

THE UNITED STATES ARMY
COURT OF CRIMINAL APPEALS

U N I T E D S T A T E S,

APPELLANT'S MOTION TO EXPEDITE
REVIEW OF PETITION FOR NEW
TRIAL

Appellee

v.

Docket No. ARMY 20130679

First Lieutenant
CLINT A. LORANCE,
United States Army,
Appellant

Tried at Fort Bragg, North
Carolina, on 25 April, 22 July,
30 July, 31 July, and 1 August
2013 before a general court-
martial appointed by the
Commanding General,
Headquarters, 82nd Airborne
Division, Fort Bragg, North
Carolina, Colonel Kristen
Brunsen, military judge,
presiding.

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

COME NOW the undersigned appellate defense counsel pursuant
to Rule 23(b) of this Honorable Court's Rules of Practice and
Procedure, and move that the Court consider First Lieutenant
Clint A. Lorance's Petition for a New Trial and its Exhibits on
an expedited basis, separately and independently of any
Assignments of Error he may file.

On September 14, 2015, 1LT Lorance filed his Petition, Brief
in Support, and moved for the admission of expert evidence in the
form of a narrated audio-visual presentation demonstrating that

the prosecution did not disclose exculpatory material favorable to the defense in violation of the *Brady v. Maryland*, 363 U.S. 83 (1963) doctrine and Rule for Court-Martial 701. The Court subsequently admitted the newly-discovered evidence.

In his Brief in Support, 1LT Lorance respectfully requested that this Court take up his Petition separately and independently from any Assignments of Error:

Finally, because this single issue is so pervasively pivotal, meritorious, and dispositive, this Court should consider and decide this Petition directly and separately from any subsequent assignments of error 1LT Lorance may file. Indeed, should the Court grant the requested relief, the necessity to file assignments of error will be mooted.

Brief in Support at 27.

First Lieutenant Lorance renews this request, and in addition to the rationales noted in his Brief in Support, offers several additional reasons which favor consideration on an expedited basis.

First, Lieutenant Lorance remains incarcerated while his Petition for New Trial is perfected and docketed before the Court.

Second, if the Court grants the requested relief, substantial prejudice in the form of life and liberty will be avoided.

Third, the question presented is relatively straightforward based on a well-settled and developed body of law with but a few uncontroverted facts required to answer the question presented.

Fourth, if the Court combines the Petition for a New Trial with First Lieutenant Lorance's Assignments of Error, he stands to spend upwards of another year in confinement while the government prepares its Response, when consideration of the Petition could obviate that occurrence.

Judicial economy favors conservation of resources and the expeditious resolution of issues and cases.

WHEREFORE, appellate defense counsel respectfully requests this Court grant appellant's motion.

PANEL NO. 3

MOTION TO EXPEDITE

JOHN N. MAHER
JOHN D. CARR
MAHER LEGAL SERVICES, P.C.
17101 South 71st Avenue
Tinley Park, Illinois 60477
(708) 468-8155

GRANTED: _____
DENIED: _____
DATE: _____

JONATHAN F. POTTER
LTC, JA
Defense Appellate Division

PAYUM DOROODIAN
CPT, JA
Defense Appellate Division