IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES	Appellee	**MOTION FOR LEAVE TO WITHDRAW FROM APPELLATE REVIEW**
v.		Docket No. ARMY 20250384
Sergeant (E-5) **CALUM D. TURNER,** United States Army,	Appellant	Tried at Joint Base Lewis-McChord, Washington, on 11 June 2025, 28 July 2025, and 4 August 2025, before a special court-martial appointed by the Commander, Headquarters, I Corps, Colonel Matthew S. Fitzgerald, 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and move this Court to grant appellant's request for withdrawal of his appellate rights and to have appellant's case withdrawn from appellate review.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.

Panel 3

Conclusion

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

[redacted]

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

PANEL NO. 3

MOTION FOR LEAVE TO WITHDRAW FROM APPELLATE REVIEW

GRANTED: _[redacted]____

DENIED: _____

DATE: 17 March 2026

[redacted]

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

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 20250905 .

I have consulted with CPT Louis S. Steiner , 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 [X] automatically reviewed by the United States 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 (~~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.

Calum D. Turner	Sergeant (E-5)
TYPED NAME OF ACCUSED	RANK OF ACCUSED
[redacted]	20260310
SIGNATURE OF ACCUSED	DATE

Updated Address: [redacted]

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.

Louis S. Steiner	Defense Appellate Division
TYPED NAME OF COUNSEL	UNIT OF COUNSEL
Captain (O-3)	
RANK OF COUNSEL	BUSINESS ADDRESS *(If Civilian Counsel)*
[redacted]	20260310
SIGNATURE OF COUNSEL	DATE

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 March 11, 2026.

[redacted]

LOUIS S. STEINER
Appellate Defense Counsel
Defense Appellate Division
[redacted]