IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee,*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (FIRST)**
v.	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force *Appellant*	)	No. ACM 40745 10 February 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **22 April 2025**. The record of trial was docketed with this Court on 23 December 2024. From the date of docketing to the present date, 49 days have elapsed. On the date requested, 120 days will have elapsed.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
[redacted]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 10 February 2025.

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
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(240) 612-4770
[redacted]

12 February 2025

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Airman First Class (E-3) MICHAEL P. DOOLIN, JR., USAF, *Appellant.*	)))))))))	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME ACM 40745 Panel No. 2

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

[redacted]

MARY ELLEN PAYNE
Associate Chief, Government Trial and Appellate Operations Division
Military Justice and Discipline
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 12 February 2025.

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(240) 612-4800

UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM 40745**
Appellee	)	
	)	
v.	)	
	)	**ORDER**
Michael P. DOOLIN, JR.	)	
Airman First Class (E-3)	)	
U.S. Air Force	)	
Appellant	)	**Panel 2**

On 12 February 2025, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, this court's Rules of Practice and Procedure, and applicable case law.

Accordingly, it is by the court on this 13th day of February, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error **not later than 22 April 2025**.

Counsel should not rely on any subsequent requests for enlargement of time being granted. Each request will be considered on its merits.

Appellant's counsel is advised that any subsequent motions for enlargement of time shall include, in addition to the matters required under this court's Rules of Practice and Procedure, statements as to: (1) whether Appellant was advised of Appellant's right to a timely appeal, (2) whether Appellant was provided an update of the status of counsel's progress on Appellant's case, (3) whether Appellant was advised of the request for an enlargement of time, and (4) whether Appellant agrees with the request for an enlargement of time. Counsel is not required to re-address item (1) in each subsequent motion for enlargement of time if counsel previously replied in the affirmative.

Counsel may request, and the court may order *sua sponte*, a status conference to facilitate timely processing of this appeal. *See* A. F. Ct. Crim. App. R. 23.4.

Appellant's counsel is further advised that any future requests for enlargements of time that, if granted, would expire more than 330 days after docketing, will not be granted absent exceptional circumstances.

FOR THE COURT

[redacted]

OLGA STANFORD, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee,* v. Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (SECOND)** Before Panel No. 2 No. ACM 40745 8 April 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court's Rules of Practice and Procedure, Airman First Class (A1C) Michael P. Doolin, Jr. (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Doolin requests an enlargement for a period of 30 days, which will end on **22 May 2025**. The record of trial was docketed with this Court on 23 December 2024. From the date of docketing to the present date, 106 days have elapsed. On the date requested, 150 days will have elapsed.

On 23 April 2024, a general court-martial composed of a military judge sitting alone convicted A1C Doolin, consistent with his pleas, of one specification of attempted sexual abuse of a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. R. at 73; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, 17 months' confinement, and a reprimand. R. at 131, EOJ. The convening authority took no action on the findings and sentence. Convening Authority Decision on Action. The convening authority deferred automatic forfeitures until the military judge signed t[illegible]l waived all automatic forfeitures for a period of six months, for the benefit of A[illegible]s dependent. *Id.*

GRANTED
10 APR 2025

The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. A1C Doolin is confined.

Through no fault of A1C Doolin, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review A1C Doolin's case and advise him regarding potential errors. A1C Doolin was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

WHEREFORE, A1C Doolin respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
[redacted]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 8 April 2025.

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force, *Appellant.*	)	No. ACM 40745
	)	9 April 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

[redacted]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 9 April 2025.

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee,*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (THIRD)**
v.	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force *Appellant*	)	No. ACM 40745 12 May 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court's Rules of Practice and Procedure, Airman First Class (A1C) Michael P. Doolin, Jr. (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Doolin requests an enlargement for a period of 30 days, which will end on **21 June 2025**. The record of trial was docketed with this Court on 23 December 2024. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

On 23 April 2024, a general court-martial composed of a military judge sitting alone convicted A1C Doolin, consistent with his pleas, of one specification of attempted sexual abuse of a child, in violation of Article 80, Uniform Code of Military Justice , 10 U.S.C. § 880. R. at 73; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, 17 months' confinement, and a reprimand. R. at 131, EOJ. The convening authority took no action on the findings and sentence. Convening Authority Decision on Action. The convening authority deferred automatic forfeitures until the military judge signed

GRANTED
19 MAY 2025

the EOJ and waived all automatic forfeitures for a period of six months, for the benefit of A1C Doolin's dependent. *Id*.

The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. A1C Doolin is confined.

Through no fault of A1C Doolin, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review A1C Doolin's case and advise him regarding potential errors. A1C Doolin was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

WHEREFORE, A1C Doolin respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 12 May 2025.

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
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1500 West Perimeter Road, Suite 1100
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(240) 612-4770
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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force, *Appellant.*	)	No. ACM 40745
	)	13 May 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

[redacted]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 13 May 2025.

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
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(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee,* v. Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (FOURTH)** Before Panel No. 2 No. ACM 40745 9 June 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court's Rules of Practice and Procedure, Airman First Class (A1C) Michael P. Doolin, Jr. (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Doolin requests an enlargement for a period of 30 days, which will end on **21 July 2025**. The record of trial was docketed with this Court on 23 December 2024. From the date of docketing to the present date, 168 days have elapsed. On the date requested, 210 days will have elapsed.

On 23 April 2024, a general court-martial composed of a military judge sitting alone convicted A1C Doolin, consistent with his pleas, of one specification of attempted sexual abuse of a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. R. at 73; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, 17 months' confinement, and a reprimand. R. at 131, EOJ. The convening authority took no action on the findings and sentence. Convening Authority Decision on Action. The convening authority deferred automatic forfeitures until the military judge signed

GRANTED
12 JUN 2025

the EOJ and waived all automatic forfeitures for a period of six months, for the benefit of A1C Doolin's dependent. *Id*.

The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. A1C Doolin is not confined.

Through no fault of A1C Doolin, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review A1C Doolin's case and advise him regarding potential errors. A1C Doolin was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 26 clients and is presently assigned 18 cases pending initial brief before this Court. Eight cases currently have priority over the present case:

1. *United States v. Boren*, No. ACM 40296 (f rev) – The record of trial includes 10 prosecution exhibits, 28 defense exhibits, 46 appellate exhibits, and 1,034 transcript pages. The appellant's petition and supplement to the Court of Appeals of for the Armed Forces (CAAF) are due on 29 June 2025.
2. *United States v. Rocha*, USCA Dkt. No. 25-0157 – The record of trial includes 22 prosecution exhibits, 8 defense exhibits, 39 appellate exhibits, and 532 transcript pages. The Government certified this case on 5 May 2025 and the case was docketed with the CAAF on 6 May 2025. The Government's brief is due on 11 June 2025. The appellee's brief is anticipated to be due on 9 July 2025. Undersigned counsel was not

the original counsel for this appellee and therefore is currently reviewing the appellee's record of trial.

3. *United States v. Shirley*, No. ACM 40618 – Counsel was detailed to this case on 20 May 2025. The record of trial includes three prosecution exhibits, two defense exhibits, and eight appellate exhibits, and 153 transcript pages. The appellant's petition and supplement to the CAAF are due on 18 July 2025.
4. *United States v. Carty*, No. ACM 40699 – The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, one court exhibit, and 187 transcript pages. The appellant's case was docketed with this Court on 21 October 2024. Counsel has not completed her review of the appellant's record of trial.
5. *United States v. Moore*, No. ACM S32798 – The record of trial includes two prosecution exhibits, eight defense exhibits, fourteen appellate exhibits, and one court exhibit. The transcript is 116 pages. The appellant's case was docketed with this Court on 28 October 2024. Counsel has not completed her review of the appellant's record of trial.
6. *United States v. Alesana*, No. ACM S32801 – The record of trial includes three prosecution exhibits, eight defense exhibits, four appellate exhibits, and 160 transcript pages. The appellant's case was docketed with this Court on 14 November 2024. Counsel has not completed her review of the appellant's record of trial.
7. *United States v. Hoffmann*, No. ACM 40716 – The record of trial includes three prosecution exhibits, one defense exhibit, nine appellate exhibits, and 99 transcript pages. The appellant's case was docketed with this Court on 3 December 2024. Counsel has not completed her review of the appellant's record of trial.

8. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant's case was docketed with this Court on 16 December 2024. Counsel has not completed her review of the appellant's record of trial.

Since requesting A1C Doolin's previous enlargement of time, undersigned counsel began reviewing the record of trial for *United States v. Rocha*, in preparation for the brief on behalf of the appellee. She also completed her review of the record of trial in *United States v. Wilkerson* (No. ACM 40696) and filed the appellant's motion to withdraw from appellate review in the same case. She began preparing the petition and supplement to the CAAF for *United States v. Boren* (No. ACM 40296 (f rev)). Additionally, she prepared for and participated as a moot judge in two moot arguments. Lastly, undersigned counsel was on leave from 19-22 May 2025, 2 June 2025, 6 June 2025, and out of the office on 23 May 2025 and 26 May 2025 for the family day and Memorial Day federal holiday.

WHEREFORE, A1C Doolin respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 9 June 2025.

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force, *Appellant.*	)	No. ACM 40745
	)	11 June 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

[redacted]

KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4809

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 11 June 2025.

KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4809

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee,*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (FIFTH)**
v.	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force *Appellant*	)	No. ACM 40745 11 July 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Airman First Class (A1C) Michael P. Doolin, Jr. (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Doolin requests an enlargement for a period of 30 days, which will end on **20 August 2025**. The record of trial was docketed with this Court on 23 December 2024. From the date of docketing to the present date, 200 days have elapsed. On the date requested, 240 days will have elapsed.

On 23 April 2024, a general court-martial composed of a military judge sitting alone convicted A1C Doolin, consistent with his pleas, of one specification of attempted sexual abuse of a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. R. at 73; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, 17 months' confinement, and a reprimand. R. at 131, EOJ. The convening authority took no action on the findings and sentence. Convening Authority Decision ıe convening authority deferred automatic forfeitures until the military judge signed

GRANTED
15 JULY 2025

the EOJ and waived all automatic forfeitures for a period of six months, for the benefit of A1C Doolin's dependent. *Id*.

The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. A1C Doolin is not confined.

Through no fault of A1C Doolin, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review A1C Doolin's case and advise him regarding potential errors. A1C Doolin was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 31 clients and is presently assigned 19 cases pending initial brief before this Court. Nine cases currently have priority over the present case:

1. *United States v. Rocha*, USCA Dkt. No. 25-0157/AF – The record of trial includes 22 prosecution exhibits, 8 defense exhibits, 39 appellate exhibits, and 532 transcript pages. The Government certified this case on 5 May 2025 and the case was docketed with the Court of Appeals of for the Armed Forces (CAAF) on 6 May 2025. The Government filed its brief on 11 June 2025. The appellee's brief is due on 23 July 2025.
2. *United States v. Shirley*, No. ACM 40618 – The record of trial includes three prosecution exhibits, two defense exhibits, and eight appellate exhibits, and 153 transcript pages. The appellant's petition and supplement to the CAAF are due on 18 July 2025.
3. *United States v. Boren*, USCA Dkt. No. 25-0195/AF – The record of trial includes

10 prosecution exhibits, 28 defense exhibits, 46 appellate exhibits, and 1,034 transcript pages. The appellant's supplement to his petition for a grant of review to the CAAF is due on 29 July 2025.

4. *United States v. Clark*, USCA Dkt. No. 25-0208/AF – Undersigned counsel was recently detailed to the appellant's case. The record of trial is comprised of 13 volumes containing 19 prosecution exhibits, 1 defense exhibits, 87 appellate exhibits, and 1,579 transcript pages. The appellant's supplement to her petition for a grant of review to the CAAF is due on 28 July 2025.
5. *United States v. Carty*, No. ACM 40699 – The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, one court exhibit, and 187 transcript pages. The appellant's case was docketed with this Court on 21 October 2024. Counsel has not completed her review of the appellant's record of trial.
6. *United States v. Moore*, No. ACM S32798 – The record of trial includes two prosecution exhibits, eight defense exhibits, fourteen appellate exhibits, and one court exhibit. The transcript is 116 pages. The appellant's case was docketed with this Court on 28 October 2024. Counsel has not completed her review of the appellant's record of trial.
7. *United States v. Alesana*, No. ACM S32801 – The record of trial includes three prosecution exhibits, eight defense exhibits, four appellate exhibits, and 160 transcript pages. The appellant's case was docketed with this Court on 14 November 2024. Counsel has not completed her review of the appellant's record of trial.
8. *United States v. Hoffmann*, No. ACM 40716 – The record of trial includes three prosecution exhibits, one defense exhibit, nine appellate exhibits, and 99 transcript pages.

The appellant's case was docketed with this Court on 3 December 2024. Counsel has not completed her review of the appellant's record of trial.

9. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant's case was docketed with this Court on 16 December 2024. Counsel has not completed her review of the appellant's record of trial.

Since requesting A1C Doolin's previous enlargement of time, undersigned counsel undersigned counsel continued drafting the petition and supplement to the CAAF for *United States v. Boren* (USCA Dkt. No. 25-0195/AF) and began drafting the appellee's brief for *United States v. Rocha* (USCA Dkt. No. 25-0157/AF). Additionally, undersigned counsel was out of the office from 19-29 June 2025 and 4-9 July 2025 for leave, two federal holidays, and two family days.

WHEREFORE, A1C Doolin respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
[redacted]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 11 July 2025.

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force, *Appellant.*	)	No. ACM 40745
	)	14 July 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

[redacted]

KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4804

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 14 July 2025.

KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4804

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee,*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (SIXTH)**
v.	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force *Appellant*	)	No. ACM 40745 6 August 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Airman First Class (A1C) Michael P. Doolin, Jr. (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Doolin requests an enlargement for a period of 30 days, which will end on **19 September 2025**. The record of trial was docketed with this Court on 23 December 2024. From the date of docketing to the present date, 226 days have elapsed. On the date requested, 270 days will have elapsed.

On 23 April 2024, a general court-martial composed of a military judge sitting alone convicted A1C Doolin, consistent with his pleas, of one specification of attempted sexual abuse of a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. R. at 73; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, 17 months' confinement, and a reprimand. R. at 131, EOJ. The convening authority took no action on the findings and sentence. Convening Authority Decision on Action. The convening authority deferred automatic forfeitures until the military judge signed

GRANTED
8 AUG 2025

the EOJ and waived all automatic forfeitures for a period of six months, for the benefit of A1C Doolin's dependent. *Id*.

The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. A1C Doolin is not confined.

Through no fault of A1C Doolin, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review A1C Doolin's case and advise him regarding potential errors. A1C Doolin was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 28 clients and is presently assigned 18 cases pending initial brief before this Court. Nine cases currently have priority over the present case:

1. *United States v. Clark*, USCA Dkt. No. 25-0208/AF – The record of trial is comprised of 13 volumes containing 19 prosecution exhibits, 1 defense exhibits, 87 appellate exhibits, and 1,579 transcript pages. The appellant's supplement to the petition for review to the Court of Appeals for the Armed Forces (CAAF) is due on 12 August 2025.
2. *United States v. George*, USCA Dkt. No. 24-2406 – Counsel was recently detailed to represent the appellant. The appellant's petition for a writ of certiorari to the United States Supreme Court is due on 19 October 2025.
3. *United States v. Matthew*, USCA Dkt. No. 25-0083 – Counsel was recently detailed to represent the appellant. The appellant's petition for a writ of certiorari to the United

States Supreme Court is due on 20 October 2025.

4. *United States v. Carty*, No. ACM 40699 – The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, one court exhibit, and 187 transcript pages. The appellant's case was docketed with this Court on 21 October 2024. Counsel has completed her review of the appellant's record of trial.
5. *United States v. Moore*, No. ACM S32798 – The record of trial includes two prosecution exhibits, eight defense exhibits, fourteen appellate exhibits, and one court exhibit. The transcript is 116 pages. The appellant's case was docketed with this Court on 28 October 2024. Counsel has not completed her review of the appellant's record of trial.
6. *United States v. Alesana*, No. ACM S32801 – The record of trial includes three prosecution exhibits, eight defense exhibits, four appellate exhibits, and 160 transcript pages. The appellant's case was docketed with this Court on 14 November 2024. Counsel has not completed her review of the appellant's record of trial.
7. *United States v. Hoffmann*, No. ACM 40716 – The record of trial includes three prosecution exhibits, one defense exhibit, nine appellate exhibits, and 99 transcript pages. The appellant's case was docketed with this Court on 3 December 2024. Counsel has not completed her review of the appellant's record of trial.
8. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant's case was docketed with this Court on 16 December 2024. Counsel has not completed her review of the appellant's record of trial.

