

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**MOTION FOR LEAVE TO WITHDRAW
FROM APPELALTE REVIEW**

v.

Docket No. ARMY 20250021

Captain (O-3)

MAWIL GOMEZVALERIO,

United States Army,

Appellant

Tried at Fort Knox, Kentucky, on
15 January 2025, before a general court-martial
convened by the Commander, U.S. Army
Recruiting Command, Lieutenant Colonel
Daniel Mazzone, military judge, presiding.

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

COMES NOW the undersigned appellate defense counsel, pursuant to Rules 16.1(b) and 23(d) of this Court’s Rules of Appellate Procedure, and move this Court to grant appellant’s request for withdrawal of his appellate rights and to have appellant’s case withdrawn from appellate review. The Appendix to this motion contains a form entitled “Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court Of Criminal Appeals,” signed by appellant, and the accompanying “Statement Of Counsel,” signed by appellate defense counsel, both of which appellant requests this Court find in substantial compliance with Rule for Courts-Martial 1115.¹

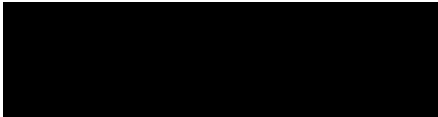
¹ See Modified Entry of Judgment.

Conclusion

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

PANEL NO. 2

MOTION FOR LEAVE TO
WITHDRAW FROM
APPELLATE REVIEW



Beau O. Watkins
Major, Judge Advocate
Branch Chief
Defense Appellate Division

GRANTED: 

DENIED: _____

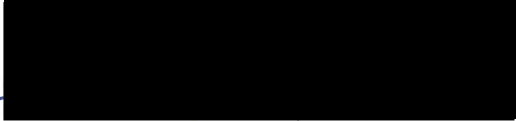
DATE: 11 August 2025

APPENDIX

WAIVER/WITHDRAWAL OF APPELLATE RIGHTS IN GENERAL AND SPECIAL COURTS-MARTIAL SUBJECT TO REVIEW BY A COURT OF CRIMINAL APPEALS
(For use in courts-martial referred on or after 1 January 2019)

I have read the attached entry of judgment in my case dated 20250328

I have consulted with MAJ BEAU O. WATKINS, my (associate) defense counsel concerning my appellate rights and I am satisfied with his/her advice.



I understand that:

1. If I do not waive or withdraw appellate review –
 - a. My court-martial will be automatically reviewed by the ARMY Court of Criminal Appeals per Article 66(b)(3) or is eligible for direct review by the _____ Court of Criminal Appeals per Article 66(b)(1)(A-B).
 - b. The Court of Criminal Appeals will review my case to determine whether the findings and sentence are correct in law and fact and whether the sentence is appropriate.
 - c. After review by the Court of Criminal Appeals, my case could be reviewed for legal error by the United States Court of Appeals for the Armed Forces on petition by me or on request of the Judge Advocate General.
 - d. If the Court of Appeals for the Armed Forces reviews my case, my case could be reviewed for legal error by the United States Supreme Court on petition by me or the Government.
 - e. I have the right to be represented by military counsel, at no cost to me, or by civilian counsel, at no expense to the United States, or both, before the Court of Criminal Appeals, the Court of Appeals for the Armed Forces, and the Supreme Court.
2. If I waive or withdraw appellate review –
 - a. My case will not be reviewed by the Court of Criminal Appeals, or be subject to further review by the Court of Appeals for the Armed Forces, or by the Supreme Court under 28 U.S.C. § 1259.
 - b. My case will be reviewed by a judge advocate per Article 65(d)(3). Upon completion of that review, I may submit an application for consideration by The Judge Advocate General under Article 69(b), for review limited to the issue of whether this waiver or withdrawal was invalid under the law. See R.C.M. 1201(h)(4)(B).
 - c. An Article 69(b) application must be filed within one year after the date of completion of review under Article 65(d)(3), if I can show good cause for filing later the period may be extended up to three years after the completion date.
 - d. I may file a waiver of appellate review at any time after entry of judgment.
 - e. I may file withdrawal from appellate review any time before such review is completed.
 - f. A waiver or withdrawal, once filed, cannot be revoked, and bars further appellate review. A waiver or withdrawal may not be filed in any case where the sentence includes death.
3. Whether or not I waive or withdraw appellate review, I may petition the Judge Advocate General for a new trial under Article 73 on the grounds of newly discovered evidence or fraud on the court at any time within three years after the date of the entry of judgment.

