

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FIRST)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40679
ACE L. NESBITT,)	
United States Air Force,	)	9 November 2024
<i>Appellant.</i>)	

**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 to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **15 January 2025**. The record of trial was docketed with this Court on 17 September 2024. From the date of docketing to the present date, 53 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,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



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 Trial and Appellate Operations Division on 9 November 2024.

Respectfully submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40679
ACE L. NESBITT, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

**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.



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 13 November 2024.



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 40679
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Ace L. NESBITT)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 9 November 2024, 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 opposed 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 13th day of November, 2024,

ORDERED:

Appellant’s Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **15 January 2025**.

Each request for an enlargement of time will be considered on its merits. Appellant’s counsel is advised that any subsequent motions for enlargement of time shall include, in addition to 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.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SECOND)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40679
ACE L. NESBITT,)	
United States Air Force,	)	6 January 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(1) and (3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **14 February 2025**. The record of trial was docketed with this Court on 17 September 2024. From the date of docketing to the present date, 111 days have elapsed. On the date requested, 150 days will have elapsed.

On 14 May 2024, consistent with his pleas, Appellant was convicted by a military judge sitting as a general court-martial at Moody Air Force Base, Georgia.¹ Appellant was found guilty of one charge and one specification of sexual assault in violation of Article 120, Uniform Code of Military Justice (UCMJ); one charge and two specifications of domestic violence in violation of Article 128, UCMJ; and one charge and one specification of extramarital sexual conduct in violation of Article 134, UCMJ. Record of Trial (ROT), Entry of Judgment (EOJ), dated 7 July 2024; Record (R.) at 392. The military judge sentenced Appellant to be reprimanded,

¹ The Government withdrew and dismissed with prejudice Specifications 1, 2, 3, 4, and 7 of Charge I; Specifications 1 of Charge II, and the excepted words “on divers occasions” in Specification 2 of Charge II.

reduced to the grade of E-1, to be confined for 3 years,² and to be discharged from the service with a Dishonorable Discharge. R. at 372; EOJ.

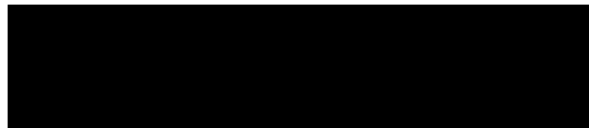
The Convening Authority disapproved the adjudged reprimand. ROT, Convening Authority Decision on Action – *United States v. SrA Ace L. Nesbitt*, dated 2 July 2024.

The electronic ROT is 6 volumes and consists of 6 Prosecution Exhibits, 0 Defense Exhibits, 65 Appellate Exhibits, and 2 Court Exhibits; the transcript is 373 pages. Appellant is currently confined.

Through no fault of Appellant, undersigned counsel has been unable to complete her review and prepare a brief for Appellant’s case. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise Appellant regarding potential errors. Appellant was advised on his right to a timely appeal, was provided an update of the status of counsel’s progress on Appellant’s case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



² For Specification 6 of Charge I, Appellant was sentenced to 3 years of confinement. For Specification 2 of Charge II, Appellant was sentenced to 30 months confinement. For Specification 3 of Charge II, Appellant was sentenced to 2 years confinement. For Specification 1 of Charge IV, Appellant was sentenced to 3 months confinement. Confinement for all Specifications is to run concurrently.

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 Trial and Appellate Operations Division on 6 January 2025.

Respectfully submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40679
ACE L. NESBITT, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

**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.



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 7 January 2025.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (THIRD)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40679
ACE L. NESBITT,)	
United States Air Force,	)	5 February 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(1) and (3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **16 March 2025**. The record of trial was docketed with this Court on 17 September 2024. From the date of docketing to the present date, 141 days have elapsed. On the date requested, 180 days will have elapsed.

On 14 May 2024, consistent with his pleas, Appellant was convicted by a military judge sitting as a general court-martial at Moody Air Force Base, Georgia. Appellant was found guilty of one charge and one specification of sexual assault in violation of Article 120, Uniform Code of Military Justice (UCMJ); of one charge and two specifications of domestic violence violation of Article 128, UCMJ; and of one charge and one specification of extramarital sexual conduct in violation of Article 134, UCMJ¹. Record of Trial (ROT), Entry of Judgment (EOJ), dated 12 February 2024; Record (R.) at 392. The military judge sentenced Appellant to be

¹ The Government withdrew and dismissed with prejudice Specifications 1, 2, 3, 4, and 7 of Charge I; Specifications 1 of Charge II, and the excepted words “on divers occasions” in Specification 2 of Charge II.

reprimanded, reduced to the grade of E-1, to be confined for 3 years², and to be discharged from the service with a Dishonorable Discharge. R. at 372; EOJ.

