

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee

v.

Sergeant First Class (E-7)
MICHAEL S. MALONE,
United States Army,
Appellant

**MOTION TO WITHDRAW
APPELLEE SUPPLEMENTAL
BRIEF AND REFILE A
CORRECTED BRIEF**

Docket No. ARMY 20230151

Tried at Fort Bliss, Texas, on 22 March 2023, before a general court-martial convened by Commander, Headquarters, Fort Bliss, Lieutenant Colonel Jessica Conn, Military Judge, presiding.

**TO THE HONORABLE, THE JUDGES OF THE
UNITED STATES ARMY COURT OF CRIMINAL APPEALS**

COMES NOW the undersigned appellate government counsel, pursuant to Rule 23(d) of this Honorable Court's Rules of Appellate Procedure, and hereby moves to withdraw the previously filed SUPPLEMENTAL BRIEF ON BEHALF OF APPELLEE, filed with this court on 23 October 2024, and refile a corrected copy of the brief. While assembling the Joint Appendix (JA) with appellant's counsel, counsel received guidance from the Commissioner regarding the order in which documents listed in Rule 25.2(b) must appear in the JA. While updating the cites, undersigned counsel also noted scrivener's errors on pages 9 and 20. Accordingly, appellee seeks to withdraw the filed brief and refile a corrected brief with the appropriately replaced JA cites and corrections.

WHEREFORE, the United States prays this honorable court grant the instant motion.



MOTION TO WITHDRAW
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BRIEF AND REFILE A
CORRECTED BRIEF

VY T. NGUYEN
CPT, JA
Appellate Attorney, Government
Appellate Division

EN BANC

Motion to Withdraw Brief:

GRANTED: _____

DENIED: _____

DATE: _____

**Motion to Refile Corrected
Brief:**

GRANTED: _____

DENIED: _____

DATE: _____

CERTIFICATE OF SERVICE, U.S. v. MALONE (20230151)

I certify that a copy of the foregoing was sent via electronic submission to the Defense Appellate Division at [REDACTED] [REDACTED] on the 28th day of October, 2024.

[REDACTED]
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