**SPECIAL (GENERAL) COURT MARTIAL**

**UNITED STATES COAST GUARD**

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| **U N I T E D S T A T E S****v.** **MICHAEL T. GREENWELL****ME3/E-5****USCG** | **(RESPONSE TO) DEFENSE MOTION FOR CONTINUANCE****01 OCT 2019** |

1. **Nature of Motion.** Defense moves under Article 40, UCMJ, 10 U.S.C. § 840, and Rule for Court-Martial (R.C.M.) 906(b)(1) for a continuance until December 1, 2019, due to the unavailability of its expert forensic toxicologist, Dr. Susan Weed, for trial. Defense cannot proceed without assistance of its expert consultant.
2. **Request to present evidence or argument.** Defense requests a hearing to present evidence and oral argument.
3. **Burdens.** Under R.C.M. 905(c)(1), the burden of proof is by a preponderance of the evidence. Under R.C.M. 905(c)(2), defense, as the moving party, bears the burden of persuasion.
4. **Facts.**
	1. ME3 Greenwell is accused of violating a lawful order under Article 92, drunk driving in violation of Article 111, and use of cocaine in violation of Article 112a.
	2. On September 1, 2019, this Court issued a Trial Management Order setting this case for trial on October 15, 2019.
5. **List of evidence and witnesses to be presented.**
	1. Telephonic testimony of Dr. Susan Weed, expert forensic toxicologist, regarding her schedule and unavailability for trial.
	2. Dr. Weed’s calendar for October 2019 through May 2020.
	3. Stipulation of trial counsel and defense counsel as to trial timeline to date.
6. **Argument.**

**FIRST ISSUE**

1. **Issue.** If there are numerous issues, you can use an alternative heading scheme such as the one shown here.
2. **Rule.** State the law.
3. **Analysis.** Apply the law to your case. Use multiple paragraphs if needed.
4. **Conclusion.**

**SECOND ISSUE**

1. **Issue.** If there are numerous issues, you can use an alternative heading scheme.
2. **Rule.** State the law.
3. **Analysis.** Apply the law to your case. Use multiple paragraphs if needed.
4. **Conclusion.**
5. **Conclusion.** Here state the legal conclusion for all the issues.
6. **Enclosures.**
	1. Draft Order
	2. Dr. Weed’s calendar
	3. Draft findings of fact

Respectfully submitted,

(Signature Block)

I certify that I have served a true copy (via e-mail) of the above on Judge (Name) and (Trial Counsel’s name) on XX Jan XX.

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