The Convening Authority disapproved the adjudged reprimand. ROT, Convening Authority Decision on Action – *United States v. SrA Ace L. Nesbitt*, dated 2 July 2024.

The electronic ROT is 6 volumes and consists of 6 Prosecution Exhibits, 0 Defense Exhibits, 65 Appellate Exhibits, and 2 Court Exhibits; the transcript is 373 pages. Appellant is currently confined.

Through no fault of Appellant, undersigned counsel has been unable to complete her review and prepare a brief for Appellant’s case. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise Appellant regarding potential errors. Appellant was advised on his right to a timely appeal, was provided an update of the status of counsel’s progress on Appellant’s case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770

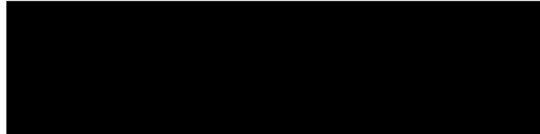


² For Specification 6 of Charge I, Appellant was sentenced to 3 years of confinement. For Specification 2 of Charge II, Appellant was sentenced to 30 months confinement. For Specification 3 of Charge II, Appellant was sentenced to 2 years confinement. For Specification 1 of Charge IV, Appellant was sentenced to 3 months confinement. Confinement for all Specifications is to run concurrently.

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 Trial and Appellate Operations Division on 5 February 2025.

Respectfully submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



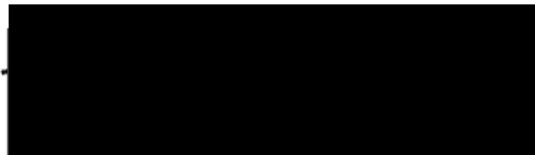
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40679
ACE L. NESBITT, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

**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.



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 7 February 2025.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FOURTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40679
ACE L. NESBITT,)	
United States Air Force,	)	7 March 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(1) and (3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **15 April 2025**. The record of trial was docketed with this Court on 17 September 2024. From the date of docketing to the present date, 171 days have elapsed. On the date requested, 210 days will have elapsed.

On 14 May 2024, consistent with his pleas, Appellant was convicted by a military judge sitting as a general court-martial at Moody Air Force Base, Georgia. Appellant was found guilty of one charge and one specification of sexual assault in violation of Article 120, Uniform Code of Military Justice (UCMJ); of one charge and two specifications of domestic violence violation of Article 128, UCMJ; and of one charge and one specification of extramarital sexual conduct in violation of Article 134, UCMJ¹. Record of Trial (ROT), Entry of Judgment (EOJ), dated 12 February 2024; Record (R.) at 392. The military judge sentenced Appellant to be

¹ The Government withdrew and dismissed with prejudice Specifications 1, 2, 3, 4, and 7 of Charge I; Specifications 1 of Charge II, and the excepted words “on divers occasions” in Specification 2 of Charge II.

reprimanded, reduced to the grade of E-1, to be confined for 3 years², and to be discharged from the service with a Dishonorable Discharge. R. at 372; EOJ.

The Convening Authority disapproved the adjudged reprimand. ROT, Convening Authority Decision on Action – *United States v. SrA Ace L. Nesbitt*, dated 2 July 2024.

The electronic ROT is 6 volumes and consists of 6 Prosecution Exhibits, 0 Defense Exhibits, 65 Appellate Exhibits, and 2 Court Exhibits; the transcript is 373 pages. Appellant is currently confined.

The undersigned counsel is currently assigned 22 cases; 19 cases are pending before this Court (16 cases are pending AOE). To date, seven cases have priority over the present case.

1. *United States v. Cabrie*, No ACM 40615 – The ROT is 3 volumes and consists of 5 Prosecution Exhibits, 6 Defense Exhibits, and 12 Appellate Exhibits; the transcript is 138 pages. Appellant is not currently confined. Counsel has begun drafting the AOE.

2. *United States v. Capers*, No ACM 40641 – The electronic ROT is 1 volume and consists of 3 Prosecution Exhibits, 5 Defense Exhibits, 14 Appellate Exhibits, and 4 Court Exhibits; the transcript is 405 pages. Counsel has begun, but not completed, her review of the record of trial.

