

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee

MOTION FOR EXTENSION (5)

v.

Docket No. ARMY 20230520

Staff Sergeant (E-6)
RICHARD T. RIDDLE
United States Army,
Appellant

Tried at Wheeler Army Airfield,
Hawaii, on 27 January 2023, 13 March
2023, 5-6 June 2023, 28 July 2023, and
25-29 September 2023, before a
general court-martial appointed by
Commander, 8th Theater Sustainment
Command, Lieutenant Colonel Robert
E. Murdough, 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 23 and 24 of this court's Rules of Appellate Procedure, and moves for a thirty-day extension of time until 18 February 2025 to file a Brief on Behalf of Appellant.

1. Appellant was convicted, contrary to his pleas, of a violation of Article 128, Uniform Code of Military Justice [UCMJ], as a lesser included offense of Article 120, and one specification of kidnapping. Appellant was also convicted, consistent with his pleas, of one specification of Article 128; several specifications of Article 91; two specifications of Article 90, four specifications of Article 89; two specifications of Article 86; and one specification of Article 134. Appellant was sentenced to more than 116 months confinement, and he remains incarcerated.

2. The complete electronic record of trial is 2,746 pages, including multiple trial exhibits and 110 appellate exhibits. Numerous issues were contested, including speedy trial, witness production, expert requests, evidentiary matters, and the panel instructions.

3. The undersigned counsel is detailed to twenty-two cases, including *United States v. Hasan*, a death penalty case. In the last thirty days, the undersigned counsel has been actively working on six other cases, filing substantive briefs in *United States v. Jarlego*, *United States v. Ruhrup*, *United States v. Mendoza*, and *United States v. Coe*. In month prior to that, the undersigned filed substantive pleadings before the Court of Appeals for the Armed Forces in *United States v. Lay*, *United States v. Ramirez*, *United States v. Lundsten*, and *United States v. Miller* as well as appellant's opening brief in *United States v. Jarlego* before this court.

4. The undersigned requests additional time for the following reasons:

(a) The undersigned's review of the record has identified significant issues pertaining to each finding of guilty in the contested portion of appellant's trial. One issue requires investigation on matters outside the record, which may necessitate appellate discovery with this court. Considering the undersigned's schedule over the last thirty to sixty days, the undersigned requests additional time to ensure these issues are fully investigated, finalize review of the few materials in the original record on file with the court, and complete appellant's brief.

(b) Appellant has not received his record of trial. The unit confirmed a copy was mailed last month, but as of yesterday, 13 January 2025, it had not yet been delivered. Appellant's personal review of the record is critical to ensuring issues are fully presented to this court, to include the issues the undersigned has already identified.

5. Appellant's brief is currently due on 19 January 2025. Appellant requests a thirty-day extension of time until 18 February 2025.

6. Consistent with Army Reg. 27-26, Legal Services: Rules of Professional Conduct for Lawyers (28 Jun. 2018), the undersigned counsel requests additional time to review the case and fulfill counsel's ethical obligation to represent appellant's interest.

7. Appellant consents to this extension request.

WHEREFORE, appellate defense counsel respectfully requests that this court grant the instant motion.

PANEL NO. 2

MOTION FOR EXTENSION (5)

GRANTED: _____

DENIED: _____

DATE: _____



BRYAN A. OSTERHAGE
Major, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to the
Army Court and Government Appellate Division on 14 January 2025.



BRYAN A. OSTERHAUSE
Major, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division