Since requesting A1C Doolin's previous enlargement of time, undersigned counsel completed and filed the appellee's brief for *United States v. Rocha* (USCA Dkt. No. 25-0157/AF), completed and filed the supplement to the petition for *United States v. Boren* (USCA Dkt. No. 25-0195/AF), completed and filed the supplement to the petition for *United States v. Shirley* (USCA Dkt. No. 25-0213/AF), and began drafting the supplement to the petition for *United States v. Clark*, (USCA Dkt. No. 25-0208/AF). Counsel also completed her review of the record for *United States v. Carty* (No. ACM 40699) and filed a motion to withdraw from appellate review.

WHEREFORE, A1C Doolin respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
[redacted]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 6 August 2025.

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force, *Appellant.*	)	No. ACM 40745
	)	6 August 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

[redacted]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 6 August 2025.

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee,* v. Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (SEVENTH)** Before Panel No. 2 No. ACM 40745 8 September 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Airman First Class (A1C) Michael P. Doolin, Jr. (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Doolin requests an enlargement for a period of 30 days, which will end on **19 October 2025**. The record of trial was docketed with this Court on 23 December 2024. From the date of docketing to the present date, 259 days have elapsed. On the date requested, 300 days will have elapsed.

On 23 April 2024, a general court-martial composed of a military judge sitting alone convicted A1C Doolin, consistent with his pleas, of one specification of attempted sexual abuse of a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. R. at 73; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, 17 months' confinement, and a reprimand. R. at 131, EOJ. The convening authority took no action on the findings and sentence. Convening Authority Decision on Action. The convening authority deferred automatic forfeitures until the military judge signed the EOJ and waived all automatic forfeitures for a period of six months, for the benefit of

GRANTED
9 SEP 2025

A1C Doolin's dependent. *Id*.

The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. A1C Doolin is not confined.

Through no fault of A1C Doolin, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review A1C Doolin's case and advise him regarding potential errors. A1C Doolin was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 20 clients and is presently assigned 11 cases pending initial brief before this Court. Five cases currently have priority over the present case:

1. *United States v. George*, USCA Dkt. No. 24-2406/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 19 October 2025. Counsel is currently working on the appellant's petition.
2. *United States v. Matthew*, USCA Dkt. No. 25-0083/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 20 October 2025. Counsel is currently working on the appellant's petition.
3. *United States v. McLeod*, USCA Dkt. No. 24-0189/AF – Undersigned counsel was recently detailed to represent the appellant. The appellant's petition for a writ of certiorari to the Supreme Court is due on 8 November 2025.

4. *United States v. Hoffmann*, No. ACM 40716 – The record of trial includes three prosecution exhibits, one defense exhibit, nine appellate exhibits, and 99 transcript pages. The appellant's case was docketed with this Court on 3 December 2024. Counsel has not completed her review of the appellant's record of trial.
5. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant's case was docketed with this Court on 16 December 2024. Counsel has not completed her review of the appellant's record of trial.

Since requesting A1C Doolin's previous enlargement of time, undersigned counsel completed and filed the supplement to the petition for *United States v. Shirley* (USCA Dkt. No. 25-0213/AF), completed and filed the supplement to the petition for *United States v. Clark*, (USCA Dkt. No. 25-0208/AF), and completed and filed the reply to the Government's answer to the supplement to the petition for *United States v. Boren* (USCA Dkt. No. 25-0195/AF). Additionally, undersigned counsel began reviewing the records of trial for *United States v. George* (USCA Dkt. No. 24-2406) and *United States v. Matthew* (USCA Dkt. No. 25-0083) in preparation for their petitions for writ of certiorari, and began drafting the petition for *George*. Undersigned counsel also reviewed the records, conducted legal research, advised the clients, and filed motions to withdraw from appellate review for both *United States v. Moore*, No. ACM S32798, and *United States v. Alesana*, No. ACM S32801. Finally, undersigned counsel was out of the office from 7-8 August, 2025 and 29 August-7 September, 2025 for leave and the federal holiday.

WHEREFORE, A1C Doolin respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

[redacted]

Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
[redacted]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 8 September 2025.

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force, *Appellant.*	)	No. ACM 40745
	)	8 September 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 300 days in length. Appellant's nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with out superior Court's appellate processing standards. Appellant has already consumed almost two thirds of the 18 months standard for this Court to issue a decision, which only leaves about 8 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 8 September 2025.

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee,* v. Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (EIGHTH)** Before Panel No. 2 No. ACM 40745 6 October 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Airman First Class (A1C) Michael P. Doolin, Jr. (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Doolin requests an enlargement for a period of 30 days, which will end on **18 November 2025**. The record of trial was docketed with this Court on 23 December 2024. From the date of docketing to the present date, 287 days have elapsed. On the date requested, 330 days will have elapsed.

On 23 April 2024, a general court-martial composed of a military judge sitting alone convicted A1C Doolin, consistent with his pleas, of one specification of attempted sexual abuse of a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. R. at 73; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, 17 months' confinement, and a reprimand. R. at 131, EOJ. The convening authority took no action on the findings and sentence. Convening Authority Decision on Action. The convening authority deferred automatic forfeitures until the military judge signed the EOJ and waived all automatic forfeitures for a period of six months, for the benefit of

A1C Doolin's dependent. *Id*.

The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. A1C Doolin is not confined.

Through no fault of A1C Doolin, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review A1C Doolin's case and advise him regarding potential errors. A1C Doolin was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 20 clients and is presently assigned 11 cases pending initial brief before this Court. Six cases currently have priority over the present case:

1. *United States v. George*, USCA Dkt. No. 24-2406/AF – The appellant's petition for a writ of certiorari to the Supreme Court of the United States is due on 19 October 2025. Counsel is currently working on the appellant's petition.
2. *United States v. Matthew*, USCA Dkt. No. 25-0083/AF – The appellant's petition for a writ of certiorari to the Supreme Court of the United States is due on 19 December 2025. Counsel is currently working on the appellant's petition.
3. *United States v. McLeod*, USCA Dkt. No. 24-0189/AF – The appellant's petition for a writ of certiorari to the Supreme Court of the United States is due on 8 November 2025.
4. *United States v. Clark*, USCA Dkt. No. 25-0208/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 21 December 2025.

5. *United States v. Hoffmann*, No. ACM 40716 – The record of trial includes three prosecution exhibits, one defense exhibit, nine appellate exhibits, and 99 transcript pages. The appellant's case was docketed with this Court on 3 December 2024. Counsel has reviewed the appellant's court-martial transcript but has not yet completed her review of the appellant's record of trial.
6. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant's case was docketed with this Court on 16 December 2024. Counsel has not completed her review of the appellant's record of trial.

Since requesting A1C Doolin's previous enlargement of time, undersigned counsel reviewed the transcript for *United States v. Hoffmann* (No. ACM 40716). She also continued drafting the petitions for writ of certiorari for *United States v. George* (USCA Dkt. No. 24-2406) and *United States v. Matthew* (USCA Dkt. No. 25-0083). Undersigned counsel was out of the office attending the Joint Appellate Advocacy Training from 25 – 26 September 2025. Finally, undersigned counsel began preparing for two oral arguments that she will participate in at the CAAF at the end of this month. *United States v. Moore* (USCA Dkt. No. 25-0110/AF), certified by the Government, will be heard by the CAAF on 21 October 2025, and *United States v. Rocha* (USCA Dkt. No. 25-0157/AF) certified by the Government, will be heard by the CAAF on 22 October 2025; undersigned counsel is the lead counsel for both cases and will be giving the oral argument at the CAAF. She has already held two moot oral arguments (one for each case) and will participate in four more moots (two for each case) over the coming weeks. Additionally, undersigned counsel participated as judge for one moot oral argument for *United States v. Braum* (USCA Dkt No. 25-0046/AF) and anticipates

participating as a judge for four more moot oral arguments for different cases during the requested enlargement of time.

WHEREFORE, A1C Doolin respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
[redacted]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 6 October 2025.

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force, *Appellant.*	)	No. ACM 40745
	)	6 October 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 330 days in length. Appellant's nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with out superior Court's appellate processing standards. Appellant has already consumed almost two thirds of the 18 months standard for this Court to issue a decision, which only leaves about 7 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

[redacted]
VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 6 October 2025.

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM 40745**
Appellee	)	
	)	
v.	)	
	)	**ORDER**
Michael P. DOOLIN, JR.	)	
Airman First Class (E-3)	)	
U.S. Air Force	)	
Appellant	)	**Panel 2**

On 6 October 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Eighth) requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure. Accordingly, it is by the court on this 8th day of October, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (Eighth) is **GRANTED**. Appellant shall file any assignments of error not later than **18 November 2025**.

Appellant's counsel is advised that given the number of enlargements granted thus far, any further requests for an enlargement of time may necessitate a status conference.

FOR THE COURT

[redacted]

JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee,*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (NINTH)**
v.	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force *Appellant*	)	No. ACM 40745 7 November 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Airman First Class (A1C) Michael P. Doolin, Jr. (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Doolin requests an enlargement for a period of 30 days, which will end on **18 December 2025**. The record of trial was docketed with this Court on 23 December 2024. From the date of docketing to the present date, 319 days have elapsed. On the date requested, 360 days will have elapsed.

On 23 April 2024, a general court-martial composed of a military judge sitting alone convicted A1C Doolin, consistent with his pleas, of one specification of attempted sexual abuse of a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. R. at 73; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, 17 months' confinement, and a reprimand. R. at 131, EOJ. The convening authority took no action on the findings and sentence. Convening Authority Decision o convening authority deferred automatic forfeitures until the military judge signed th aived all automatic forfeitures for a period of six months, for the benefit of

GRANTED
14 Nov 2025

A1C Doolin's dependent. *Id*.

The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. A1C Doolin is not confined.

Maj Thomas Govan was recently detailed to represent A1C Doolin. Maj Govan currently represents three clients and A1C Doolin's case is the only case pending initial brief before this Court. Maj Govan has completed an initial review of A1C Doolin's record of trial. This enlargement of time is necessary so Maj Govan may conduct case law research pertaining to the potential issues he identified in A1C Doolin's record, discuss with A1C Doolin which issues he would like to raise before this Court, and prepare A1C Doolin's Assignment of Errors.

Maj Megan Crouch currently represents 20 clients and is presently assigned 11 cases pending initial brief before this Court. Five cases currently have priority over the present case:

1. *United States v. George*, USCA Dkt. No. 24-2406/AF – The appellant's petition for a writ of certiorari to the Supreme Court of the United States is due on 19 October 2025. Counsel is currently working on the appellant's petition.
2. *United States v. Matthew*, USCA Dkt. No. 25-0083/AF – The appellant's petition for a writ of certiorari to the Supreme Court of the United States is due on 19 December 2025. Counsel is currently working on the appellant's petition.
3. *United States v. Clark*, USCA Dkt. No. 25-0208/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 21 December 2025.
4. *United States v. Hoffmann*, No. ACM 40716 – The record of trial includes three prosecution exhibits, one defense exhibit, nine appellate exhibits, and 99 transcript pages.

The appellant's case was docketed with this Court on 3 December 2024. Counsel has reviewed all non-sealed portions of the appellant's record of trial.

5. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant's case was docketed with this Court on 16 December 2024. Counsel has not completed her review of the appellant's record of trial.

Since requesting A1C Doolin's previous enlargement of time, Maj Megan Crouch prepared for, and participated in, two oral arguments before the Court of Appeals for the Armed Forces (CAAF)—*United States v. Moore* (USCA Dkt. No. 25-0110/AF), certified by the Government, heard by the CAAF on 21 October 2025, and *United States v. Rocha* (USCA Dkt. No. 25-0157/AF) certified by the Government, heard by the CAAF on 22 October 2025. As part of her preparation, undersigned counsel prepared for, and participated in, nine moot oral arguments (three for each case, two of which occurred during the previous enlargement of time for this case). Undersigned counsel also participated as a judge for three moot oral arguments (*United States v. Serjak*, certified by the Government to the CAAF (USCA Dkt No. 25-0120/AF), *United States v. Marschalek* (No. ACM S32776), and *United States v. Hennessy*, certified by the Government to the CAAF (USCA Dkt. No. 25-0112/AF)). Finally, she completed the petition for a writ of certiorari for *United States v. McLeod* (USCA Dkt. No. 24-0189/AF), continued to work on the petitions for a writ of certiorari for *United States v. George* and *United States v. Matthew*, and continued reviewing the record of trial for *United States v. Hoffmann* (No. ACM 40176).

A1C Doolin was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for

an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

WHEREFORE, A1C Doolin respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
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THOMAS R. GOVAN, JR., Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
[redacted]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 7 November 2025.

[redacted]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
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[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

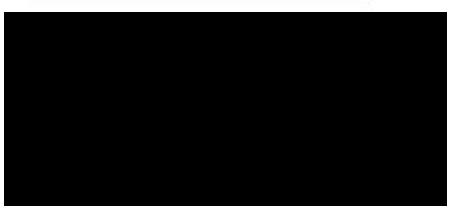
UNITED STATES, *Appellee,* v. Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.**, United States Air Force, *Appellant.*	)	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME Before Panel No. 2 No. ACM 40745 12 November 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 360 days in length. Appellant's nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two thirds of the 18 month standard for this Court to issue a decision, which only leaves about 7 months combined for the United States and this Court to perform their separate statutory responsibilities.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 12 November 2025.

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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee,* v. Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (TENTH)** Before Panel No. 2 No. ACM 40745 8 December 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Airman First Class (A1C) Michael P. Doolin, Jr. (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Doolin requests an enlargement for a period of 30 days, which will end on **17 January 2026**.[1] The record of trial was docketed with this Court on 23 December 2024. From the date of docketing to the present date, 350 days have elapsed. On the date requested, 390 days will have elapsed.

On 23 April 2024, a general court-martial composed of a military judge sitting alone convicted A1C Doolin, consistent with his pleas, of one specification of attempted sexual abuse of a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. R. at 73; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, 17 months' confinement, and a reprimand. R. at 131, EOJ. The convening authority took no action on the findings and sentence. Convening Authority Decision

[1] Barring any unforeseen circumstances, counsel anticipates that this will be the final request for an enlargement of time.

GRANTED
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on Action. The convening authority deferred automatic forfeitures until the military judge signed the EOJ and waived all automatic forfeitures for a period of six months, for the benefit of A1C Doolin's dependent. *Id.*

The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. A1C Doolin is not confined.

Maj Thomas Govan was recently detailed to represent A1C Doolin. Maj Govan currently represents three clients and A1C Doolin's case is the only case pending initial brief before this Court. Since the last enlargement of time, Maj Govan has completed a review of A1C Doolin's record of trial, conducted case law research, discussed the case with A1C Doolin, and begun drafting portions of the Assignment of Errors. This enlargement of time is necessary so Maj Govan may finish preparing A1C Doolin's Assignment of Errors.

Maj Megan Crouch currently represents 19 clients and is presently assigned 10 cases pending initial brief before this Court. Five cases currently have priority over the present case:

1. *United States v. Clark*, USCA Dkt. No. 25-0208/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 19 February 2026.
2. *United States v. Howard*, No. ACM 40478 (f rev) – The appellant's petition for review and supplement to the petition for review is due to the Court of Appeals for the Armed Forces (CAAF) on 20 January 2026.
3. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant's case was docketed with this Court on 16 December 2024. Counsel has completed her review of the appellant's record of trial.

Since requesting A1C Doolin's previous enlargement of time, Maj Crouch filed the petition for a writ of certiorari for *United States v. George* (USCA Dkt. No. 24-2406/AF). She completed her review of the record of trial for *United States v. Hoffmann* (No. ACM 40176) and filed a motion for withdrawal from appellate review in the same case. She also completed her review of the record of trial for *United States v. Shimooka* (No. ACM 40736) and began drafting the petition for a writ of certiorari for *United States v. Clark* (USCA Dkt. No. 25-0208/AF).

A1C Doolin was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

WHEREFORE, A1C Doolin respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

[redacted]

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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 8 December 2025.

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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force, *Appellant.*	)	No. ACM 40745
	)	9 December 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 390 days in length. Appellant's nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two thirds of the 18 months standard for this Court to issue a decision, which only leaves about 5 months combined for the United States and this Court to perform their separate statutory responsibilities.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

[redacted]

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CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 9 December 2025.

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(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**BRIEF ON BEHALF OF APPELLANT**
v.	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force *Appellant*	)	No. ACM 40745 20 January 2026

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Assignments of Error

I.

WHETHER THE MILITARY JUDGE ABUSED HIS DISCRETION BY ACCEPTING AIRMAN FIRST CLASS DOOLIN'S GUILTY PLEA WHERE AIRMAN FIRST CLASS DOOLIN'S STATEMENTS DURING THE *CARE* INQUIRY DID NOT ESTABLISH A SUFFICIENT FACTUAL BASIS FOR THE PLEA.

II.

WHETHER SENTENCING RELIEF IS WARRANTED BECAUSE OF THE 244-DAY DELAY BETWEEN SENTENCING AND DOCKETING WITH THIS COURT.