3. *United States v. Griffin*, No ACM 40641 – The ROT is 6 volumes and consists of 24 Prosecution Exhibits, 29 Defense Exhibits, 30 Appellate Exhibits, and 1 Court Exhibits; the transcript is 605 pages. Appellant is currently confined. Counsel has begun, but not completed, her review of the record of trial.

² For Specification 6 of Charge I, Appellant was sentenced to 3 years of confinement. For Specification 2 of Charge II, Appellant was sentenced to 30 months confinement. For Specification 3 of Charge II, Appellant was sentenced to 2 years confinement. For Specification 1 of Charge IV, Appellant was sentenced to 3 months confinement. Confinement for all Specifications is to run concurrently.

4. *United States v. Anderson*, No. ACM 40654 – The ROT is 12 volumes and consists of 15 Prosecution Exhibits, 14 Defense Exhibits, and 96 Appellate Exhibits; the transcript is 1229 pages. Appellant is currently confined. Although this case was docketed on 13 August 2024, undersigned counsel has prioritized this case to keep pace with the Appellant’s civilian counsel.

5. *United States v. Hooker*, No. ACM 40646 – The electronic ROT is 1 volume and consists of 4 Prosecution Exhibits, 16 Defense Exhibits, and 32 Appellate Exhibits; the transcript is 683 pages. Appellant is currently confined.

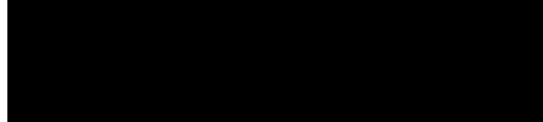
6. *United States v. Roedel*, No. ACM 40662 – The electronic ROT is 1 volume and consists of 4 Prosecution Exhibits, 16 Defense Exhibits, and 32 Appellate Exhibits; the transcript is 683 pages. Appellant is currently confined.

7. *United States v. Coley*, No. ACM 40675 – The electronic record of trial is 1 volume and consists of 13 Prosecution Exhibits, 1 Defense Exhibit, and 17 Appellate Exhibits; the transcript is 124 pages. Appellant is currently confined.

Through no fault of Appellant, undersigned counsel has been unable to complete her review and prepare a brief for Appellant’s case. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise Appellant regarding potential errors. Appellant was advised on his right to a timely appeal, was provided an update of the status of counsel’s progress on Appellant’s case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



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 Trial and Appellate Operations Division on 7 March 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Joyclin N. Webster.

JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770

A black rectangular redaction box covering the contact information of Joyclin N. Webster.

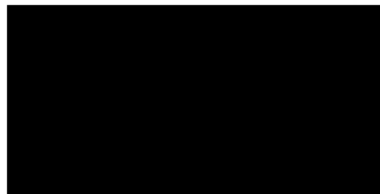
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME (FOURTH)
)	
	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	ACM 40679
ACE L. NESBITT,)	
United States Air Force,)	
<i>Appellant.</i>	)	10 March 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 (Fourth) to file an Assignment of Error in this case.

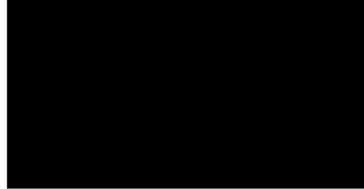
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 10 March 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	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FIFTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40679
ACE L. NESBITT,)	
United States Air Force,	)	4 April 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(1) and (3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **15 May 2025**. The record of trial was docketed with this Court on 17 September 2024. From the date of docketing to the present date, 199 days have elapsed. On the date requested, 240 days will have elapsed.

On 14 May 2024, consistent with his pleas, Appellant was convicted by a military judge sitting as a general court-martial at Moody Air Force Base, Georgia. Appellant was found guilty of one charge and one specification of sexual assault in violation of Article 120, Uniform Code of Military Justice (UCMJ); of one charge and two specifications of domestic violence violation of Article 128, UCMJ; and of one charge and one specification of extramarital sexual conduct in violation of Article 134, UCMJ¹. Record of Trial (ROT), Entry of Judgment (EOJ), dated 12 February 2024; Record (R.) at 392. The military judge sentenced Appellant to be

¹ The Government withdrew and dismissed with prejudice Specifications 1, 2, 3, 4, and 7 of Charge I; Specifications 1 of Charge II, and the excepted words “on divers occasions” in Specification 2 of Charge II.

reprimanded, reduced to the grade of E-1, to be confined for 3 years², and to be discharged from the service with a Dishonorable Discharge. R. at 372; EOJ.

