

**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

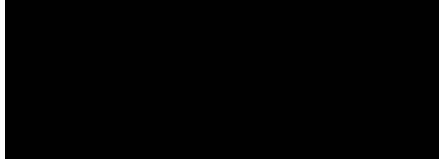
Tried at Fort Bliss, Texas, on 22 March  
2023, before a general court-martial  
convened by Commander,  
Headquarters, Fort Bliss, Lieutenant  
Colonel Jessica Conn, Military Judge,  
presiding.

**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  
APPELLEE SUPPLEMENTAL  
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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[REDACTED]