Statement of the Case

On 23 April 2024, a general court-martial composed of a military judge sitting alone tried Airman First Class (A1C) Michael P. Doolin, Jr. at Osan Air Base, South Korea. R. at 1. Consistent with A1C Doolin's pleas, the military judge found him guilty of one charge and specification of attempted sexual abuse of a child by indecent language, in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880. R. at 73; Entry of Judgment (EOJ). The military judge sentenced A1C Doolin to a reduction to the grade of E-1, a bad-conduct discharge, 17 months' confinement, and a reprimand. R. at 131, EOJ. The convening authority

took no action on the findings or the sentence. Convening Authority Decision on Action, 16 May 2024. The convening authority deferred automatic forfeitures until the military judge signed the EOJ and waived all automatic forfeitures for a period of six months, for the benefit of A1C Doolin's dependent. *Id.*

Statement of Facts

In April 2023, A1C Doolin began communicating with a female identified as "Jessie" on the social application, Tinder. Prosecution Exhibit (Pros. Ex.) 1 at 1. During these conversations, A1C Doolin and Jessie talked about their day and things like the weather, his job, and the fact that Jessie was a student. R. at 36. But while her Tinder profile indicated that she was a college student at the University of California Irvine, the online profile of "Jessie" was actually a special agent with the United States Army Criminal Investigations Division (USCID) working under cover. Pros. Ex. 1 at 1-2.

Shortly after beginning to communicate via Tinder, A1C Doolin started talking to Jessie via text messages, at which point Jessie stated that she was "almost 15" years old. *Id.* at 2. A1C Doolin and Jessie then began to communicate on Snapchat, another social media application. *Id.* at 4. A1C Doolin and Jessie discussed things such as taking pictures and whether Jessie would be A1C Doolin's girlfriend. *Id.* On one occasion, A1C Doolin made the statement that "I gotta see the body I'm gonna be working with so I know exactly what I'm gonna do to you[.]" *Id.* at 4. A1C Doolin sent numerous messages to Jessie over the next few weeks before he stopped responding to Jessie's messages in May 2023. *Id.* at 6.

Argument

I.

THE MILITARY JUDGE ABUSED HIS DISCRETION BY ACCEPTING A1C DOOLIN'S GUILTY PLEA WHERE A1C DOOLIN'S STATEMENTS DURING THE *CARE* INQUIRY DID NOT ESTABLISH A SUFFICIENT FACTUAL BASIS FOR THE PLEA.

Additional Facts

The specification of the charge against A1C Doolin alleged the following:

> CHARGE: Violation of the UCMJ, Article 80
>
> Specification: In that AIRMAN FIRST CLASS MICHAEL P. DOOLIN, JR., United States Air Force, 51st Civil Engineer Squadron, Osan Air Base, Republic of Korea, did, within the Republic of Korea, between on or about 12 April 2023 and on or about 13 May 2023, on divers occasions, attempt to commit a lewd act upon a child who had not attained the age of 16 years, by intentionally communicating to said child indecent language, to wit: "I gotta see the body I'm gonna be working with so I know exactly what I'm gonna want to do to you," and other sexually driven statements, or words to that effect, with the intent to arouse his sexual desire.

Charge Sheet. A1C Doolin agreed to plead guilty to the charge of attempted sexual abuse of a child by indecent language pursuant to a plea agreement. Appellate Exhibit (App. Ex.) II. Pursuant to the plea agreement, A1C Doolin also agreed to enter into a stipulation of fact. App. Ex. II at 1. The stipulation of fact cited numerous communications between A1C Doolin and Jessie, and included attachments of the conversations that occurred on Tinder, Snapchat, and through text message. Pros. Ex. 1.

Prior to accepting A1C Doolin's guilty plea, the military judge conducted a *Care*[1] inquiry. R. at 17-54. The military judge began by instructing A1C Doolin on the elements of the offense of attempted sexual abuse of a child by indecent language. *Id*. at 32-35. Critical here, the military judge instructed A1C Doolin that "indecent language" consisted of the following definition:

[1] *United States v. Care*, 40 C.M.R. 247 (C.M.A. 1969).

> [T]hat which is grossly offensive to modesty, decency, or [] propriety, or shocks the moral sense, because of its vulgar, filthy, or disgusting nature, or its tendency to incite lustful thought. Language is indecent if it tends reasonably to corrupt morals or incite libidinous thoughts. The language must violate community standards.

Id. at 34. The military judge then asked A1C Doolin to give a factual basis for the plea and explain why he was guilty of the offense listed in the specification of the charge. *Id*. at 35.

A1C Doolin explained how he began communicating with a female named Jessie on Tinder, how they transferred their conversation to text messages, and that he learned that Jessie was supposedly 14 years old, but continued to communicate with her. *Id*. at 36-37. A1C Doolin then recounted several conversations that he had with Jessie on various days. *Id*. at 37-38. He further admitted that the language in the conversations was sexually charged and the conversations he had with Jessie were done to gratify his sexual desires. *Id*. at 38.

In response to these statements, the military judge questioned A1C Doolin on the factual basis for the "other sexually driven statements," as alleged in the specification of the charge. *Id*. at 39. The military judge confirmed that A1C Doolin communicated the specific language alleged in the specification of the charge, namely, "I gotta see the body I'm gonna be working with so I know exactly what I'm gonna want to do to you." *Id*. at 42; *see also* Charge Sheet. But the military judge noted that A1C Doolin was charged with attempted sexual abuse of a child by indecent language on divers occasions. R. at 43. Given this language in the specification of the charge, the military judge asked A1C Doolin what other statements he made "that were sexually driven statements." *Id*. at 43.

A1C Doolin responded by identifying four series of statements that he made to Jessie. First, A1C Doolin stated that on 14 April 2023 at the time 1645, he asked Jessie, "where she'd let me touch her." *Id*. He also admitted that on that same day at 1725, he communicated to Jessie

that if they were lying in bed that they could "explore each other's bodies." *Id*. A1C Doolin then admitted that on 3 May 2023, he stated that "you can always find some bathing suits or some cute underwear," and "[w]e said we were going to show off [] our bodies before you lost your phone." *Id*. at 44. Finally, A1C Doolin said that on 3 May 2023 he asked Jessie what kind of underwear her mom bought her and that he liked plain underwear. *Id*.

The military judge then asked A1C Doolin if these statements that he communicated to Jessie were indecent, to which A1C Doolin agreed. *Id*. at 46. When the military judge asked how they were indecent, A1C Doolin initially stated that the statements were "sexual by nature" and had a "tendency to insight lustful thought." *Id*. at 46-47. But the military judge continued to inquire from A1C Doolin how the statements were indecent and specifically asked whether the statements were "vulgar, filthy, or disgusting" in nature. *Id*. at 47. In response to the military judge's questioning, A1C Doolin ultimately concluded that the statements he made were "vulgar." *Id*. at 50. The military judge accepted A1C Doolin's plea and found him guilty. *Id*. at 72-73.

The military judge later clarified during presentencing that the indecent language of which the judge found A1C Doolin guilty consisted of only statements the military judge discussed with A1C Doolin during the *Care* inquiry. Specifically, after trial counsel made reference to a photo that A1C Doolin had sent Jessie, defense counsel objected, asserting that such argument constituted improper aggravating evidence. *Id*. at 102. While noting that the photo was in evidence, the military judge stated that he did not consider it "as the charge of other sexually driven statements," as alleged in the specification. *Id*. at 103-04.

The military judge went on to explain that "we talked about a number of statements, we went over those, the accused and I. Understanding that this may be considered facts and circumstances, *this is not one of the statements that I found him guilty of*. It's part of it. The reason

why I talked to him so thoroughly as far as the other sexually driven statements in there." *Id*. at 104-05 (emphasis added). Trial counsel then responded that this photo, as well as many other statements, were included in the stipulation of fact. *Id*. But the military judge clarified that although the photo was included in the stipulation of fact, it was not one of the communications that he found A1C Doolin guilty of, and that "it's just a matter as [sic] facts of [sic] circumstances of the communications that he sent of which he pled and of which I found him guilty." *Id*. at 106. After trial counsel again asked for reconsideration of the matter concerning what consideration would be given to the statements attached to the stipulation of fact, the military judge stated "I will say that all the comments were considered by the court, *but I had communications with the accused about which ones he's pleading guilty to[] because [the] specification as written is not clear*." *Id*. at 107 (emphasis added). The military judge once again emphasized that there "can be other statements of which could be communications, but not necessarily the communication I explicitly found him guilty of." *Id*. at 108.

Standard of Review

This Court reviews a "military judge's decision to accept a guilty plea for an abuse of discretion and questions of law arising from the guilty plea de novo." *United States v. Ferguson*, 68 M.J. 431, 433-34 (C.A.A.F. 2010) (citing *United States v. Inabinette*, 66 M.J. 320, 322 (C.A.A.F. 2008)). In conducting such review, this Court applies "the substantial basis test, looking at whether there is something in the record of trial, with regard to the factual basis or the law, that would raise a substantial question regarding the appellant's guilty plea." *Id*.

Law

A. Indecent language pursuant to Article 120b(c), UCMJ.

Article 120b(c), UCMJ, provides "[a]ny person subject to this chapter who commits a lewd act upon a child is guilty of sexual abuse of a child[.]" A "lewd act," among other things, is defined as "intentionally communicating indecent language to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person." Article 120b(h)(5)(c), UCMJ.

While Article 120b, UCMJ, does not define the term "indecent language," in the context of the Article 134, UCMJ, offense for indecent language, the *Manual for Courts–Martial* defines the term as follows:

> [T]hat which is grossly offensive to modesty, decency, or propriety, or shocks the moral sense, because of its vulgar, filthy, or disgusting nature, or its tendency to incite lustful thought. Language is indecent if it tends reasonably to corrupt morals or incite libidinous thoughts. The language must violate community standards.

Manual for Courts–Martial, United States (MCM) pt. IV, para. 105.c (2019 ed.). However, "the nature of indecent language as described in both case law and the *MCM* reveals that the scope of indecent language prohibited under Article 134, UCMJ, extends well beyond that language that constitutes the lewd acts with children with which Article 120b(c), UCMJ, is concerned." *United States v. Avery*, 79 M.J. 363, 368 (C.A.A.F. 2020). The Court of Appeals for the Armed Forces (CAAF) has recognized that the class of indecent language that is communicated to a child that is "grossly offensive [to modesty, decency, or propriety,] or shocks the moral sense, because of its vulgar, filthy, or disgusting nature" includes some language that is "not sexual" in nature. *Id.* Thus, that definition of "indecent language" applies only to an offense under Article 134, UCMJ, and not Article 120b(c), UCMJ. *Id.* (citation modified).

Article 120b(c), UCMJ, on the other hand, criminalizes "only indecent language that constitutes a 'lewd act'—that is, a 'sexually unchaste or licentious' act." *Id*. at 369. Thus, the only part of the definition of "indecent language" that applies to an Article 120b(c), UCMJ, offense would be language communicated to a child that is grossly offensive because of its "tendency to incite lustful thought." *Id*. at 368.

B. Standards for a military judge's acceptance of a guilty plea.

A "military judge shall not accept a plea of guilty without making such inquiry of the accused as shall satisfy the military judge that there is a factual basis for the plea." Rules for Courts-Martial (R.C.M.) 910(e). "A providence inquiry into a guilty plea must establish, inter alia, not only that the accused himself believes he is guilty but also that the factual circumstances as revealed by the accused himself objectively support that plea." *United States v. Garcia*, 44 M.J. 496, 497-98 (C.A.A.F. 1996) (citation modified). "In order to establish an adequate factual predicate for a guilty plea, the military judge must elicit factual circumstances as revealed by the accused himself that objectively support that plea." *United States v. Jordan*, 57 M.J. 236, 238 (C.A.A.F. 2002) (citation modified). "The record of trial must reflect not only that the elements of each offense charged have been explained to the accused, but also 'make clear the basis for a determination by the military trial judge . . . whether the acts or the omissions of the accused constitute the offense or offenses to which he is pleading guilty.'" *Id*. (quoting *Care*, 40 C.M.R. at 253).

Analysis

A1C Doolin's guilty plea to attempted sexual abuse of a child by indecent language was improvident and the military judge abused his discretion in accepting the guilty plea in two ways.

First, the military judge improperly instructed A1C Doolin on the definition of indecent language, as it applied to the offense charged in A1C Doolin's case, resulting in an inadequate factual predicate for the guilty plea. A1C Doolin was not charged with indecent language pursuant to Article 134, UCMJ. Rather, the government charged A1C Doolin with attempted sexual abuse of a child by indecent language pursuant to Article 80, UCMJ. *See* Charge Sheet.

The CAAF has recognized two definitions for indecent language. *Avery*, 79 M.J. at 368. Because the government charged A1C Doolin with attempted sexual abuse of a child, the full definition of indecent language, as set out in MCM pt. IV, para. 105.c did not apply to his case. Rather, indecent language, in an Article 120b(c) case such as A1C Doolin's, is defined as language that is grossly offensive because of "its tendency to incite lustful thought." *Avery*, 79 M.J. at 368.

The military judge here erred by failing to correctly instruct A1C Doolin on the definition of indecent language that applied to his case. Contrary to the CAAF's guidance in *Avery*, the military judge incorrectly instructed A1C Doolin on the full definition of indecent language during the *Care* inquiry, without the limits to that definition that are necessary to render it applicable to the offense to which A1C Doolin pleaded guilty. *Compare* R. at 34-35 *with MCM* pt. IV, para. 105.c. Critically, the military judge instructed A1C Doolin that indecent language included language that was grossly offensive "because of its vulgar, filthy, or disgusting nature," but without limiting it to such language that constitutes lewdness. R. at 34. This was error, as that unqualified definition of indecent language applies only to the charge of indecent language under Article 134, UCMJ. *Avery*, 79 M.J. at 368.

The military judge's erroneous instructions resulted in an improvident plea because there was an inadequate factual basis for the finding of guilty to the specification as charged. After improperly instructing A1C Doolin on the definition of indecent language, the military judge then

engaged in a colloquy with A1C Doolin about the statements he made to Jessie. R. at 36-44. The military judge then asked A1C Doolin if he admitted the language was indecent. *Id*. at 46. A1C Doolin initially responded in the affirmative, stating that the language was sexual in nature and had a tendency to insight lustful thought. *Id*.

But in continuing follow up questions, the military judge erred by repeating that the definition of indecent language in A1C Doolin's case included language that was "vulgar, filthy, or disgusting," without any qualification. *Id*. The military judge compounded this error by directly asking A1C Doolin if he agreed that the definition of indecent language "talks about this vulgar, filthy, or disgusting nature" and then asked him "which part of [his statement to Jessie] was vulgar, filthy, or disgusting that would shock the moral sense." *Id*. at 47. After a comfort break, A1C Doolin responded to the military judge's questions by stating that his statement "*was vulgar*" because talking about certain subjects with a 14-year-old would shock the moral senses. *Id*. at 50 (emphasis added). The military judge eventually accepted A1C Doolin's plea and found him guilty. *Id*. at 72-73.

As a result of the military judge's erroneous instructions on indecent language, there was an inadequate factual basis for the plea, thus raising "a substantial question regarding the appellant's guilty plea." *Ferguson*, 68 M.J. at 434. Because the government charged A1C Doolin with attempted sexual abuse of a child by indecent language, the definition of indecent language that applied to his case was language that had a tendency "to incite lustful thought." *Avery*, 79 M.J. at 368. Although the military judge and A1C Doolin had some discussion about this definition, the military judge ultimately asked A1C Doolin to admit what statements were "vulgar, filthy, or disgusting," R. at 47—but without the necessary qualifications to make that definition apply to an attempt to commit the Article 120b(c) offense of sexual abuse of a child rather than an

attempt to commit the Article 134 offense of indecent language. *Avery*, 79 M.J. at 368. When A1C Doolin ultimately admitted his statements to Jessie constituted indecent language because they were "vulgar," at best, he provided a factual basis to the offense of indecent language pursuant to Article 134, UCMJ. But A1C Doolin was not charged with nor did he plead guilty to a violation of that offense. He was not charged with nor did he plead guilty to attempting to make vulgar communications. Rather, he was charged with and pleaded guilty to violating Article 80, UCMJ, by attempting to sexually abuse a child by indecent language. Pursuant to that charge, in order to accept A1C Doolin's guilty plea, the military judge was required to establish a factual basis that A1C Doolin made communications, on divers occasions, that have a tendency "to incite lustful thought." *Avery*, 79 M.J. at 368. The military judge failed to do so. Thus, there was an insufficient factual basis to find A1C Doolin guilty of attempted sexual abuse of a child, pursuant to Article 80, UCMJ, as charged. Because there is "a substantial question regarding the appellant's guilty plea," *Ferguson*, 68 M.J. at 434, this Court should set aside the conviction.