The Convening Authority disapproved the adjudged reprimand. ROT, Convening Authority Decision on Action – *United States v. SrA Ace L. Nesbitt*, dated 2 July 2024.

The electronic ROT is 6 volumes and consists of 6 Prosecution Exhibits, 0 Defense Exhibits, 65 Appellate Exhibits, and 2 Court Exhibits; the transcript is 373 pages. Appellant is currently confined.

The undersigned counsel is currently assigned 23 cases; 20 cases are pending before this Court (19 cases are pending AOE). To date, seven cases have priority over the present case.

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3. *United States v. Griffin*, No ACM 40641 – The ROT is 6 volumes and consists of 24 Prosecution Exhibits, 29 Defense Exhibits, 30 Appellate Exhibits, and 1 Court Exhibits; the transcript is 605 pages. Appellant is currently confined. Counsel has begun, but not completed, her review of the record of trial.

² For Specification 6 of Charge I, Appellant was sentenced to 3 years of confinement. For Specification 2 of Charge II, Appellant was sentenced to 30 months confinement. For Specification 3 of Charge II, Appellant was sentenced to 2 years confinement. For Specification 1 of Charge IV, Appellant was sentenced to 3 months confinement. Confinement for all Specifications is to run concurrently.

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5. *United States v. Hooker*, No. ACM 40646 – The electronic ROT is 1 volume and consists of 4 Prosecution Exhibits, 16 Defense Exhibits, and 32 Appellate Exhibits; the transcript is 683 pages. Appellant is currently confined.

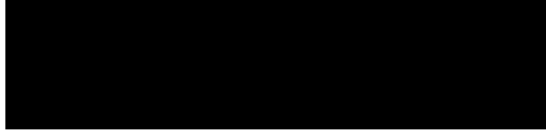
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Through no fault of Appellant, undersigned counsel has been unable to complete her review and prepare a brief for Appellant’s case. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise Appellant regarding potential errors. Appellant was advised on his right to a timely appeal, was provided an update of the status of counsel’s progress on Appellant’s case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



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 Trial and Appellate Operations Division on 4 April 2025.

Respectfully submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
Senior Airman (E-4)	)	Before Panel No. 1
ACE L. NESBITT,	)	No. ACM 40679
United States Air Force,)	
<i>Appellant.</i>	)	8 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.



JOCELYN Q. WRIGHT, 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 April 2025.



JOCELYN Q. WRIGHT, 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	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SIXTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40679
ACE L. NESBITT,)	
United States Air Force,	)	5 May 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(1) and (3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **14 June 2025**. The record of trial was docketed with this Court on 17 September 2024. From the date of docketing to the present date, 230 days have elapsed. On the date requested, 270 days will have elapsed.

On 14 May 2024, consistent with his pleas, Appellant was convicted by a military judge sitting as a general court-martial at Moody Air Force Base, Georgia. Appellant was found guilty of one charge and one specification of sexual assault in violation of Article 120, Uniform Code of Military Justice (UCMJ); of one charge and two specifications of domestic violence violation of Article 128, UCMJ; and of one charge and one specification of extramarital sexual conduct in violation of Article 134, UCMJ¹. Record of Trial (ROT), Entry of Judgment (EOJ), dated 12 February 2024; Record (R.) at 392. The military judge sentenced Appellant to be

¹ The Government withdrew and dismissed with prejudice Specifications 1, 2, 3, 4, and 7 of Charge I; Specifications 1 of Charge II, and the excepted words “on divers occasions” in Specification 2 of Charge II.

reprimanded, reduced to the grade of E-1, to be confined for 3 years², and to be discharged from the service with a Dishonorable Discharge. R. at 372; EOJ.

The Convening Authority disapproved the adjudged reprimand. ROT, Convening Authority Decision on Action – *United States v. SrA Ace L. Nesbitt*, dated 2 July 2024.

The electronic ROT is 6 volumes and consists of 6 Prosecution Exhibits, 0 Defense Exhibits, 65 Appellate Exhibits, and 2 Court Exhibits; the transcript is 373 pages. Appellant is currently confined.

The undersigned counsel is currently assigned 24 cases; 21 cases are pending before this Court (20 cases are pending AOE). To date, six cases have priority over the present case.

