IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES Appellee	**MOTION FOR EXTENSION (4)**
v.	Docket No. ARMY 20240080
Captain (O-3) **LAMARIO D. THOMAS,** United States Army, Appellant	Tried at Fort Liberty, North Carolina, on 23 February 2023, 28 April 2023, 5 May 2023, 9 February 2024, 19-23 February 2024, before a general court-martial appointed by the Commander, Headquarters, Fort Liberty, Lieutenant Colonel Tyler Heimann and Colonel G. Bret Batdorff, military judges, 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 of Time. The undersigned appellate defense counsel request a 30-day extension of time until 28 May 2025 to file a Brief on Behalf of Appellant. The Brief on Behalf of Appellant is currently due on 28 April 2025. Pursuant to Rule 24.1(b), the undersigned counsel assert:

1. On 22 February 2024, an officer panel sitting as a general court-martial convicted appellant, Captain Lamario D. Thomas, contrary in part and in accordance in part with his pleas, of three charges and its specifications. (R. at 976; Charge Sheet). On 23 February 2024, the military judge sentenced appellant

to be reprimanded, to forfeit all pay and allowances, to be confined for 20 years, and to be dismissed from the service.[1] (R. at 1085).

On 28 March 2024, the convening authority approved the findings and adjudged sentence. (Convening Authority Action). On 24 July 2024, the military judge entered Judgment. (Modified Judgment of the Court). This court docketed appellant's case on 30 September 2024. (Referral and Designation of Counsel).

2. Appellant's record of trial was received in the Defense Appellate Division on 30 September 2025, and is 1,087 pages long. The current due date is 28 April 2025. Appellant concurs with this request for delay. Fort Liberty post-trial office confirmed they did not send the Appellant the record of trial until 9 December 2024.

[1] The military judge sentenced appellant as follows:

Charge I, Specification 1	20 years confinement, reprimand, forfeiture of all pay and allowances, dismissal
Charge I, Specification 2	20 years confinement, reprimand, forfeiture of all pay and allowances, dismissal
Charge II, Specification 2	20 years confinement, reprimand, forfeiture of all pay and allowances, dismissal
Charge III, THE Specification	20 years confinement, reprimand, forfeiture of all pay and allowances, dismissal

3. The first undersigned counsel was hired for this case in October 2024. In the last thirty days, first undersigned counsel filed *U.S. v. Sumpter* (Navy Court), *U.S. v. Sherman* (Air Force Court), and *U.S v. Serjak* (Court of Appeals for the Armed Forces – *habeas* writ). Additionally, first undersigned counsel has worked on three appellate cases; to include: *U.S. v. Hilton* (Air Force Court), *U.S. v. Coleman* (Navy Court), and *U.S. v. Augustin* (Air Force Court).

The second undersigned counsel was assigned to this case on 7 October 2024. In the thirty days comprising extension, second undersigned counsel has filed or drafted the following brief: *United States v. Ziniti,* 20240279. Additionally, second undersigned has participated in six moots and one Leader Professional Development (LPD) seminar. He was second chair at one argument, *U.S. v. Holmes*, 20240106 (Army Court); attended another argument at the Supreme Court of the United States (*Catholic Charities Bureau, Inc. v. WI Labor Review Comm'n*); and was assigned to be first chair for another oral argument, *U.S. v. Jarlego*, 20210389 (Army Court). Lastly, second undersigned counsel had pre-scheduled paternity leave from 3-16 April 2025.

4. Consistent with Army Reg. 27-26, Rules of Professional Conduct for Lawyers, undersigned request 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.

[redacted]

FOR Frank J. Spinner
Civilian Counsel
Appellate Defense Counsel
Law Offices of Richard V. Stevens
[redacted]

[redacted]

Louis S. Steiner
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division

[redacted]

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

PANEL NO. 4

MOTION FOR
EXTENSION (4)

GRANTED: [redacted]_____

DENIED: _____

DATE: 28 April 2025

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 April 23, 2025.

[redacted]
MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division

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Subject:	RE: Thomas-20240080-Motion for Extension (4)- (250423)
Date:	Thursday, April 24, 2025 1:22:00 PM
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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
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v/r

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