Even if A1C Doolin had been properly instructed, the military judge also abused his discretion by failing to ensure a sufficient factual basis for the plea because the statements A1C Doolin admitted that he communicated to Jessie did not constitute indecent language. As noted above, A1C Doolin was charged with attempting to commit sexual abuse of a child by indecent language on divers occasions. *See* Charge Sheet. While the government admitted evidence of multiple instances of communications that A1C Doolin made to Jessie in the stipulation of fact, Pros. Ex. 1, the military judge made clear that he limited the communications of which he found A1C Doolin guilty to the statements that he specifically discussed with A1C Doolin during the *Care* inquiry. R. at 101-07. Critically, the military judge stated that, in regard to all of the communications admitted as evidence, "all the comments were considered by the court, but I had

communications with the accused about which ones he's pleading guilty to[] because [the] specification as written is not clear." *Id*. at 107.

The record of the *Care* inquiry confirms which of A1C Doolin's statements were the basis for the military judge finding him guilty. First, the military judge discussed the specific language alleged in the specification of the charge, namely, "I gotta see the body I'm gonna be working with so I know exactly what I'm gonna want to do to you." R. at 42. The military judge then identified four other series of statements that A1C Doolin admitted he made to Jessie. *Id*. at 43-46; *supra* 4-5.

By limiting the communications to which he found A1C Doolin guilty, the military judge failed to ensure a sufficient factual basis for the charge of attempted sexual abuse of a child by indecent language, because the specific statements A1C Doolin admitted to communicating to Jessie during the *Care* inquiry did not have sufficient tendency "to incite lustful thought." *Avery*, 79 M.J. at 368. To be sure, while the statements A1C Doolin admitted to communicating could be classified as unprofessional or rude, they failed to rise to the level of being "grossly offensive" or excessively sexual in nature, particularly when compared to other language that courts have found to be indecent pursuant to Article 120b(c), UCMJ.

Notably, in such cases, the indecent language at issue involved graphic descriptions of explicit sexual acts. For example, in *United States v. Wheeler*, 77 M.J. 289, 290 (C.A.A.F. 2018), the accused was also convicted of attempting to commit a lewd act upon a person he believed to be a child, in violation of Article 80, UCMJ. However, in *Wheeler*, the accused engaged in much more egregious communications, such as asking a girl who he believed to be 14 years old if he could come to the girl's house, whether the girl "likes to masturbate," and suggesting that they could "make out" and have the girl "finally touch a dick." *Id*. at 291; *see also United States v.*

Hayes, No. ARMY 20190834, 2021 CCA LEXIS 238, at *2-3 (A. Ct. Crim. App. 18 May 2021) (affirming the appellant's convictions for attempted sexual abuse of a child where the appellant engaged in electronic communications with a girl, asking if she "want[ed] to see my hard cock," if she "ever played with herself," and if she would be "willing to suck my cock.").

These graphic descriptions of sexual acts stand in stark contrast to the statements A1C Doolin admitted to communicating to Jessie during the *Care* inquiry with the military judge. Unlike the communications in *Wheeler* and *Hayes*, A1C Doolin did not describe any explicit sexual acts. Moreover, while he admitted to discussing topics such as underwear and bathing suits, and made general references to seeing Jessie's body, he did not reference specific sexual body parts. Thus, while the graphic language at issue in *Wheeler* and *Hayes* had clear tendencies to incite lustful thoughts, the language that A1C Doolin admitted to and of which the military judge erroneously found him guilty does not meet that standard.

Because the military judge limited the communications to which he found A1C Doolin guilty to only those communications that were discussed during the *Care* inquiry, R. at 105-07, only those statements and those statements alone could provide a factual basis to show that A1C Doolin was guilty of attempting to commit sexual abuse of a child by indecent language. Because those statements failed to rise to the level of being grossly offensive language that had a tendency to incite lustful thoughts, there was an inadequate factual basis for the plea and the military judge abused his discretion in finding A1C Doolin guilty.

WHEREFORE, A1C Doolin respectfully requests that this Honorable Court set aside the findings of guilty to the charge and specification and the sentence.

II.

A1C DOOLIN IS ENTITLED TO SENTENCE RELIEF BECAUSE OF THE 244-DAY DELAY BETWEEN SENTENCING AND DOCKETING WITH THIS COURT.

Additional Facts

A1C Doolin was sentenced on 23 April 2024. R. at 1, 131. The court reporter began transcribing the case on 29 April 2024 and completed the transcription on 10 May 2024. Court Reporter's Chronology. The court reporter submitted the transcript to counsel for review on 17 May 2024 and certified the transcript on 15 July 2024. *Id*. Over a month later, on 21 August 2024, the court reporter submitted the trial transcript to a paralegal in the legal office of the 51st Fighter Wing. *Id*.; *see also* US v. Doolin Chronology, 19 August 2024. The final notation in the chronology states that the "ROT forwarded to NAF for review" on 29 August 2024. US v. Doolin Chronology, 19 August 2024. But A1C Doolin's case was not docketed with this Court until 23 December 2024, 244 days after sentence.

Standard of Review

Whether an appellant has been deprived of his due process right to speedy appellate review is a question of law reviewed de novo. *United States v. Moreno*, 63 M.J. 129, 135 (C.A.A.F. 2006).

Law and Analysis

A1C Doolin should receive sentence relief from this Court because the government's dilatory processing violated *Moreno*. Even if this Court were to find no prejudice from the due process violation, relief is nevertheless appropriate under *United States v. Gay*, 74 M.J. 736 (A.F. Ct. Crim. App. 2015), aff'd, 75 M.J. 264 (C.A.A.F. 2016); Article 66(d)(2), UCMJ.

Convicted servicemembers have a due process right to timely review of courts-martial convictions. *Moreno*, 63 M.J. at 135. Presumptively prejudicial delay occurs in three scenarios:

(1) the action of the convening authority is not taken within 120 days of the completion of trial; (2) the record of trial is not docketed by the service Court of Criminal Appeals (CCAs) within 30 days of the convening authority's action; or (3) appellate review is not completed and a decision is not rendered by a CCA 18 months after docketing. 63 M.J. at 142. This Court adapted *Moreno's* benchmark standards for the new post-trial processing scheme. *See United States v. Livak*, 80 M.J. 631, 633 (A.F. Ct. Crim. App. 2020) (applying the aggregate *Moreno* standard of 150 days from the day an appellant was sentenced to the docketing of the case with the CCA to determine presumptively unreasonable delay).

The initial inquiry starts with the presumption of unreasonable post-trial delay. The 244-day delay between the 23 April 2024 date of sentence and the 23 December 2024 docketing with this Court exceeds the 150-day standard from *Livak*.

A presumption of unreasonable post-trial delay triggers a four-part analysis. *Moreno*, 63 M.J. at 135 (citing *Barker v. Wingo*, 407 U.S. 514, 530 (1972)). It includes: (1) the length of the delay; (2) the reasons for the delay; (3) the appellant's assertion of the right to timely review and appeal; and (4) prejudice. *Id*. Prejudice considers "(1) prevention of oppressive incarceration pending appeal; (2) minimization of anxiety and concern of those convicted awaiting the outcome of their appeals; and (3) limitation of the possibility that a convicted person's grounds for appeal, and his or her defenses in case of reversal and retrial, might be impaired." *Id*. at 138-39 (citations omitted). The CAAF "expect[s]" the CCAs to "document the reasons for delay" and "exercise . . . institutional vigilance." *Id*. at 143. Once a presumptive delay or facially unreasonable delay triggers the analysis, the factors are balanced with no single factor being required and none being dispositive. *Id*. at 136 (citations omitted).

The total length of delay and the reasons for the delay weigh in favor of A1C Doolin. The record of trial in this case was not particularly lengthy, yet the delay far exceeded the 150-day standard. The reason for the delay also weighs in favor of A1C Doolin, as the delay from the last documented action in August 2024 to docketing in December 2024 appears to be based on negligence and inattention.

As to prejudice, the lengthy delay necessitated the addition of undersigned counsel who had to complete a review of the record due to prior counsel's heavy caseload. Thus, A1C Doolin is entitled to relief under *Moreno*.

Even if this Court finds no prejudice, A1C Doolin is still entitled to post-trial relief. *See* Article 66(d)(2); *Gay*, 74 M.J. at 744. The factors this Court considers when deciding whether to grant relief for unreasonable post-trial delay that does not rise to the level of a due process violations include:

> (1) How long did the delay exceed the standards set forth in [*Moreno*]? (2) What reasons, if any, has the government set forth for the delay? Is there any evidence of bad faith or gross indifference to the overall post-trial processing of this case? (3) Keeping in mind that our goal . . . is not to analyze for prejudice, is there nonetheless some evidence of harm (either to the appellant or institutionally) caused by the delay? (4) Has the delay lessened the disciplinary effect of any particular aspect of the sentence, and is relief consistent with the dual goals of justice and good order and discipline? (5) Is there any evidence of institutional neglect concerning timely post-trial processing, either across the service or at a particular installation? (6) Given the passage of time, can this court provide meaningful relief in this particular situation?

Gay, 74 M.J. at 744. These factors also favor providing relief for the unreasonable post-trial delay that A1C Doolin suffered. First, the 244 days exceeded the 150 days authorized from the announcement of sentence to docketing a complete record of trial by approximately 62 percent, a substantial period. Second, there is no discernable reason why the government could not have made the deadline here. As articulated above, the reasons for delay also weigh in A1C Doolin's

favor. To the extent the prejudice analysis above did not persuade the Court, at the very least, there is still "some evidence of harm." Next, providing sentencing relief will have no impact on good order and discipline and will not lessen the disciplinary effect of the sentence. Moreover, sentencing relief here will provide a remedy for the delay in post-trial processing without undercutting good order and discipline.

On the issue of institutional neglect, this Court is well aware of the trend of untimely docketing. In the twelve months before this brief was submitted, this Court has decided at least sixteen appeal cases that were not docketed within the *Livak* 150-day standard.[2] This case's

[2] *United States v. Floyd*, No. ACM S32784, 2025 CCA LEXIS 31 (A.F. Ct. Crim. App. Feb. 3, 2025) (155 days from sentencing to docketing), *petition denied*, __ M.J. __, No. 25-0126/AF, 2025 CAAF LEXIS 345 (C.A.A.F. May 6, 2025), *cert. denied*, 223 L. Ed. 2d 66 (2025); *United States v. Covitz*, No. ACM 40193 (reh), 2025 CCA LEXIS 105 (A.F. Ct. Crim. App. Mar. 19, 2025) (155 days from sentencing to docketing), *petition denied*, __ M.J. __, No. 25-0169/AF, 2025 CAAF LEXIS 538 (C.A.A.F. July 8, 2025); *United States v. Jenkins*, No. ACM S32765, 2025 CCA LEXIS 148 (A.F. Ct. Crim. App. Apr. 7, 2025) (154 days from sentencing to docketing), *petition denied*, __ M.J. __, No. 25-0180/AF, 2025 CAAF LEXIS 676 (C.A.A.F. Aug. 15, 2025); *United States v. Johnson*, No. ACM 40537, 2025 CCA LEXIS 193 (A.F. Ct. Crim. App. May 2, 2025) (196 days from sentencing to docketing), *petition granted*, __ M.J. __, No. 25-0202/AF, 2025 CAAF LEXIS 716 (C.A.A.F. Aug. 26, 2025); *United States v. Hagen*, No. ACM 40561, 2025 CCA LEXIS 234 (A.F. Ct. Crim. App. May 28, 2025) (183 days from sentencing to docketing), *petition denied*, __ M.J. __, No. 25-0224/AF, 2025 CAAF LEXIS 841 (C.A.A.F. Oct. 6, 2025), *cert. denied sub nom., Baumgartner v. United States*, No. 25-599, 2026 U.S. LEXIS 251 (U.S. Jan. 12, 2026); *United States v. Ryder*, No. ACM 40605, 2025 CCA LEXIS 283 (A.F. Ct. Crim. App. June 25, 2025) (369 days from sentencing to docketing); *United States v. Blair*, No. ACM S32778, 2025 CCA LEXIS 341 (A.F. Ct. Crim. App. July 28, 2025) (175 days from sentencing to docketing), *petition denied*, __ M.J. __, No. 25-0271/AF, 2025 CAAF LEXIS 899 (C.A.A.F. Oct. 27, 2025); *United States v. Tompkins*, No. ACM 40619, 2025 CCA LEXIS 359 (A.F. Ct. Crim. App. Aug. 1, 2025) (per curiam) (155 days from sentencing to docketing), *petition denied*, __ M.J. __, No. 25-0278/AF, 2025 CAAF LEXIS 878 (C.A.A.F. Oct. 21, 2025); *United States v. Slayton*, No. ACM 40583, 2025 CCA LEXIS 427 (A.F. Ct. Crim. App. Sep. 8, 2025) (203 days from sentencing to docketing), *recon. and recon. en banc denied* (A.F. Ct. Crim. App. Oct. 30, 2025), *certificate for review filed*, __ M.J. __, No. 26-0077/AF, 2025 CAAF LEXIS 1056 (C.A.A.F. Dec. 29, 2025); *United States v. Roberts*, No. ACM 40608, 2025 CCA LEXIS 476 (A.F. Ct. Crim. App. Sep. 30, 2025) (205 days from sentencing to docketing), *petition filed*, __ M.J. __, No. 26-0044/AF (C.A.A.F. Nov. 26, 2025); *United States v. Myslow*, No. ACM 40668, 2025 CCA LEXIS 473 (A.F. Ct. Crim. App. Oct. 10, 2025) (163 days from sentencing to docketing), *petition filed*, __ M.J. __, No. 26-0050/AF, 2025 CAAF LEXIS 988 (C.A.A.F. Dec. 2, 2025); *United States v. Keilberg*, No.

untimely docketing fits within the broader pattern of institutional neglect. At a certain point, which has now been surpassed, an appellant should get relief—in part—to motivate the government to do its job correctly in preparing and docketing a correct record of trial within 150 days of announcement of sentence.

WHEREFORE, A1C Doolin respectfully requests this Court grant sentence relief.

Respectfully submitted,

THOMAS R. GOVAN, JR., Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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ACM 40601, 2025 CCA LEXIS 481 (A.F. Ct. Crim. App. Oct. 22, 2025) (185 days from sentencing to docketing), *petition filed*, __ M.J. __, No. 26-0065/AF, 2025 CAAF LEXIS 1025 (C.A.A.F. Dec. 16, 2025); *United States v. Martinez*, No. ACM 39903(reh)(f rev), 2025 CCA LEXIS 494 (A.F. Ct. Crim. App. Oct. 31, 2025), *petition filed*, __ M.J. __, No. 26-0073/AF, 2025 CAAF LEXIS 1047 (C.A.A.F. Dec. 23, 2025); *United States v. Howard*, No. ACM 40478 (f rev), 2025 CCA LEXIS 537 (A.F. Ct. Crim. App. Nov. 21, 2025) (223 days from sentencing to docketing of incomplete record of trial); *United States v. Cabrie*, No. ACM 40615, 2025 CCA LEXIS 552, at *14 (A.F. Ct. Crim. App. Dec. 3, 2025) (176 days from sentencing to docketing); *United States v. Thompson*, No. ACM S32816, 2025 CCA LEXIS 583, at *1 n.1 (A.F. Ct. Crim. App. Dec. 23, 2025) (per curiam) (192 days from sentencing to docketing).

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 20 January 2026.

Respectfully submitted,

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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	**MOTION FOR WITHDRAWAL OF APPELLATE DEFENSE COUNSEL**
v.	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force, *Appellant.*	)	No. ACM 40745 18 January 2026

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rules 12(b), 12.4, and 23.3(h) of this Honorable Court's Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. As a result of undersigned counsel's heavy workload, Major (Maj) Thomas Govan has been detailed to Airman First Class (A1C) Michael Doolin's case and made his notice of appearance on 7 November 2025. Maj Megan Crouch is no longer detailed under Article 70, Uniform Code of Military Justice (UCMJ), to represent A1C Doolin. Counsel have completed a thorough turnover of the case.

A1C Doolin has been advised of this motion to withdraw as counsel and consents to undersigned counsel's withdrawal. A copy of this motion will be delivered to A1C Doolin following its filing.

U.S. AIR FORCE COURT OF CRIMINAL APPEALS

GRANTED

27 JAN 2026

WHEREFORE, A1C Doolin respectfully requests that this Honorable Court grant this motion.

Respectfully submitted,

[redacted]

MEGAN R. CROUCH, Maj, USAF
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Appellate Division on 18 January 2026.

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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	ANSWER TO ASSIGNMENTS OF ERROR
v.	)	Before Panel No. 2
Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force *Appellant.*	)	No. ACM 40745 19 February 2026

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

ISSUES PRESENTED

I.

WHETHER THE MILITARY JUDGE ABUSED HIS DISCRETION BY ACCEPTING AIRMAN FIRST CLASS DOOLIN'S GUILTY PLEA WHERE AIRMAN FIRST CLASS DOOLIN'S STATEMENTS DURING THE CARE INQUIRY DID NOT ESTABLISH A SUFFICIENT FACTUAL BASIS

II.

WHETHER SENTENCING RELIEF IS WARRANTED BECAUSE OF THE 244-DAY DELAY BETWEEN SENTENCING AND DOCKETING WITH THIS COURT.

STATEMENT OF CASE

The Government generally agrees with Appellant's statement of the case.

