). The undersigned appellate defense counsel request a 30-day extension of time until 29 December 2024 to file a Brief on Behalf of Appellant. The Brief on Behalf of Appellant is currently due on 29 November 2024. Pursuant to Rule 24.1(b), the undersigned counsel assert:

1. On 18 July 2023, a military judge sitting as a general court-martial convicted appellant, Private First Class Alim A. Ecevit, in accordance with his pleas, of one specification of rape, in violation of Article 120, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 920; one specification of attempted rape in

violation of Article 80, UCMJ; 10 U.S.C. § 880; one specification of assault with intent to commit rape, in violation of Article 128, UCMJ, 10 U.S.C. § 928; two specifications of making a false official statement, in violation of Article 107, UCMJ, 10 U.S.C. § 907; and one specification of larceny, in violation of Article 121, UCMJ, 10 U.S.C. § 921. (R. at 85; Charge Sheet). On the same day, the military judge sentenced appellant to total forfeitures, reduction to the grade of E-1, a dishonorable discharge, and to be confined for 98 months.[1] (R. at 164).

On 23 August 2023, the convening authority approved the findings and adjudged sentence. (Convening Authority Action). The military judge entered judgment on 25 August 2023. (Judgment of the Court). This court docketed appellant's case on 4 March 2024. (Referral and Designation of Counsel).

2. Good cause. The primary reason for this request is counsel was unable to talk with Appellant during previously scheduled phone calls at the JRCF due to the

[1] The military judge sentenced appellant as follows:

Charge I, The Specification	96 months
Charge II, The Specification	96 months
Charge III, The Specification	96 months
Charge IV, Specification 1	2 months
Charge IV, Specification 2	2 months
Charge V, The Specification	6 months

The military judge ordered the sentences to confinement to the specifications of Charges I, II, and III to run concurrently with each other; the sentences to confinement for the specifications of Charge IV to run concurrently with each other, and the sentence to confinement for the specification of Charge V to run concurrently with all other specifications and charges. (R. at 164).

client's unavailability, and the client has personally requested, via letter, additional time to access a law library. Appellant's record of trial is 915 pages long. Appellant has communicated a personal preference for an extension of time in order to work on his appeal and *Grostefon* matters and concurs with this request for delay. Appellant remains in confinement and was unable to be present for his most recent telephonic appointments with counsel due to health and administrative issues.

3. The first undersigned counsel was assigned to this case on 24 June 2024 as transfer counsel from another attorney who has subsequently PCS'd.

4. The first undersigned counsel requires additional time due to competing client demands, notably: 24 total clients, including six contested courts-martial appeals before this court and four contested courts-martial before the Court of Appeals for the Armed Forces.

5. Consistent with Army Reg. 27-26, Rules of Professional Conduct for Lawyers, first undersigned counsel 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.

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

Patrick McHenry
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division

PANEL NO. 4

MOTION TO FILE
OUT OF TIME

GRANTED: [redacted]_____

DENIED: _____

DATE: 26 November 2024

Amir Hamdoun
Captain, Judge Advocate
Acting Branch Chief
Defense Appellate Division

MOTION FOR
EXTENSION (6)

GRANTED: _[redacted]_____

DENIED: _____

DATE: 26 November 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 November 25, 2024.

MICHELLE L.W. SURRATT
Paralegal Specialist
Defense Appellate Division
(703) 693-0737

From:	USARMY Pentagon HQDA OTJAG Mailbox Clerk of Court eFiling
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Date:	Tuesday, November 26, 2024 12:15:00 PM
Attachments:	ECEVIT-20230392-Motions to File Out Of Time and for Extension (6) (241125).pdf

Your pleading is in compliance with the Court's Rules of Practice and Procedure, and the pleading is accepted.

Very respectfully,

Office of the U.S. Army Clerk of Court
9275 Gunston Road, Bldg. 1450
Fort Belvoir, VA 22060-5546

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v/r
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