The undersigned counsel is currently assigned 25 cases; 21 cases are pending before this Court (20 cases are pending AOE). To date, five cases have priority over the present case.

1. *United States v. Capers*, No ACM 40641 – The electronic ROT is 1 volume and consists of 3 Prosecution Exhibits, 5 Defense Exhibits, 14 Appellate Exhibits, and 4 Court Exhibits; the transcript is 405 pages. Counsel has completed her review of the ROT and is drafting the AOE.

2. *United States v. Anderson*, No. ACM 40654 – The ROT is 12 volumes and consists of 15 Prosecution Exhibits, 14 Defense Exhibits, and 96 Appellate Exhibits; the transcript is 1229 pages. Appellant is currently confined. Although this case was docketed on 13 August 2024, undersigned counsel has prioritized this case to keep pace with the Appellant’s civilian counsel. Counsel has completed her review of the ROT.

² For Specification 6 of Charge I, Appellant was sentenced to 3 years of confinement. For Specification 2 of Charge II, Appellant was sentenced to 30 months confinement. For Specification 3 of Charge II, Appellant was sentenced to 2 years confinement. For Specification 1 of Charge IV, Appellant was sentenced to 3 months confinement. Confinement for all Specifications is to run concurrently.

3. *United States v. Griffin*, No ACM 40641 – The ROT is 6 volumes and consists of 24 Prosecution Exhibits, 29 Defense Exhibits, 30 Appellate Exhibits, and 1 Court Exhibits; the transcript is 605 pages. Appellant is currently confined. Counsel has begun, but not completed, her review of the record of trial.

4. *United States v. Hooker*, No. ACM 40646 – The electronic ROT is 1 volume and consists of 4 Prosecution Exhibits, 16 Defense Exhibits, and 32 Appellate Exhibits; the transcript is 683 pages. Appellant is currently confined.

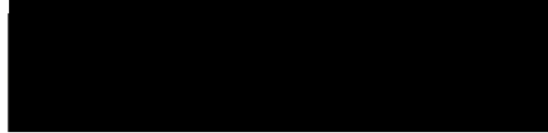
5. *United States v. Roedel*, No. ACM 40662 – The electronic ROT is 1 volume and consists of 4 Prosecution Exhibits, 16 Defense Exhibits, and 32 Appellate Exhibits; the transcript is 683 pages. Appellant is currently confined.

6. *United States v. Coley*, No. ACM 40675 – The electronic record of trial is 1 volume and consists of 13 Prosecution Exhibits, 1 Defense Exhibit, and 17 Appellate Exhibits; the transcript is 124 pages. Appellant is currently confined.

Through no fault of Appellant, undersigned counsel has been unable to complete her review and prepare a brief for Appellant’s case. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise Appellant regarding potential errors. Appellant was advised on his right to a timely appeal, was provided an update of the status of counsel’s progress on Appellant’s case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



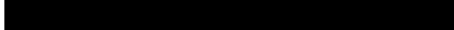
CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 5 May 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature of the sender.

JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770

A black rectangular redaction box covering the contact information of the sender.

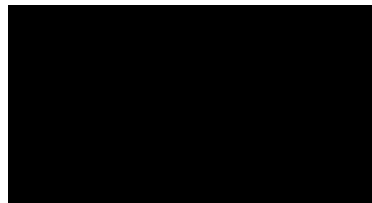
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
ACE L. NESBITT,	)	No. ACM 40679
United States Air Force.)	
<i>Appellant</i>	)	7 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.



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 7 May 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	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SEVENTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40679
ACE L. NESBITT,)	
United States Air Force,	)	4 June 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(1) and (3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **14 July 2025**. The record of trial was docketed with this Court on 17 September 2024. From the date of docketing to the present date, 260 days have elapsed. On the date requested, 300 days will have elapsed.

On 14 May 2024, consistent with his pleas, Appellant was convicted by a military judge sitting as a general court-martial at Moody Air Force Base, Georgia. Appellant was found guilty of one charge and one specification of sexual assault in violation of Article 120, Uniform Code of Military Justice (UCMJ); of one charge and two specifications of domestic violence violation of Article 128, UCMJ; and of one charge and one specification of extramarital sexual conduct in violation of Article 134, UCMJ¹. Record of Trial (ROT), Entry of Judgment (EOJ), dated 12 February 2024; Record (R.) at 392. The military judge sentenced Appellant to be

¹ The Government withdrew and dismissed with prejudice Specifications 1, 2, 3, 4, and 7 of Charge I; Specifications 1 of Charge II, and the excepted words “on divers occasions” in Specification 2 of Charge II.

reprimanded, reduced to the grade of E-1, to be confined for 3 years², and to be discharged from the service with a Dishonorable Discharge. R. at 372; EOJ.

