IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES Appellee v.	**MOTION FOR ORAL ARGUMENT** Docket No. ARMY 20230520
Staff Sergeant (E-6) **RICHARD T. RIDDLE,** United States Army, Appellant	Tried at Wheeler Army Airfield, Hawaii on 27 January, 13 March, 5-6 June, 28 July, and 25-29 September 2023, before a general court-martial convened by the Commander, 8th Theater Sustainment Command, Lieutenant Colonel Michael E. Korte and Lieutenant Colonel Robert E. Murdough, military judges, presiding.

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

The undersigned appellate defense counsel, pursuant to Rules 23 and 25 of this court's Rules of Appellate Procedure, moves this court to grant appellant's request for oral argument. Undersigned counsel request argument on the following assignments of error [AEs]:

II. WHETHER THE MILITARY JUDGE ERRED WHEN HE INSTRUCTED THE PANEL THERE WAS A LESSER INCLUDED OFFENSE TO THE SPECIFICATION OF CHARGE I.

IV. WHETHER THE MILITARY JUDGE ERRED BY PRESENTING AN INVALID LEGAL THEORY TO THE PANEL WHEN HE INSTRUCTED THE PANEL THAT ASSAULT WITH THE INTENT TO COMMIT SEXUAL

ASSAULT WAS A LESSER INCLUDED OFFENSE OF SEXUAL ASSAULT.

V. WHETHER DEFENSE COUNSEL WAS INEFFECTIVE.

This case presents multiple interlocking issues involving plain error, panel instructions, lesser included offenses, and ineffective assistance of counsel. These are not purely record questions as this court has received affidavits from three trial defense services attorneys who represented appellant at trial and two affidavits from the appellant. They require application of recent decisions from the Court of Appeals for the Armed Forces [CAAF] to a complex factual record and to the panel's findings. Oral argument from both sides will assist the court in resolving these issues and in providing clear guidance to trial practitioners.

Oral argument will allow the court to probe: (1) the standard of review this court should look at the error by the military judge on instructing the panel of a lesser included offense and the military judges compounded error of an invalid legal theory of the lesser included offense; and (2) ineffective assistance of counsel as it relates to the plain error analysis for instructional errors and the other deficiencies the defense counsel made creating an unfair trial and materially prejudicing appellant. Appellant is entitled to relief.

Therefore, appellate defense counsel respectfully requests that this court grant this motion for oral argument.

[redacted]

Jessica A. Adler
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division

PANEL NO. 2

MOTION FOR ORAL ARGUMENT

GRANTED: [redacted]

DENIED: _____

DATE: 21 May 2026

[redacted]

Jonathan F. Potter
Senior Appellate Counsel
Defense Appellate Division

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 8 May 2026.



Jessica A. Adler
Captain, Judge Advocate
Defense Appellate Attorney
Defense Appellate Division