STATEMENT OF FACTS

Facts

In April of 2023, The United States Army of Criminal Investigations Division (CID), Far East Office, United States Garrison Humphreys, Republic of Korea, begin conducting a

proactive counter-exploitation operation. (Pros. Ex. At 1.) As part of this operation, CID used a Special Agent, HF, to pose as "Jesse," a 14-year-old girl. (Id.) Jesse created and used an online dating profile on Tinder, a social media application, to portray herself as a college student attending the University of California, Irvine. (Pros. Ex. 1 at 2.)

Appellant Matches with "Jessie"

On 11 April 2023, Appellant "matched" with "Jessie" utilizing a Tinder account under the name "Michael." (Id.) A match only occurs when both parties swipe right to accept the communication. (Id.) After both parties swiped right, communication was officially established between Appellant and "Jessie." (Id.) Between 11-12 April 2023, the parties communicated via Tinder. (Id.) During this period, Appellant asked "Jessie" to move their conversation to Snapchat.[1] (Id.) After "Jessie" indicated she did not have Snapchat, the parties moved their communication to Short Message Service (SMS). (Id.) Appellant then provided his phone number to "Jessie," and the Air Force Office of Special Investigations (AFOSI) and CID confirmed the provided number belonged to Appellant. (Id.)

"Jessie" Discloses Her Age

On 12 April 2023, during their conversation on SMS, "Jessie" disclosed that she is a 14-year-old girl. (Id.) Between 1522 and 1600, the following conversation[2] took place:

> 1522, Appellant: "Look I said I'd try not to judge but do you have any idea how bad both of us get in trouble if literally anybody found out we were talking? It would be different if you were closer to 18, but do like ... no offense cuz you're sweet and cute and all, but you and I both know talking isn't a good idea."
>
> 1538, "Jessie": "You won't tell on me will you?"

[1] Snapchat is a social media application which allows messages to be deleted automatically, after a certain period of time, depending on the settings. (Pros. Ex. 1 at 2.)

[2] The text messages provided are unaltered from the Stipulation of Fact, which include the approximate times the individual messages were exchanged between the parties. (Pros. Ex. at 1.)

> 1542, Appellant: "I mean if your were even a little older it would ne such a big deal, just be safe okay?"
>
> 1547, "Jessie": "Aww you're so sweet I definitely will."
>
> 1600, Appellant: "Maybe wait another year or so, I mean 15-16 is too young to be talking to older men ! Seriously"

(Id.) The next day, after acknowledging "Jessie" was 14, Appellant continued texting "Jessie" and questioned her about her sexual history. (Pros. Ex. 1 at 3.) The following conversation took place on 13 April 2023 :

> 1327, Appellant: "well if you want a relationship with an older guy ... you know it has to be secret right? Like I said we would both get in HUGE trouble if anybody found out we were talking[.]"
>
> 1328, "Jessie": "I'm a very loyal person. Cross my heart! And besides I don't want either of us to get in trouble[.]"
>
> 1333, Appellant: "If you say sooo...so I guess with all that, have you ever..ya know sexted somebody? Or sent nudes or anything like that?"
>
> 1336, "Jessie": "You don't believe me[.]"
>
> 1336, "Jessie": "And no, My friends have though and they seem to have fun with it[.]"
>
> 1338, Appellant: "I believe you! And I mean if you want to you should download Snapchat."

(Id.) After this conversation, "Jessie" created a Snapchat account and Appellant began communicating with "Jessie" under the username "mikie13." (Pros. Ex. 1 at 4.) Two days after acknowledging that "Jessie" was underage, the following conversation took place from 1628 to 1810 on 14 April 2023:

> 1628, Appellant: "Well, we'd have to start by taking pictures... you know? Like if I were with you right now..and we were all alone just the two of us..where would you want me to touch you?"

> 1645, Appellant: "So me and you are both laying in bed..holding each other and cuddling… where do you want me to touch you…"
>
> 1645, "Jessie": "Wherever feels good?"
>
> 1654, Appellant: " . . . Show me. Take a picture where you think it would feel good to touch you… I'll send one back if you send one[.]"
>
> 1725, Appellant: "Quit using all those filters I wanna see the real you! *kiss face emoji * but of course I could touch you there…but maybe while we're in bed we could explore each other's bodies…"
>
> 1727, Appellant: "*sends selfie with caption* "Maybe you could kiss me here . . . around my neck . . ."
>
> 1810, Appellant: "And I would buuuut I mean I gotta see the body I'm gonna be working with so I know exactly what I'm gonna want to do to you *smirk emoji*"

(Id.) On 13 May 2023, Appellant stopped communicating with "Jessie." (Pros. Ex. 1 at 6.) On 5 April 2024, Appellant submitted an offer for a plea agreement. (App. Ex. II.) On 19 April 2024, Appellant entered into a Stipulation of Fact and the communications between Appellant and "Jessie" were attached to the stipulation. (Pros. Ex. 1.) In the Stipulation of Fact, Appellant admitted that between on or about 12 April 2023 and on or about 13 May 2023, he:

> Did on divers occasions commit a certain overt act, that is, intentionally communicate indecent language via SMS and Snapchat to a person he believed to be a child under the age of 16, to wit: 'I gotta see the body I'm gonna be working with so I know exactly what I'm gonna want to do to you' and *other sexually driven statements*, or words to that effect;

Appellant admitted: "the act was done with the specific intent to commit the offense of Sexual Abuse of a Child by Indecent Communication, in violation of Article 120b, UCMJ;" (2) "the act amounted to more than mere preparation, that is, it was a substantial step and a direct movement towards the commission of the intended offense;" and (3) "such act tended to bring about the commission of the offense . . . except for a circumstance unknown to [Appellant] [] that

he was speaking to SA [HF] . . . which prevented completion of the offense." (Pros. Ex. 1 at 7-8.) Appellant confirmed his communications were with the intent to gratify his sexual desire and the communications attached to the Stipulation of Fact, accurately and fairly reflect his conversations with "Jessie." (Pros. Ex. 1 at 8.)

Under "Additional Information" within the Stipulation of Fact, Appellant reaffirmed that "he could have avoided attempting to sexually abuse a child by communicating indecent language," and "he intended to sexually abuse a child by communicating indecent language to a child and that he attempted to do so." (Id.) Finally, Appellant stipulated to the "foundation, authentication, relevance, and admissibility of the attachments and agree[d] to their use during any portion of [the] court-martial, including findings and sentencing." (Id.)

ARGUMENT

I.

APPELLANT'S GUILTY PLEA WAS PROVIDENT AND THE MILITARY JUDGE DID NOT ABUSE HIS DISCRETION

Additional Facts

Appellant was convicted of the following charge and specification, in violation of Article 80, UCMJ:

> In that AIRMAN FIRST CLASS MICHAEL P. DOOLIN. JR., United States Air Force, 51st Civil Engineer Squadron, Osan Air Base, Republic of Korea, did, within the Republic of Korea, between on or about 12 April 2023 and on or about 13 May 2023, on divers occasions, attempt to commit a lewd act upon a child who had not attained the age of 16 years, by intentionally communicating to said child indecent language, to wit: "I gotta see the body I'm gonna be working with so I know exactly what I'm gonna want to do to you" and other sexually driven statements, or words to that effect, with an intent to arouse his sexual desire.

(*Charge Sheet*, Record of Trial (ROT), Vol. 1) During the Care inquiry, the military judge provided the following definitions for "lewd act" and "indecent language:"

> "Lewd act" means: intentionally communicating indecent language to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person;
>
> "Indecent language" is that which is grossly offensive to modesty, decency, or propriety, or shocks the moral sense, because of its vulgar, filthy, or disgusting nature, or its tendency to incite lustful thought. Language is indecent if it tends reasonably to corrupt morals or incite libidinous thoughts. The language must violate community standards. "Community," as used in this instruction, means the standards that are applicable to the military as a whole, and not just your unit.

(R. at 43.) Appellant confirmed that he understood the elements and definitions and posed no questions. (R. at 35.)

The military judge's definition appeared to track the Military Judges' Benchbook definition of "indecent language" from Article 134 (indecent language communicated to another):

> "Indecent language" is that which is grossly offensive to modesty, decency, or propriety, or shocks the moral sense, because of its vulgar, filthy, or disgusting nature, or its tendency to incite lustful thought. Language is indecent if it tends reasonably to corrupt morals or incite libidinous thoughts. The language must violate community standards. "Community," as used in this instruction, means the standards that are applicable to the military as a whole, and not the accused's unit.

Department of the Army Pamphlet (D.A. Pam.) 27-9, *Military Judges' Benchbook*,

para. 3-105-1 (18 February 2026). "Indecent language" is not defined under Article 120b,[3] UCMJ, in the Military Judges' Benchbook.

During the Care inquiry, the military judge reviewed each paragraph in the Stipulation of Fact with Appellant, and after each paragraph, asked Appellant if he wished to affirm the statements as true. (R. at 17-29.) Appellant affirmed the statements and content of each paragraph. (Id.) Appellant than agreed, while still under oath, that the matters contained in the stipulation were true and correct to the best of his knowledge and belief. (R. at 29.) The military judge then advised Appellant that by pleading guilty to the offense, he admitted that the elements were true and accurately described his conduct. (R. at 32-33.) Appellant affirmed his understanding. (R. at 35.) Appellant then described, in his own words, why he was guilty to the charged offense. (R. at 36-39.)

Standard of Review

This Court reviews the interpretation of plea agreements de novo. United States v. Lundy, 63 M.J. 299, 301 (C.A.A.F. 2006).

Law & Analysis

"An essential aspect of informing Appellant of the nature of the offense is a correct definition of legal concepts. [A]judge's failure to do so may render the plea improvident." *See* United States v. O'Connor, 58 M.J. 450, 453 (C.A.A.F. 2003). "But such an error in advising an accused does not always render a guilty plea improvident. Where the record contains 'factual circumstances' that 'objectively support' the guilty plea to a more narrowly construed statute or legal principle, the guilty plea may be accepted." *See* United States v.

[3] Indecent language for purposes of Article 120b(c), UCMJ, has not yet been defined by either Congress or the President. *See* MCM pt. IV, para. 62.c.(2) (2019 ed.). United States v. Avery, 79 M.J. 363, 367 (C.A.A.F. 2020)

James, 55 M.J. 297, 300 (C.A.A.F. 2001). When evaluating the providency of a plea, the entire record should be considered. *See* United States v. Jordan, 57 M.J. 236, 238-39 (C.A.A.F. 2002). To succeed, an "[a]ppellant has the burden to demonstrate a 'substantial basis in law and fact' for questioning the guilty plea." United States v. Negron, 60 M.J. 136, 141 (C.A.A.F. 2004).

The Court of Criminal Appeals for the Armed Forces (CAAF) "afford[s] significant deference to [a] military judge's determination that a factual basis exists to support the plea." United States v. Jordan, 57 M.J. 236, 238 (C.A.A.F. 2002); *see also* United States v. Barton, 60 M.J. 62, 64 (C.A.A.F. 2004). "[I]f a guilty plea is later determined to be improvident, a reviewing court may grant relief only if it finds that the military judge's error in accepting the plea, materially prejudice[d] the substantial rights of the accused." United States v. Moratalla, 82 M.J. 1, 4 (C.A.A.F. 2021) (alteration in original) (quoting Article 45(c), UCMJ, 10 U.S.C. § 845(c)).

Appellant contends that the CAAF only recognizes two definitions of indecent language and the definition of indecent language provided by the military judge, applies only to an offense under Article 134, UCMJ, not the charged article here—Article 120b, UCMJ. (App. Br. at 9.) Appellant further asserts that the military judge erred by instructing Appellant on the incorrect definition of indecent language. (Id.) Specifically, Appellant argues the military judge erred when he applied the *full* definition of indecent language to his case, rather than the narrow definition—language is "grossly offense because of its tendency to incite lustful thought." (Id.)

In support of these claims, Appellant cites United States v. Avery, 79 M.J. 363, 368 (C.A.A.F. 2020), contending that the definition of "indecent language" that refers to "vulgar, filthy, or disgusting" language only applies to an offense under Article 134, UCMJ and not

Article 120(b)(c). (App. Br. at 7.) But Appellant misreads Avery. Avery merely found that there was *some* "class of indecent language communicated to a child" that could be "vulgar, filthy, and disgusting," . . . "yet . . . not sexual" and thus, not a lewd act. 79 M.J. at 368. For example, when Avery and a child engaged in a name-calling battle, and he called her a "cum guzzling gutter slut," the language was vulgar, filthy, and disgusting, but was a joke, and not intended to be sexual in nature. Id. at 365, n.1. CAAF's wording acknowledges that there are instances where indecent language can be both "vulgar, filthy, and disgusting" *and* sexual, thus qualifying as a lewd act. Indeed, elsewhere in the opinion, CAAF observed that Article 120b(c) does not criminalize "vulgar language *as a whole*," further demonstrating that some vulgar language is criminalized. Id. at 369. (emphasis added). The fact that Appellant's Care inquiry established that he made the statements with "an intent to arouse his sexual desire," ensured that any "vulgar, filthy, and disgusting" language was also adequately sexual in nature. Thus, the military judge did not err by providing Appellant with the full definition of "indecent language" from Article 134.

This Court's prior decisions support that the military judge instructed on the correct definition of indecent language. In an analogous case, this Court applied the definition of indecent language from Article 134, UCMJ, to an offense charged under Article 120b. *See* United States v. Knarr, 80 M.J. 522, 532 (A.F. Ct. Crim. App. 2020) (unpub. op.) Similar to here, in Knarr, the National Criminal Investigative Service (NCIS) conducted a counter exploitation operation where an NCIS agent created an online profile and pretended to be a minor under 16 years old. Id. at 528. There, the appellant also sent the "victim" sexually charged messages discussing masturbation and sexual intercourse. Id. at 527. As a result, the appellant was charged with an attempt to commit sexual abuse of a child by indecent

communication in violation of Article 80, UCMJ. Id. During its legal and factual sufficiency review, this Court, in applying the elements for sexual abuse of a child by indecent communication in violation of Article 120b, defined "indecent" precisely as defined here—using the definition provided under Article 134, UCMJ. Id. at 529 ("'Indecent' language is that which is grossly offensive to modesty, decency, or propriety, or shocks the moral sense, because of its vulgar, filthy, or disgusting nature, or its tendency to incite lustful thought. Language is indecent if it tends reasonably to corrupt morals or incite libidinous thoughts.") This Court also previously applied the definition of "indecent" from Article 134 in the same factual scenario presented here, and in Knarr, in United States v. Lozicki, No. ACM 39643, 2020 CCA LEXIS 469, at *27 (A.F. Ct. Crim. App. Dec. 28, 2020) (unpub. op.)

Here, contrary to Appellant's contentions, the military judge appropriately defined "indecent language"—using the definition provided under Article 134, UCMJ—and applied that definition to the charged offense here—Article 120b, UCMJ—consistent with CAAF's precedent. (R. at 34-35.) The military judge then asked Appellant if he understood the elements and definitions as explained. (R. at 35.) Appellant confirmed that he understood and posed no questions. (Id.) When asked by the military judge if he understood that his guilty plea admitted the elements accurately described his conduct, Appellant confirmed his understanding. (Id.) Lastly, prior to describing, in his own words, why he was guilty, Appellant confirmed and admitted that the elements and definitions taken together correctly describe his actions. (R. at 35.)

The military judge properly applied the definition of "indecent language" provided within Article 134, UCMJ to the charged offense here and this application was not an abuse of discretion.

The Care Inquiry Established that Appellant's Language had "Tendency to Incite Lustful Thought."

Even assuming that Appellant could have only committed the offense of sexual abuse of a child if his language had a "tendency to incite lustful thought," the record indicates Appellant provided the factual predicate to establish that his language had a "tendency to incite lustful thought." First, Appellant did not object during the plea colloquy when the military judge defined and applied the definition of "indecent language" from Article 134, UCMJ to his charged offense under Article 120b, UCMJ, and he stated that he understood the elements and definitions, as provided, both accurately described his conduct, and he had no further questions. (R. at 33-35.) Second, during the Care inquiry, Appellant described in his own words why his language created a "tendency to incite lustful thought" and "shock[ed] the moral sense because of its vulgar, filthy, or disgusting nature." (R. at 38-39; R. at 46-47; R. at 50.) Additionally, the military judge reviewed each paragraph in the Stipulation of Fact with Appellant and after each paragraph, asked Appellant if he wished to affirm the statements as true. (R. at 17-29.) Appellant affirmed the statements and content of each paragraph. (Id.) Appellant than agreed, while still under oath, that the matters contained in the stipulation are true and correct to the best of his knowledge and belief. (R. at 29.) Appellant's Care inquiry, amplified by the Stipulation of Fact, indicates that he intended to sexually abuse a child by communicating indecent language, attempted to do so, and his language was sexual—with the intent to incite lustful thought—not merely vulgar.

In his own words, Appellant described why his language possessed a "tendency to incite lustful thought." (Id.) During the plea colloquy, Appellant stated.

