

# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before the Court Sitting *En Banc*.

**UNITED STATES, Appellee**

**v.**

**Sergeant First Class MICHAEL S. MALONE, JR.**  
**United States Army, Appellant**

ARMY 20230151

Jessica R. Conn, Military Judge

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NOTICE OF HEARING  
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TO: Appellate Defense Counsel: Major Cody Cheek, JA

Appellate Government Counsel: Captain Vy T. Nguyen, JA

Notice is hereby given that a hearing in this case before the United States Army Court of Criminal Appeals, *En Banc*, has been set for Friday, 1 November 2024 at 1000. Argument will be heard on the following issues:

I.

WHETHER APPELLANT AFFIRMATIVELY WAIVED ANY ISSUES OF MULTIPLICITY, UNREASONABLE MULTIPLICATION OF CHARGES, AND PROPER UNIT OF PROSECUTION WHEN HE PLEADED GUILTY AND HIS DEFENSE COUNSEL STATED THE DEFENSE HAD NO MOTIONS BEFORE ENTERING PLEAS.

II.

IF THOSE ISSUES WERE NOT AFFIRMATIVELY WAIVED, WHETHER APPELLANT'S MULTIPLE CONVICTIONS UNDER THE SAME STATUTE WERE CORRECT IN LAW.

Appellant may file a supplemental brief on these issues no later than 18 October 2024. Appellee may file a response no later than 23 October 2024. Appellant may file any reply no later than 25 October 2024. Pursuant to this Court's Rule 25.2, the parties shall file ten copies of the Joint Appendix no later than 28 October 2024.

MALONE — ARMY 2023015

Panel Composition: *En Banc*.

Date: 9 October 2024



TIFFANY D. POND  
Colonel, JA  
Chief Judge

CF:	Chief, DAD	JALS-TJ
	Chief, GAD	JALS-CCO
	JALS-CR1	