

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee

**MOTION FOR EXTENSION (1)
TO FILE APPELLEE BRIEF (ON
REMAND)**

v.

Private (E-2)
MATTHEW L. COE,
United States Army,
Appellant

Docket No. ARMY 20220052

Tried at Fort Benning, Georgia, on 7
January 2022 and 1-3 February
2022, before a general court-martial
convened by Commander, United
States Maneuver Center of
Excellence, Lieutenant Colonel
Trevor I. Barna, 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
Rules 23 and 24.1(a) of this Honorable Court's Rules of Appellate Procedure and
moves for a 30-day extension of time, until 4 March 2025, to file the government's
brief on behalf of appellee. The government requests this extension of time for the
following reasons:

1. The government's brief is currently due 2 February 2025.
2. On 3 February 2022, appellant was convicted, contrary to his plea, of
one specification sexual assault, in violation of Article 120, Uniform Code of
Military Justice (UCMJ). The military judge sentenced appellant to the grade of E-
1, confinement for twenty-four months, and a dishonorable discharge.

3. On 17 August 2023, this court affirmed the findings and sentence. On 1 February 2024, upon reconsideration en banc, this court again affirmed the findings and sentence. On 20 October 2024, the United States Court of Appeals for the Armed Forces (CAAF) set aside this court's decision and returned the case for a new review under Article 66, 10 USC § 866, UCMJ.

4. The undersigned counsel is a U.S. Army Reserve officer assigned to the 13th Legal Operations Detachment-Expert (LOD-E) that supports the Government Appellate Division and other offices in the U.S. Army Legal Services Agency. Undersigned counsel re-assumed responsibility for this case on 13 January 2025. Undersigned counsel briefed the case before this court during this court's first review of the case, while a different government appellate counsel assumed responsibility for the case before CAAF. That counsel has since transferred to a new assignment.

5. Undersigned counsel's civilian duties at the U.S. Department of Justice require counsel to prepare for and represent the government in multiple matters in January and February 2025, as well as help train and on-board two new recently hired counsel in my agency.

6. In my capacity as a Reserve officer, undersigned counsel will be on TDY for at least two days in January 2025 to Fort Walker, Virginia to attend

required range officer-in-charge and range safety officer training in support of my Reserve unit's annual field training exercise.

7. Undersigned counsel was unable to conduct Reserve officer duties the week of 6 January 2025 because of the winter storm in undersigned counsel's home of record (Louisville, Kentucky). Undersigned counsel's children's elementary school was closed that entire week, and he was the sole caregiver as undersigned counsel's spouse was out of the country on work travel.

8. Undersigned counsel is also currently working a separate, unrelated brief as an appellate attorney for the Government Appellate Division that is due to the court on 4 March 2025.

9. Government counsel requests this extension to ensure an effective review process and to respond to appellant's assignment of error fully and thoroughly.

10. Defense counsel does not oppose this motion.

WHEREFORE, the government respectfully requests that the Court grant this motion.



MOTION FOR EXTENSION
(1) TO FILE APPELLE BRIEF
(ON REMAND)

ANTHONY O. POTTINGER
LTC, JA
Government Appellate Attorney
Government Appellate Division

PANEL: 2

GRANTED: _____

DENIED: _____

DATE: _____

CERTIFICATE OF SERVICE, U.S. v. COE (20220052)

I certify that a copy of the foregoing was sent via electronic submission to the
Defense Appellate Division at [REDACTED]
[REDACTED] on the 14th day of January, 2025.

[REDACTED]
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[REDACTED]