> I knew my communication with Jessie was indecent because it was morally and ethically wrong to communicate sexually charged language to a child. And I had reason — or excuse me — sexually

> charged language to a child that I really believed reasonably – reasonably believed to be 14. *The language is mostly offensive because of its tendency to incite lustful thought and would shock the moral senses*. I believe that when — excuse me, Your Honor — I believe that when viewing the statements I made to Jessie it would violate community standards because I know it's inappropriate to communicate *vulgar* statements to someone I reasonably believed to be 14 years old.

(R. at 38.) Next, Appellant stated, "Your Honor, I was disgusted by my language to — excuse me — disgusted by my behavior, and the fact that I allowed myself to engage in this type of conduct with someone of her age." (Id.) Appellant then emphasized:

> The messages I exchanged with Jessie on each of these days were with the intent to gratify my sexual desires. *I know they are made with this intent because I was aroused at the time and continued making such statements to further my arousal*. I intentionally sent each message that I knew was indecent as they were sexually charged and directed at Jessie, a person I reasonably believed to be a child under the age of 16.

(R. at 38-39.) (emphasis added) The above description, delivered in Appellant's own words, is sufficient alone, to satisfy and confirm Appellant's understanding that his language had a "tendency to incite lustful thought." Appellant then reaffirmed that the charged language communicated to "Jessie" was indecent and "grossly offensive because of its tendency to insight lustful thought." (R. at 45-46.) During the plea colloquy, the following exchange took place:

> MJ: And do you agree and admit that the language that you communicated to Jessie was indecent as I have defined that term for you?
>
> ACC: Yes, Your Honor.
>
> MJ: All right. How so?
>
> ACC: Your Honor, it was sexual by nature. It was either sexual or just generally indecent language.
>
> MJ: Okay. Just take a minute and talk with your defense counsel, okay?

ACC: Sure.

MJ: All right.

ACC: Your Honor, *the language was grossly offensive because of its tendency to insight lustful thought*.

(Id.) Yet, in spite of his testimony and concession, Appellant now asserts that the military judge erred when he defined indecent language in Appellant's case as language that was "vulgar, filthy, or disgusting," without any qualification. (App. Br. at 10.) But Appellant admitted to qualifications when he specifically said that his language was sexual in nature. (R. at 45-46.) This was not the type of vulgar language from Avery, that was meant as a joke and not sexual. And contrary to Appellant's contention, a careful examination of the plea colloquy reveals the military judge carefully addressed the full definition of indecent language with Appellant:

MJ: Okay. And I'm going to ask some follow up questions about that. So I kind of — I want to — and I did — I defined indecent language as that which is grossly offensive to modesty, decency or propriety, or shocks the moral sense because of its vulgar, filthy, or disgusting nature, or its tendency to incite lustful thought. So there's a lot of "or" statements in there and maybe it's — it's an "and" – I don't know. But what I would like to hear from you is why the language that you used meets the definition of indecent language based upon the definition that I've just read to you, okay.

ACC: Sure. *Your Honor, the language I used was sexually charged in nature and incited lustful thought and it would shock the moral senses*.

MJ: Okay. I apologize. You were breaking up just a little bit whenever you're saying it. Just — can you read it slower to me and say it again?

ACC: *Your Honor, the language was grossly offensive because of its tendency to insight lustful thought and it would shock the moral senses*.

> MJ: All right. I think inciting lustful thought is — that's an obvious definition but the shock the moral senses, explain to me how it would shock moral senses.
>
> ACC: Your Honor, because it's — Your honor because it's not the right thing to do. It's — it's disgusting.

(R. at 46-47.)

Even if the military judge erred by instructing on the entire definition of indecent language, Appellant certainly suffered no prejudice. He described, in his own words, why his conduct satisfied the full definition under indecent language and the military judge did not abuse his discretion by defining and eliciting questions to ensure Appellant's conduct satisfied the complete definition of indecent language. (R. at 50.) Appellant provided the factual predicate in support of his plea and there is no *substantial* basis in law and fact to question Appellant's plea. Accordingly, Appellant's guilty plea was provident, and the military judge did not abuse his discretion in accepting the factual predicate established by Appellant.

Appellant's Statements Considered by the Military Judge were Indecent

Next, Appellant argues the military judge abused his discretion because Appellant's statements did not constitute indecent language. (App. Br. at 11.) To support his argument, Appellant contends "the military judge made clear that he limited the communications of which he found [Appellant] guilty [of] to the statements that he specifically discussed with [Appellant] during the Care inquiry." (Id.) A more careful reading of the record indicates otherwise. As provided earlier, when "evaluating the providency of a plea, the entire record should be considered." Jordan, 57 M.J. at 238-39. *See also* United States v. Watson, 71 M.J. 54, 58 (C.A.A.F. 2012) ("Although the military judge must elicit sufficient facts to ensure every element of the offense is met . . . we can also look to the Stipulation of Fact as context to determine whether the military judge abused his discretion in accepting a plea.")

During an objection in the Government's sentencing argument, the following conversation occurred concerning the parties' intent and the facts contained in the stipulation and their application:

> STC: Yes, my apologies, Your Honor. It was never the government's intent to have the stipulation of fact, the content of it, be the limit of the indecent communication, the attachments themselves were also so considered indecent communications and so my concern here is that the court is saying that they have — It has limited itself to the specific statements highlighted in the context of the body of the stip as to the nature of the indecent communications and that's why this is not considered indecent communication. The negotiations we had with the defense was that the Snapchats attachments and these conversations as well for the court to be consider part of the other sexually driven comments. So that's my concern is that our understanding of this plea agreement was that these conversations, these comments are themselves indecent communications as well, and not just limited to the attachments.
>
> MJ: Okay. I will say that all the comments were considered by the court, but I had communications with the accused about which ones he's pleading guilty to because specification as written is not clear.
>
> STC: Yes, Your Honor.
>
> MJ: It only has one to wit statement.
>
> STC: Yes, sir.
>
> MJ: So the other one is sexually driven statements.
>
> STC: Yes, Your Honor.
>
> MJ: So in order to satisfy the requirement, for divers occasions, which just means one or more occasion.
>
> STC: Yes, Sir.
>
> MJ: So we already had one statement which is in there, as after the to wit. You would agree with that, right?
>
> STC: Yes, Your Honor.

MJ: Okay, so then all we need is one other one, right?

STC: Yes, sir, but that's not —

MJ: That's not what I'm asking.

STC: Yes, Your Honor.

MJ: I'm just saying that's all we need, correct?

STC: Yes, Your Honor.

MJ: Okay. I understand what you are telling me. *I have considered all the other statements*. Those can be other statements of which could be communications, but not necessarily the communication that I explicitly found him guilty of. And that's what I'm asking. That's what I just asked, is, is there another reason why you want me to consider that? And I was just told punishment.

STC: Yes, Sir. I understand that there may be other permissible purposes but to be clear, the meeting of the minds for the stipulation of fact is that the three statements that the court elicited as other sexually driven statements, are enough to meet the terms of the charge, *but are not the totality of the statements that the accused is pleading guilty to*. *So it is legally sufficient, but it is not the extent of what he has pled guilty to under the terms of the agreement*.

MJ: I agree.

(R. at 106-108.) It is clear the military judge was seeking additional statements to satisfy the on "divers occasions" requirement, not to limit his sentencing consideration to only statements elicited during the Care inquiry. The military judge then took the unusual step of recessing the proceedings during sentencing arguments so the parties could conference. (R. at 108.) Once the parties returned on the record, the parties clarified, among other issues, the basis of Defense's original objection during sentencing—potential uncharged indecent *conduct*—which led to the above exchange. (R. at 110-114.) Contrary to Appellant's position, the record does not expressly indicate that the military judge intended to confine his review only to the statements

elicited during the care inquiry. At the end of the discussion, he said the opposite. The military judge agreed with trial counsel that the stipulation of fact reflected a meeting of the minds for the accused to plead guilty to *more* than just the statements elicited by the military judge in the Care inquiry. (R. at 108.)

Additionally, "military judges are presumed to know the law and follow it absent clear evidence to the contrary." United States v. Leipart, 85 M.J. 35, 42 (C.A.A.F. 2024). Here, the military judge would understand he was not limited solely to the statements in the Care inquiry but empowered to also consider the Stipulation of Fact. Further, during an earlier conversation on the record, the military judge elicited from defense counsel that a Bill of Particulars was requested and provided during discussions about the indecent language contained in the Stipulation of Fact. (R. at 40.) After further questioning from the military judge, trial defense counsel confirmed the "indecent language that's included now with [the] stipulation of fact [is] the language that we knew to be other sexually driven statements." (Id.) In sum, the military judge did not only limit the indecent statements to those discussed in the Care inquiry.

Appellant's Admissions Provided the Factual Predicate to Support His Plea

Appellant argues that "the specific statements [he] admitted to communicating to Jessie during the Care inquiry did not have sufficient tendency to 'incite lustful thought.'" (App. Br. at 12.) Appellant asserts that his statements did not rise to the level of "grossly offensive or sexual in nature," when compared to other cases found indecent under Article 120b(c). (Id.) Appellant is incorrect. To the extent Appellant attempts to relitigate the factual predicate of his statements, this is a guilty plea case and as such, "must be analyzed in terms of providence of his plea, not sufficiency of the evidence." Article 45(a), UCMJ, 10 USC § 845(a). United States v. Faircloth, 45 M.J. 172, 174 (C.A.A.F. 1996) "By pleading guilty, appellant knowingly waived a trial of the

facts as to that issue." Id. When an accused pleads guilty, "there is no requirement that the government establish the factual predicate for the plea." Id. "The factual predicate is sufficiently established if the factual circumstances as revealed by the accused himself objectively support that plea." Id. (quoting United States v. Davenport, 9 M.J. 364, 367 (C.M.A. 1980)).

Additionally, "whether language is indecent, depends *in part*, on context." *See* United States v. Green, 68 M.J. 266, 270 (C.A.A.F. 2010). Courts must "examine the entire record of trial to determine the precise circumstances under which the charged language was communicated." United States v. Brinson, 49 M.J. 360, 364 (C.A.A.F. 1998). United States v. Folts is persuasive here. No. ACM 40322, 2024 CCA LEXIS 353 (A.F. Ct. Crim. App. Aug. 26, 2024) (unpub. op.) In Folts, the appellant was convicted, contrary to his pleas, of one specification of sexual abuse of a child by committing a lewd act by communicating to the victim, a child who had not attained the age of 16 years in violation of Article 120b. Folts, 2024 CCA LEXIS 353, at *8. There, the appellant, among other conduct, sent three sexually suggestive memes to the victim. Id. In Folts, this Court defined and applied indecent language similar to here. Folts, 2024 CCA LEXIS 353, at *17. In finding the appellant's conviction legally sufficient, this Court concluded, given the context, the sexually suggestive memes sent to his minor daughter were calculated "to 'incite libidinous thoughts' or 'incite lustful thought' in a way that [was] 'grossly offensive to modesty, decency, or propriety,' and therefore [] indecent." Id. There, this Court indicated that while the memes were not indecent in every context, they became so, when combined with other conduct, where the appellant, as a parental figure, sent them to his stepdaughter after months of conversations where he introduced sexual topics. Folts, 2024 CCA LEXIS 353, at *19. Here, not only was Appellant's charged language, and other

sexually driven statements sufficient, Appellant's conduct over a short period of time also informs this Court. In context, Appellant's language directed towards "Jessie" was objectively indecent and the military judge did not abuse his discretion in determining so. Courts, generally, "will not overturn a military judge's acceptance of a guilty plea based on a "mere possibility" of a defense Faircloth, 45 M.J. at 174. "The record must show a 'substantial basis' in law and fact for rejecting the plea of guilty." United States v. Prater, 32 M.J. 433, 436 (CMA 1991). Appellant has provided none, and the record does not reflect any basis to reject Appellant's guilty plea

Accordingly, the Court should deny this assignment of error.

II.

SENTENCING RELIEF IS NOT WARRANTED HERE BECAUSE OF THE 244-DAY DELAY BETWEEN SENTENCING AND DOCKETING THIS COURT.

Additional Facts

The ROT includes the court reporter's chronology. (*Post Sentencing – Court Reporter Chronology*, (ROT), Vol. 2.)

The government submitted, along with this Answer, a Motion to Attach the Declaration of Capt Michel E. Jordan, Chief, Litigation, 51st Fighter Wing Legal Office (51 FW/JA), Osan Air Base, Republic of Korea. The chronologies address the time between sentencing and docketing with this Court.

The ROT was docketed with this Court on 23 December 2024.

Appellant requested 10 enlargements of time to file his Assignments of Error, each opposed. The first enlargement of time was requested on 12 February 2025 with the tenth and final request filed on 8 December 2025. Appellant's 10th enlargement of time was granted on 11

December 2025. Appellant filed his Assignments of Error on 20 January 2026. Approximately 343 days elapsed between Appellants first enlargement of time and the filing of his Assignments of Error.

A. Sentencing and Initial Record of Trial Preparation (23 April 2024-13 November 2024)

Appellant's trial concluded on 23 April 2024. Six days later, the court reporter began transcribing the proceedings. (*Post Sentencing – Court Reporter Chronology*, (ROT), Vol. 2.) The initial transcription occurred from 29 April – 10 May 2024. (Id.) On 13 May 2024, the court reporter indicated transcription was complete and forward the completed transcript to government trial counsel. (Id.) However, on 28 May 2024, trial counsel discovered excessive errors within the transcript "averaging about 30 per page." (*Post-Sentencing, Moreno Chronology*, (ROT), Vol. 2.) On 29 May 2024, 37 days after the conclusion of the trial, the court reporter certified the ROT was complete and accurate in spite of the significant errors reported by government trial counsel. (*Post Sentencing – Court Reporter Chronology*, (ROT), Vol. 2.) On 31 May 2024, trial counsel returned the transcript to the court reporter again to correct additional errors. (*Post-Sentencing, Moreno Chronology*, (ROT), Vol. 2.) On June 10, trial counsel contacted the court reporter again concerning the transcript errors and the court reporter returned the transcript back to trial counsel for review on 20 June 2024. (Id.) The next day, trial counsel alerted the court reporter to additional errors, and the court reporter returned the corrected transcript back on 25 June 2024. (Id.) Trial counsel certified the transcript the next day on 26 June and Defense counsel certified the transcript shortly thereafter on 1 July 2024 (*Post-Sentencing, Moreno Chronology*, (ROT), Vol. 2.) The transcript was certified on 14 July

2024 and uploaded on Webdocs[4] on 18 July 2024. (*Post Sentencing – Court Reporter Chronology*, (ROT), Vol. 2.)

On 22 August 2024, the case paralegal requested additional information from the court reporter and advised the index of proceedings was missing. (*Post-Sentencing, Moreno Chronology*, (ROT), Vol. 2.) On 29 August 2024, the court reporter delivered the index of proceedings, and the ROT was forwarded to 7 AF/JA for review. (Id.)

B. Coordination Between 7 AF/JA, 51 FW/JA, and JAJM (6 September 2024 – 18 December 2024)

Between 6 September 2024 and 18 September 2024, the eROT went through a series of reviews and edits between 7 AF/JA and 51 FW/JA. (Capt JM Declaration, dated 18 February 2026) On 18 September 2024, the eROT was uploaded to the eROT Dashboard and eighty-five days elapsed between that time and when the original ROT was mailed to JAJM on 11 December 2024. (Id.) JAJM received the ROT and returned the eROT to 51 FW/JA for additional edits on 17 December 2024. (Id.) On 18 December 2024, 51 FW/JA made final corrections to the eROT and it was re-uploaded to the eROT Dashboard. (Id.)

Date Range	Moreno Clock	Event
23 April 2024		Court-martial concludes; sentence adjudged.
29 April - 1 July 2024	70 days	ROT transcribed, proofread, and certified.
1 July 2024 - 28 August 2024	128 days	ROT under review for Article 140a purposes
29 August 2024	129 days	ROT forwarded to 7 AF/JA for review.

[4] Webdocs is a document management software utilized by the U.S. Air Force Judge Advocate General's Corps.

6 September – 18 September 2024	149 days	ROT and eROT with 7 AF/JA for review and corrections.
19 September 2024	150 days	eROT uploaded to eROT Dashboard.
2 October – 16 October 2024	177 days	Original ROT delivered for mailing at 7 AF/JA
12 December -17 December 2024	238 days	Original ROT mailed to JAJM. JAJM received the ROT but returned the eROT to 51 FW/JA for edits.
18 December – 23 December 2024	244 days	Corrections made to eROT. eROT reuploaded to Dashboard and case docketed.
Total (Sentence to Docketing)	**244 days**	

Standard of Review

This court reviews de novo whether an appellant has been denied the due process right to speedy appellate review. United States v. Livak, 80 M.J. 631, 633 (A.F. Ct. Crim. App. 2020) (citing United States v. Moreno, 63 M.J. 129, 135 (C.A.A.F. 2006)).