I understand the foregoing, and I ^{MG} ~~(waive my rights to appellate review)~~ (withdraw my case from appellate review). I make this decision freely and voluntarily. No one has made any promises that I would receive any benefit from this waiver/withdrawal, and no one has forced me to make it.

Mawil Gomez-Valerio

O-3

TYPED NAME OF ACCUSED

RANK OF ACCUSED



1 July 2025

SIGNATURE OF ACCUSED

DATE

STATEMENT OF COUNSEL

(Check appropriate block)

- 1. I represented the accused at his/her court-martial
- 2. I am associate counsel detailed under R.C.M. 1115(b). I have communicated with the accused's (detailed) (individual military) (civilian) (appellate) defense counsel concerning the accused's waiver/withdrawal and discussed this communication with the accused.
- 3. I am substitute counsel detailed under R.C.M. 1115(b).
- 4. I am civilian counsel whom the accused consulted concerning this matter. I am a member in good standing of the bar of
- 5. I am appellate defense counsel for the accused.

I have advised the accused of his/her appellate rights and of the consequences of waiving or withdrawing appellate review. I was given a reasonable opportunity to examine the record of trial and any attachments in the accused's case before advising the accused. The accused has elected to (waive) (withdraw) appellate review.

BEAU O. WATKINS

DEFENSE APPELLATE DIVISION

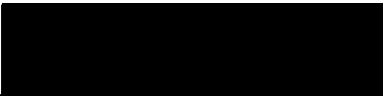
TYPED NAME OF COUNSEL

UNIT OF COUNSEL

MAJ (O-4)

RANK OF COUNSEL

BUSINESS ADDRESS (If Civilian Counsel)



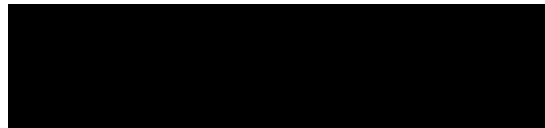
20250707

SIGNATURE OF COUNSEL

DATE

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically filed with the Army
Court and Government Appellate Division on July 14, 2025.



MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division

From: [USARMY Pentagon HQDA OTJAG Mailbox Clerk of Court eFiling](#)
To: [Johnson, Melinda J CIV USARMY HQDA OTJAG \(USA\)](#); [USARMY Pentagon HQDA OTJAG Mailbox TJ Service](#)
Cc: [Watkins, Beau O MAJ USARMY HQDA TJAGLCS \(USA\)](#); [USARMY Pentagon HQDA OTJAG Mailbox DAD ACCAservice](#); [USARMY Pentagon HQDA OTJAG Mailbox GAD ACCAservice](#)
Subject: RE: Refile-GomezValerio-20250021-Motion for Leave to Withdraw from Appellate Review-(250714) - [UNCLASSIFIED]
Date: Tuesday, July 15, 2025 4:23:00 PM
Attachments: [Refile-GomezValerio-20250021-Motion for Leave to Withdraw from Appellate Review-\(250714\).pdf](#)

UNCLASSIFIED

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

UNCLASSIFIED

From: Johnson, Melinda J CIV USARMY HQDA OTJAG (USA) <melinda.j.johnson.civ@army.mil>
Sent: Monday, July 14, 2025 12:42 PM
To: USARMY Pentagon HQDA OTJAG Mailbox Clerk of Court eFiling <usarmy.pentagon.hqda-otjag.mbx.clerk-of-court-efiling@army.mil>; USARMY Pentagon HQDA OTJAG Mailbox TJ Service <usarmy.pentagon.hqda-otjag.mbx.tj-service@army.mil>
Cc: Watkins, Beau O MAJ USARMY HQDA TJAGLCS (USA) <beau.o.watkins.mil@army.mil>; USARMY Pentagon HQDA OTJAG Mailbox DAD ACCAservice <usarmy.pentagon.hqda-otjag.mbx.dad-accaservice@army.mil>; USARMY Pentagon HQDA OTJAG Mailbox GAD ACCAservice <usarmy.pentagon.hqda-otjag.mbx.gad-accaservice@army.mil>
Subject: Refile-GomezValerio-20250021-Motion for Leave to Withdraw from Appellate Review-(250714) - [UNCLASSIFIED]

UNCLASSIFIED

I hereby certify the following document was transmitted on the date/time of this message:

Refile-GomezValerio-20250021-Motion for Leave to Withdraw from Appellate Review-(250714)

One (1) attachment was served.

Please acknowledge receipt.

v/r

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