Law and Analysis

Convicted servicemembers possess a due process right to timely post-trial review and appeal. Moreno, 63 M.J. 129, 135 (C.A.A.F. 2006). When assessing timeliness, this Court applies an aggregate standard, which presumes a delay is unreasonable if the period from sentencing to docketing exceeds 150 days. Livak, 80 M.J. at 633.

The CAAF established four factors when determining whether a post-trial delay amounts to a violation of due process rights: (1) the length of the delay; (2) the reasons for the delay; (3) the appellant's assertion of his right to a timely review; and (4) prejudice to the appellant.

Moreno, 63 M.J. at 135 (citing United States v. Jones, 61 M.J. 80, 83 (C.A.A.F. 2005), United States v. Toohey, 60 M.J. 100, 102 (C.A.A.F. 2004)). "No single factor is required for finding a due process violation and the absence of a given factor will not prevent such a finding." Moreno, 63 M.J. at 135 (citing Barker v. Wingo, 407 U.S. 514, 533, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972)). When analyzing prejudice, the CAAF established three types of cognizable prejudice for purposes of the right to timely appellate review: (1) oppressive incarceration; (2) "particularized" anxiety and concern "that is distinguishable from the normal anxiety experienced by prisoners awaiting an appellate decision;" and (3) impairment of the appellant's grounds for appeal or ability to present a defense at a rehearing. Moreno, 63 M.J. at 138–40 (citations omitted).

If an appellant fails to demonstrate prejudice, no due process violation has occurred unless the delay is so egregious as to "adversely affect the public's perception of the fairness and integrity of the military justice system." United States v. Toohey, 63 M.J. 353, 362 (C.A.A.F. 2006). As the CAAF recently clarified in United States v. Valentin-Andino, Article 66(d)(2) solely governs relief under Article 66 for excessive post-trial delay. 85 M.J. 361, 366-67 (C.A.A.F. 2025). The standard is whether "appropriate relief" is warranted, which means relief that is "suitable under the facts and circumstances of the case." Valentin-Andino, 85 M.J. at 367. This standard also does not require "a [CCA] to provide relief that is objectively meaningful . . . ." Id. Here, the Barker factors reveal that Appellant suffered no due process violation.

A. Length of the Delay

The 244-day period from sentencing to docketing exceeded the 150-day benchmark established in Livak by 94 days—a presumptively unreasonable delay. This factor weighs in Appellant's favor.

B. Reasons for the Delay

Here, Appellant asserts that this factor weighs in his favor because "the delay from the last documented action in August 2024 to docketing in December 2024, appears to be based on negligence and inattention." (App. Br. at 16.) While the government disagrees with Appellant's characterization concerning the delay, there is an unexplained gap in post-trial processing between 17 October 2024 and 11 December 2024, which accordingly, favors Appellant. Otherwise, the record reflects that the government was diligently attempting to create an accurate record for appeal by ensuring errors were corrected.

C. Appellant Did Not Assert His Right to Timely Review to the Convening Authority

This factor requires this Court to examine Appellant's role in a timely review and appeal. *See* Moreno, 63 M.J. at 138. Specifically, the Court considers whether Appellant objected to any delay or asserted his right to timely review and appeal prior to his arrival at the appellate court. Id. Here Appellant made multiple requests for an enlargement of time—which numbered 10 in total—prior to filing his brief. Approximately 343 days elapsed between Appellant's first enlargement of time and the filing of his brief; thus, while Appellant primarily focuses on the gap of time between sentencing and docketing, Appellant's arguments are unpersuasive in light of his contributing actions. This factor should weigh in the government's favor.

D. Appellant Suffered No Prejudice

Appellant contends that he was prejudiced because the "lengthy delay required the addition of new counsel to complete a review of his record due to prior counsel's heavy workload." (App. Br. at 16.) However, this Court recognizes three factors when assessing prejudice consistent with Moreno, and Appellant failed to address those factors. Moreno, 63 M.J. at 138–39. Appellant neither sets forth a claim of oppressive incarceration, nor a

"particularized" anxiety or concern. Appellant also fails to address any potential impairment of his appellate rights or ability to present a defense at a rehearing. Since Appellant does not assert any meritorious assignments of error, the delay will have no effect on a rehearing. Additionally, Appellee has not explained how the delay here is "so egregious as to adversely affect the public's perception of the military fairness and integrity of the military justice system." Toohey, 63 M.J. at 362. Accordingly, Appellant has failed to set forth a valid claim of prejudice and this factor should weigh in the government's favor.

E. Appellant Should be Afforded No Relief under Article 66(d)(2).

Next, Appellant contends that if this Court finds Appellant suffered no prejudice, he is still entitled to post-trial relief. In advancing this argument, Appellant cites Article 66(d)(2) and the six Gay factors. (App. Br. at 16.) However, the CAAF recently clarified in United States v. Valentin-Andino, Article 66(d)(2) solely governs relief for excessive post-trial delay. 85 M.J. 361, 366-67 (C.A.A.F. 2025). The standard is whether "appropriate relief" is warranted, which means relief that is "suitable under the facts and circumstances of that case." Valentin-Andino, 85 M.J. at 367. This standard also does not require "a [CCA] to provide relief that is objectively meaningful . . . ." Id. Accordingly, it is unclear after Valentin-Andino whether the Gay factors are still applicable. (App. Br. at 16.) However, if the Gay factors are applicable, this Court considers the following factors:

> (1) How long the delay exceeded the standards set forth in Moreno;
>
> (2) What reasons, if any, the Government set forth for the delay, and whether there is any evidence of bad faith or gross indifference to the overall post-trial processing of this case;
>
> (3) Whether there is some evidence of harm (either to the appellant or institutionally) caused by the delay;

> (4) Whether the delay has lessened the disciplinary effect of any particular aspect of the sentence, and is relief consistent with the dual goals of justice and good order and discipline;
>
> (5) Whether there is any evidence of institutional neglect concerning timely post-trial processing; and
>
> (6) Given the passage of time, whether the court can provide meaningful relief.

United States v. Gay, 74 M.J. 736, 744 (A.F. Ct. Crim. App. 2015) aff'd, 75 M.J. 264 (C.A.A.F. 2016). The government acknowledges the delay exceeds the standards established in Moreno. However, Appellant neither asserts, nor is their evidence of, "bad faith or gross indifference to overall post-trial processing." The government continued to diligently process the ROT while correcting errors to ensure accurate appellate review, demonstrates neither bad faith nor gross indifference. Appellant next argues that if this Court finds no prejudice from the government exceeding the 150 day-standard, there is still "some evidence of harm," but Appellant fails to articulate any specific harm suffered and this factor should be decided in the government's favor. Additionally, the delay has not lessened the disciplinary effect of any particular aspect of his sentence and considering Appellant's conduct, relief here, would be inconsistent with the dual goals of justice and good order and discipline.

In addressing the Gay factors, Appellant primarily focuses his entitlement to post-trial relief based on perceived institutional neglect. (App. Br. at 17.) Specifically, Appellant contends that he is entitled to post-trial relief because in the twelve months prior to submission of his brief, this Court "decided at least sixteen appeal cases that were not docketed within the Livak 150 day standard." (Id.) Appellant argues that relief in *his* case will motivate the government to docket the record of trial within 150 days, presumably in other cases. (App. Br. at 18.) Appellant's argument is misplaced. As emphasized in Valentin-Andino, relief must be suitable considering

the facts and circumstances surrounding Appellant's particular case. 85 M.J. at 367. In Valentin-Andino, this Court found gross indifference and institutional neglect but only modified the sentence to reduce the appellant's reduction in grade from E-2, rather than E-1. United States v. Valentin-Andino, No. ACM 40185 (f rev), 2024 CCA LEXIS 223, at *17-19 (A.F. Ct. Crim. App. June 7, 2024) (unpub. op.) There, this Court determined "the totality of the Government's repeated errors regarding the record demonstrates gross indifference to post-trial processing in this case which impacted timely processing." Id, 2024 CCA LEXIS 223 at *17. Here, Appellant does not articulate a specific claim for relief, only an entitlement to some. Appellant admitted that he communicated with "Jessie"—a child he believed was 14—with an intent to gratify his sexual desire and that he "intended to sexually abuse a child by communicating indecent language to ["Jessie"] and attempted to do so." (Pros. Ex. 1 at 8.) During the Care inquiry, Appellant confirmed the intent of his messages, stating, "I know they [were] made with this intent because I was aroused at the time and continued making such statements to further my arousal." (R. at 38-39.) As a result, Appellant was sentenced to a reduction in grade to E-1, a bad conduct discharge, 17 months of confinement out of a maximum of 24 months, and a reprimand. This sentence was appropriate for a serious crime, and it would not be appropriate to grant Appellant sentencing relief for a relatively minor, non-prejudicial delay in post-trial processing.

Considering the passage of time, the only appropriate relief, if any, would be to alter the reduction in rank similar to this Court's prior action in Valentin-Andino. However, Appellant's case is factually distinct from the errors addressed there and the delay here, was not the result of institutional neglect or gross indifference to post-trial processing—such as repeated, incomplete record of trial submissions—across the service or Osan Air Force Base. Appellant received a

sentence commensurate with his specific conduct and is entitled to no post-trial relief. Accordingly, this Court should deny this assignment of error.

For these reasons, the United States respectfully requests that this Honorable Court deny Appellant's claims and affirm the findings and sentence.

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CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and the Air Force Appellate Defense Division on 19 February 2026.

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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' MOTION TO ATTACH DECLARATION
v.	)	Before Panel No. 2
Senior Airman (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force *Appellant.*	)	No. ACM 40745 19 February 2026

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23(b) of this Court's Rules of Practice and Procedure, the United States hereby submits this Motion to Attach Declaration with post-trial processing information to address Appellant's claim in Issue II of his Assignments of Error.

In Issue II, Appellant asserts that he was denied speedy post-trial processing and is entitled to relief for an alleged violation of United States v. Moreno, 63 M.J. 129 (C.A.A.F. 2006). (App. Br. at 14-18.) Appellant contends that he is entitled to sentencing relief because his case was not docketed with this Court until 23 December 2024, 244 days after sentencing. (App. Br. at 14.)

The Court of Appeals for the Armed Forces held that matters outside the record may be considered "when doing so is necessary for resolving issues raised by materials in the record." United States v. Jessie, 79 M.J. 437, 444 (C.A.A.F. 2020). The Court concluded that, "based on experience . . . 'extra-record fact determinations' may be 'necessary predicates to resolving appellate questions.'" Id. at 442 (quoting United States v. Parker, 36 M.J. 269, 272 (C.M.A. 1993)). The issue of post-trial delay is raised by materials currently in the record but not "fully resolvable by those materials." Jessie, 79 M.J. at 445.

The declaration from the base legal office and office contains additional chronological information addressing the post-trial processing of Appellant's case from sentencing to docketing with this Court, so it is relevant and necessary to resolve and disprove Appellant's claim that the United States deprived him of speedy post-trial processing.

WHEREFORE, the United States requests this Court grant this Motion to Attach the Declaration.

[redacted]

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CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and the Air Force Appellate Defense Division on 19 February 2026.

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UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM 40745**
Appellee	)	
	)	
v.	)	
	)	**ORDER**
Michael P. DOOLIN	)	
Airman First Class (E-2)	)	
U.S. Air Force	)	
Appellant	)	**Panel 2**

On 19 February 2026, the Government submitted a motion to attach the following document to the record: a two-page declaration of Capt JM, current Chief of Litigation at Osan AB, dated 18 February 2026, related to processing times for Appellant's record of trial. Appellant did not file a response to the motion.

The court has considered the Government's motion, the Appellant's lack of response, and the applicable law. The court grants the Government's motion; however, it specifically defers consideration of the applicability of *United States v. Jessie*, 79 M.J. 437 (C.A.A.F. 2020), and related case law to the attachment until it completes its Article 66, UCMJ, review of Appellant's entire case.

Accordingly, it is by the court on this 27th day of February 2026,

ORDERED:

The Government's Motion to Attach Declaration is **GRANTED**.

FOR THE COURT

[redacted]

AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee,* *v.* Airman First Class (E-3) **MICHAEL P. DOOLIN, JR.,** United States Air Force, *Appellant.*	**REPLY BRIEF ON BEHALF OF APPELLANT** Before Panel No. 2 No. ACM 40745 Filed on: 26 February 2026

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Appellant, Airman First Class (A1C) Michael Doolin, by and through his undersigned counsel and pursuant to Rule 18(d) of this Honorable Court's Rules of Practice and Procedure, files this reply to the Appellee's answer of 19 February 2026 (hereinafter Gov. Ans.). A1C Doolin stands on the arguments in his initial brief, filed on 20 January 2026 (hereinafter App. Br.), and submits additional arguments for the issues listed below.

I.

THE MILITARY JUDGE ABUSED HIS DISCRETION BY ACCEPTING A1C DOOLIN'S GUILTY PLEA WHERE A1C DOOLIN'S STATEMENTS DURING THE *CARE* INQUIRY DID NOT ESTABLISH A SUFFICIENT FACTUAL BASIS FOR THE PLEA.

The military judge abused his discretion in accepting A1C Doolin's guilty plea because the record demonstrates a "substantial basis in law and fact for questioning the guilty plea." *United States v. Jordan*, 57 M.J. 236, 238 (C.A.A.F. 2002). To establish a provident plea, "[t]he record of trial must reflect not only that the elements of each offense charged have been explained to the accused, but also 'make clear the basis for a determination by the military trial judge [of] whether the acts or the omissions of the accused constitute the offense or offenses to which he is pleading

guilty.'" *Id*. (quoting *United States v. Care*, 40 C.M.R. 247, 253 (1969)). The military judge here improperly instructed A1C Doolin on an element of the offense of attempted sexual abuse of a child by indecent language, pursuant to Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880. Thus, there was an inadequate factual basis for the crime as charged.

A. The military judge erroneously instructed A1C Doolin first by defining "indecent language" without any qualification and, ultimately, by improperly narrowing the definition in a manner that failed to inform A1C Doolin of an element of the offense to which he had entered a plea of guilty.

The offense charged by the government dictated the scope of the definition of "indecent language" that applied to A1C Doolin's case. A1C Doolin was charged with violating Article 80, UCMJ. *See* Charge Sheet. The act that A1C Doolin was charged with attempting to commit was sexual abuse of a child by indecent language, pursuant to Article 120b, UCMJ. Prosecution Exhibit 1 at 7, R. 33-35. The Court of Appeals for the Armed Forces (CAAF) has made clear that there are "two alternative definitions" of indecent language, specifically, language that is either "(1) grossly offensive to modesty, decency, or propriety, or shocks the moral sense, because of its vulgar, filthy, or disgusting nature; or (2) grossly offensive because of its tendency to incite lustful thought." *United States v. Green*, 68 M.J. 266, 269 (C.A.A.F. 2010).

Despite the availability of the two definitions in the abstract, the reality is more constrained. The CAAF has clarified that the charged offense matters. While the alternative definitions of the element of indecent language are on the table for a charge under Article 134, UCMJ, 10 U.S.C. § 934, in two different ways, "Article 120b(c), UCMJ, covers only one of them." *United States v. Avery*, 79 M.J. 363, 368 (C.A.A.F. 2020). Specifically, Article 120b(c), UCMJ, pertains only to lewd acts with children, and therefore must have "a tendency to incite lustful thought." *Id*. As such, language that is *only* vulgar, filthy, or disgusting, "yet that is not sexual—and thus not,

without more, a lewd act," *Avery*, 79 M.J. at 368, is covered only by Article 134, UCMJ—not Article 120b(c), UCMJ.

Given this backdrop, the military judge improperly instructed A1C Doolin on the definition of indecent language in two respects. First, the military judge erred by instructing A1C Doolin on both of the alternative definitions of indecent language during the *Care* inquiry, without any qualification concerning the aspects of the definition that are necessary to render it applicable to the offense of attempted sexual abuse of a child by indecent language to which A1C Doolin pleaded guilty. *Compare* R. at 34-35, *with Manual for Courts–Martial, United States* (MCM) pt. IV, para. 105.c (2019 ed.). In other words, the military judge did not ensure that A1C Doolin understood that while the definition of indecent language was broad, at a minimum, the statements A1C Doolin admitted to making had to have a tendency to incite lustful thought. *See Jordan*, 57 M.J. at 238 (holding that the record of trial must establish "that the elements of each offense charged have been explained to the accused[.]").

More problematic, in discussing the definition of indecent language with A1C Doolin during the *Care* inquiry, the military judge ultimately truncated the definition of indecent language by focusing on whether the language was "vulgar, filthy, or disgusting" rather than the aspects of the definition that applied to A1C Doolin, whose conduct required a "tendency to incite lustful thought." *Avery*, 79 M.J. at 368. After initially reading the full definition of indecent language without qualification, R. at 34-35, the miliary judge then asked how the language A1C Doolin admitted to communicating was "indecent." R. at 46. A1C Doolin initially responded that the language was sexual in nature and had a tendency to incite lustful thought. *Id.* But in continuing follow up questions, the military judge shifted away from focusing on how the statements incited lustful thought and instead asked A1C Doolin about whether the statements were "vulgar, filthy,

or disgusting." *Id*. at 47. The military judge asked A1C Doolin if he agreed that the definition of indecent language "talks about this vulgar, filthy, or disgusting nature," and to identify "which part of [his statement to Jessie] was vulgar, filthy, or disgusting that would shock the moral sense." *Id*. at 47. By asking A1C Doolin to admit what statements were "vulgar, filthy, or disgusting," R. at 47, the military judge relied on what an Article 134, UCMJ, prosecution would allow but that the attempt to violate Article 120b(c), UCMJ, did not, thereby failing to properly instruct A1C Doolin on a necessary element of the offense. Thus, there was a substantial basis to question the adequacy of the plea because, at best, the statements A1C Doolin admitted to making met the elements of Article 134, UCMJ—a different criminal offense to which was charged and to which he agreed to plead guilty.

The government's answer fails to persuasively grapple with the military judge's error. As shown below, the military judge's instruction on the definition of indecent language, without qualification, to the charge at issue in the case materially prejudiced A1C Doolin's substantial rights by failing to ensure a factual basis for the plea.

1. The cases cited by the government purporting to suggest that the military judge's instructions were correct are inapposite.

In an attempt to support the military judge's flawed instructions, the governments cites two off-point cases, *United States v. Knarr*, 80 M.J. 522 (A.F. Ct. Crim. App. 2020), and *United States v. Lozicki*, No. ACM 39643, 2020 CCA LEXIS 469 (A.F. Ct. Crim. App. Dec. 28, 2020). Gov. Ans. at 9-10. The government notes that in each case, the appellants were charged with attempted sexual abuse of a child by indecent language in violation of Article 80, UCMJ, and that in each case, this Court used the definition of "indecent language" as provided in Article 134, UCMJ. Gov. Ans. at 9-10. But even a cursory reading of *Knarr* and *Lozicki* show they have little relevance to the issue here.

First, neither case involved a challenge to the providency of a plea nor a specific challenge to the correctness of the military judge's instruction on indecent language. As the government concedes, both *Knarr* and *Lozicki* involved challenges to the legal and factual sufficiency of the conviction. Gov. Ans at 10; *Knarr*, 80 M.J. at 528-29; *Lozicki*, 2020 CCA LEXIS 469, at *2. Neither case involved a question about the proper scope of the definition of indecent language contained in Article 134, UCMJ as it pertains to a charge under Articles 80 and 120b(c), UCMJ.

Second, neither case addressed, much less mentioned, *Avery* or the line of CAAF cases clarifying that there are "two alternative definitions" of indecent language. *See Green*, 68 M.J. at 269. In both cases, the definition of indecent language simply was cited without any analysis as to how that definition applied to the offense of attempted sexual abuse of a child by indecent language under Article 80, UCMJ.

More to the point, neither case dealt with the issue of a military judge instructing on both alternative definitions of indecent language without limiting the definition to make it applicable to the offense to which A1C Doolin pleaded guilty—namely, a charge under Article 80, UCMJ, that specifically criminalizes "language that constitutes the lewd acts with children[.]" *See Avery*, 79 M.J. at 368.[1] It would have been problematic enough if the military judge had instructed, without

[1] The government also posits that A1C Doolin "misreads" *Avery*. Gov. Ans. at 9. Not so. *Avery* holds that "[b]ecause there is a class of indecent language communicated to a child that is, according to community standards, grossly offensive or shocks the moral sense because of its vulgar, filthy, or disgusting nature, yet that is not sexual—and thus not, without more, a lewd act—Article 134, UCMJ, is not merely a residuum of Article 120b, UCMJ." 79 M.J. at 368 (cleaned up). There may be, as the government suggests, a class of indecent language that could be both vulgar, filthy, and disgusting, and sexual, Gov. Ans. at 9, but this misses the point. The error in this case is that the military judge never made that distinction or specified how the definition applied to a charge under Article 80, UCMJ. Far from clarifying how the correct definition applied to the case, the military judge overemphasized the "alternative definition" concerning "vulgar, filthy, or disgusting" language that applies to an Article 134, UCMJ offense. By reading the full definition without qualification, the military judge's mistaken advice suggested that the offense to which A1C Doolin was pleading guilty—attempted sexual abuse of a child by indecent language—

qualification, on the definition provided in the MCM for indecent language under Article 134, UCMJ, and left it there. But the military judge's follow-up actions here made the situation worse. The military judge's additional questioning with A1C Doolin focused more on whether the statements were "vulgar, filthy, or disgusting," R. at 46-51, and thus, raised a substantial question as to what charge a factual basis had actually been established. For these reasons, A1C Doolin is due relief.

2. Because of the military judge's erroneous instruction, the Care inquiry did not establish that A1C Doolin's language had a tendency to incite lustful thought as opposed to only language that was vulgar, filthy, or disgusting.

In support of its argument of both no foul and no harm wrought by the military judge, the government takes an overly narrow view of the record. The government contends that, even if the military judge incorrectly advised A1C Doolin on the definition of indecent language, the record indicates that A1C Doolin provided a factual predicate that his language had a "tendency to incite lustful thought." Gov. Ans. at 11. The government's argument relies on the fact that the military judge reviewed the stipulation of fact; that A1C Doolin affirmed each paragraph as true; that when A1C Doolin made his initial unsworn statement concerning why he was guilty, he stated that that language was "mostly offensive because of its tendency to incite lustful thought;" and that he made the statements to further his arousal. Gov. Ans. at 11-13 (citing R. at 38-39, 45-46).

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could be proven by evidence of either of the "two alternative definitions" for indecent language. In other words, without qualifying the definition of indecent language, the military judge's instruction left open the possibility that A1C Doolin could have pleaded guilty to the charged offense by admitting to the class of language that was only "vulgar, filthy or disgusting," in contravention of both *Avery* and the offense to which he was charged. *Id*. ("One element of Article 134, UCMJ, can be satisfied in two different ways, and Article 120b(c), UCMJ, covers only one of them."). Indeed, the record confirms that it is substantially probable that this error occurred in A1C Doolin's case as the military judge ultimately asked him to admit what statements were "vulgar, filthy, or disgusting," without qualifying how those statements had a tendency to incite lustful thought. R. at 47.

But this argument ignores the fact that after the portions of the record cited by the government in its brief, the military judge shifted gears to determining what statements were "vulgar, filthy, or disgusting." R. at 47. After A1C Doolin initially responded that the language he communicated was indecent because of its tendency to incite lustful thought, the military judge pressed further, but asked A1C Doolin to tell him "which part of it was vulgar, filthy, or disgusting that would shock the moral sense," without any qualification of how such statements pertain to a lewd act involving a child as required for a conviction under Article 80, UCMJ. R. at 46-47. After a comfort break, A1C Doolin ultimately responded to the military judge's questions by stating that his communications were "vulgar" without further explanation. R. at 50. Thus, what began as a colloquy with the potential to properly advise A1C Doolin of the elements of the offense and establish a factual basis for plea ended in error. Based on the military judge's lack of precise guidance on indecent language, the record suggests that, at best, A1C Doolin provided a factual basis to the offense of indecent language pursuant to Article 134, UCMJ.

Indeed, this lack of precision is highlighted in the following statement from the military judge:

> Okay. And I'm going to ask some follow up questions about that. So I kind of – I want to – and I did – I defined indecent language as that which is grossly offensive to modesty, decency, or propriety, or shocks the moral sense of its vulgar, filthy, or disgusting nature, or its tendency to incite lustful thought. *So there's a lot of "or" statements in there and maybe it's – it's an "and" – I don't know*. But what I would like to hear from you is why the language that you used meets the definition of indecent language based upon the definition that I've just read to you, okay.

R. at 46 (emphasis added). Contrary to the government's view, the military judge was anything but clear. After recognizing that the definition of indecent language contained alternatives theories of proof (i.e. "there's a lot of 'or' statements in there"), the military judge failed to provide clarity or properly instruct A1C Doolin on the critical issue at hand, namely, which part of the definition

applied to the offense to which A1C Doolin had pleaded guilty. Thus, because the military judge's instructions failed to limit the statements to which A1C Doolin admitted communicating to a class of indecent language that "constitutes the lewd acts with children with which Article 120b(c), UCMJ, is concerned," *Avery*, 79 M.J. at 368, a substantial basis for questioning the plea exists.

B. The military judge also limited the communications of which he found A1C Doolin guilty, and thus, failed to establish a sufficient factual basis for the plea.

Putting aside the military judge's erroneous instructions, the military judge also abused his discretion in accepting A1C Doolin's plea by failing to ensure there was a sufficient factual basis to find that A1C Doolin made communications, on divers occasions, that had a tendency to incite lustful thought. While the government admitted evidence in the stipulation of fact of many communications that A1C Doolin made, the military judge explained that he limited the communications of which he found A1C Doolin guilty to the statements that he specifically discussed with A1C Doolin during the *Care* inquiry. Specifically, the military judge stated that in regard to the totality of the communications admitted as evidence, "all the comments were considered by the court, but I had communications with the accused about which ones he's pleading guilty to[] because [the] specification as written is not clear." R. at 107. The military judge continued this discussion on the statements to which A1C Doolin was found guilty as follows:

> MJ: Okay. I understand what you are telling me. I have considered all the other statements. *Those can be other statements of which could be communications, but not necessarily the communication that I explicitly found him guilty of.* And that's what I'm asking. That's what I just asked, is, is there another reason why you want me to consider that? And I was just told punishment.
>
> STC: Yes, Sir. I understand that there may be other permissible purposes but to be clear, the meeting of the minds for the stipulation of fact is that the three statements that the court elicited as other sexually driven statements, are enough to meet the terms of the charge, but are not the totality of the statements that the accused is

pleading guilty to. So it is legally sufficient, but it is not the extent of what he has pled guilty to under the terms of the agreement.

MJ: I agree.

R. at 108 (emphasis added).

In its answer, the government contends that the record noted above shows that "the military judge did not only limit the indecent statements to those discussed in the *Care* inquiry." Gov. Ans. at 17. The government's view is wrong for several reasons.

First, the government's position fails to distinguish between the military judge's ability to consider all relevant evidence and circumstances during a plea and at sentencing versus the explicit factual basis to which the military judge found A1C Doolin guilty. Contrary to the government's argument, Gov. Ans. at 16, A1C Doolin has not asserted that the military judge limited his review by considering only the statements addressed in the *Care* inquiry and failed to consider the statements in the stipulation of fact. To be sure, the military judge stated that he had considered all of A1C Doolin's statements included in the stipulation of fact. R. at 108. A1C Doolin has not argued otherwise. Rather, A1C Doolin has argued that the military judge limited the statements *of which he found A1C Doolin guilty* to the statements that he specifically discussed with A1C Doolin during the *Care* inquiry—an entirely different matter as to whether the military judge still considered the totality of A1C Doolin's statements contained in the stipulation of fact.

Second, the government's position ignores the military judge's statement that while he considered all the other statements A1C Doolin made that were presented in the stipulation of fact, those other communications are "not necessarily the communication that I explicitly found him guilty of." R. at 108. The military judge expressly stated that he found A1C Doolin guilty of making specific statements and that those statements were identified and discussed during the *Care* inquiry.

Finally, contrary to the government's view, the military judge's agreement with trial counsel concerning "the meeting of the minds" for the stipulation of fact did not mean that the military judge had expanded the number of statements to which he had found A1C Doolin guilty. The government's view sidesteps the full context of the military judge's statements. Immediately before trial counsel's final statement during the colloquy, the military judge stated that he had explicitly found A1C Doolin guilty of communicating specific statements of a more narrow subset than the totality of the statements that the military judge had generally considered. R. at 108. Rather, the military judge's agreement with trial counsel's argument signified that the military judge understood that the stipulation of fact contained other statements that A1C Doolin had made and that the military judge had considered them.

As a result of the military judge limiting the communications to which he found A1C Doolin guilty to specific statements discussed in the *Care* inquiry, the military judge failed to ensure a sufficient factual basis for the plea. A1C Doolin was charged with attempting to commit sexual abuse of a child by indecent language on divers occasions. *See* Charge Sheet. As noted in A1C Doolin's initial brief, the military judge identified a series of specific statements that formed the basis of the communications to which the military judge found A1C Doolin guilty. App. Br. at 4-5 12, citing R. 42-46. And in his initial brief, A1C Doolin further asserted that, particularly given the fact that he was charged with attempted sexual abuse of a child by indecent language on divers occasions, the *Care* inquiry did not sufficiently establish that these specific statements had a tendency to incite lustful thought. App. Br. at 12.

The government counters that the charged language and A1C Doolin's "other sexually driven statements" were sufficient to establish a factual basis for the plea, but the government's solution only creates more problems for its own position. Gov. Ans. at 18-19. Even assuming

that the charged language qualified as indecent language sufficient to support a finding of guilt under Article 80, UCMJ, the government charged A1C Doolin with committing this offense on divers occasions. But the government fails to identify any specific statement of which the military judge found A1C Doolin guilty that demonstrated a tendency to incite lustful thought. While generally referencing unidentified "other sexually driven statements," Gov. Ans. at 19, the government fails to explain which of these statements specifically had a tendency to incite lustful thought. Thus, the record suggests that there was an inadequate factual basis for the plea and the military judge abused his discretion in finding A1C Doolin guilty.

WHEREFORE, A1C Doolin respectfully requests that this Honorable Court set aside the findings of guilty to the charge and specification and the sentence.

II.

A1C DOOLIN IS ENTITLED TO SENTENCE RELIEF BECAUSE OF THE 244-DAY DELAY BETWEEN SENTENCING AND DOCKETING WITH THIS COURT.

As argued in his initial brief, A1C Doolin should receive sentence relief from this Court because the government's dilatory processing violated *United States v. Moreno,* 63 M.J. 129, 135 (C.A.A.F. 2006). The government concedes that the 244-day delay from sentence to docketing was a presumptively unreasonable delay. Gov. Ans. at 23. The government further concedes that the reasons for the delay favor A1C Doolin. Gov. Ans. at 24.

Indeed, the government's brief details a number of delays due to neglect and inattention. For example, the government admits a 28-day delay from the date the court reporter initially certified the Record of Trial (ROT) until trial counsel finally certified the ROT due to significant errors in the trial transcript. Gov. Ans. at 20. Additionally, although the transcript was uploaded into the case management system on 18 July 2024, the ROT was not forwarded to the 7 AF/JA for

review until 29 August 2024. Gov. Ans. at 21. Further, the ROT was ultimately not mailed to JAJM until 11 December 2024, 85 days after the ROT was uploaded to the eROT dashboard. Gov. Ans. at 21.

Given this series of neglectful delays, even if this Court finds no prejudice, A1C Doolin should still receive post-trial relief. *See* Article 66(d)(2). Here, the delay was "so egregious that tolerating it would adversely affect the public's perception of the fairness and integrity of the military justice system." *United States v. Toohey*, 63 M.J. 353, 362 (C.A.A.F. 2006).

In his initial brief, A1C Doolin detailed a number of reasons why the delay in this case would affect the public's perception of fairness and integrity and favor providing relief for the unreasonable post-trial delay that he suffered. App. Br. at 16-17, citing *United States v. Gay*, 74 M.J. 736 (A.F. Ct. Crim. App. 2015). In particular, A1C Doolin detailed numerous recent appellate cases that had not been docketed within the 150-day standard, which constituted strong evidence of institutional neglect across the Air Force. Gov. Ans. at 17-18.

Notably, in its brief, the government does not appear to specifically dispute or contest this strong evidence of institutional neglect in post-trial processing. Gov. Ans. at 26-27. Yet the government suggests that no relief is warranted because the delay in this case "was not the result of institutional neglect or gross indifference to post-trial processing." Gov. Ans. at 27. Still, citing *United States v. Valentin-Andino*, 85 M.J. 361 (C.A.A.F. 2025), the government appears to concede that if relief is warranted, appropriate relief for A1C Doolin should be limited. The government suggests that a modification of the reduction in rank for A1C Doolin, similar to what occurred in *Valentin-Andino*, in which the CAAF affirmed this Court's modification of the appellant's sentence from a reduction to the grade of E-2, rather than E-1, would be appropriate. Gov. Ans. at 27, citing *Valentin-Andino*, 85 M.J. at 363.

Contrary to the government's argument, A1C Doolin has presented evidence of "institutional neglect concerning post-trial processing . . . across the service[,]" *Gay*, 74 M.J. at 744. As noted above, A1C Doolin provided citations to at least sixteen cases that were not docketed within the 150-day standard in just the last twelve months, App. Br. at 17—evidence to which the government largely fails to offer an explanation. This institutional neglect, coupled with the neglectful delay in A1C Doolin's own case as noted above, establishes the conclusion that appropriate sentencing relief is warranted under Article 66(d), UCMJ.

WHEREFORE, A1C Doolin respectfully requests that this Honorable Court grant sentence relief.

Respectfully submitted,

[redacted]

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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via electronic mail to the Court and served on the Government Trial and Appellate Operations Division on 26 February 2026.

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