The Convening Authority disapproved the adjudged reprimand. ROT, Convening Authority Decision on Action – *United States v. SrA Ace L. Nesbitt*, dated 2 July 2024.

The electronic ROT is 6 volumes and consists of 6 Prosecution Exhibits, 0 Defense Exhibits, 65 Appellate Exhibits, and 2 Court Exhibits; the transcript is 373 pages. Appellant is currently confined.

The undersigned counsel is currently assigned 29 cases; 21 cases are pending before this Court (19 cases are pending AOE). To date, two cases before the Court of Appeals for the Armed Forces take priority over this case: *United States v. Grey* and *United States v. Menard*. Counsel is finalizing the Supplement in *Grey* which will be filed on 9 June 25. Counsel will file the Supplement in *Menard* on 17 June 25.

To date, four cases before this Court have priority over the present case:

1. *United States v. Griffin*, No ACM 40641 – The ROT is 6 volumes and consists of 24 Prosecution Exhibits, 29 Defense Exhibits, 30 Appellate Exhibits, and 1 Court Exhibits; the transcript is 605 pages. Appellant is currently confined. Counsel has begun, but not completed, her review of the record of trial.

2. *United States v. Hooker*, No. ACM 40646 – The electronic ROT is 1 volume and consists of 4 Prosecution Exhibits, 16 Defense Exhibits, and 32 Appellate Exhibits; the transcript is 683 pages. Appellant is currently confined.

² For Specification 6 of Charge I, Appellant was sentenced to 3 years of confinement. For Specification 2 of Charge II, Appellant was sentenced to 30 months confinement. For Specification 3 of Charge II, Appellant was sentenced to 2 years confinement. For Specification 1 of Charge IV, Appellant was sentenced to 3 months confinement. Confinement for all Specifications is to run concurrently.

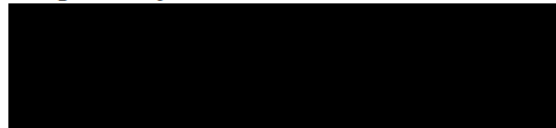
3. *United States v. Roedel*, No. ACM 40662 – The electronic ROT is 1 volume and consists of 4 Prosecution Exhibits, 16 Defense Exhibits, and 32 Appellate Exhibits; the transcript is 683 pages. Appellant is currently confined.

4. *United States v. Coley*, No. ACM 40675 – The electronic record of trial is 1 volume and consists of 13 Prosecution Exhibits, 1 Defense Exhibit, and 17 Appellate Exhibits; the transcript is 124 pages. Appellant is currently confined.

Through no fault of Appellant, undersigned counsel has been unable to complete her review and prepare a brief for Appellant’s case. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise Appellant regarding potential errors. Appellant was advised on his right to a timely appeal, was provided an update of the status of counsel’s progress on Appellant’s case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,



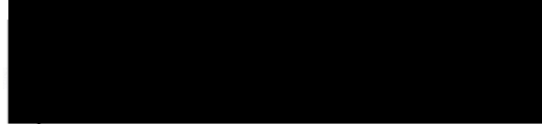
JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



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 Trial and Appellate Operations Division on 4 June 2025.

Respectfully submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
ACE L. NESBITT,	)	No. ACM 40679
United States Air Force.)	
<i>Appellant</i>	)	5 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 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 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 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.



JOCELYN Q. WRIGHT, 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 5 June 2025.



JOCELYN Q. WRIGHT, 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	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (EIGHTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40679
ACE L. NESBITT,)	
United States Air Force,	)	6 July 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(1) and (3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **13 August 2025**. The record of trial was docketed with this Court on 17 September 2024. From the date of docketing to the present date, 292 days have elapsed. On the date requested, 330 days will have elapsed.

On 14 May 2024, consistent with his pleas, Appellant was convicted by a military judge sitting as a general court-martial at Moody Air Force Base, Georgia. Appellant was found guilty of one charge and one specification of sexual assault in violation of Article 120, Uniform Code of Military Justice (UCMJ); of one charge and two specifications of domestic violence violation of Article 128, UCMJ; and of one charge and one specification of extramarital sexual conduct in violation of Article 134, UCMJ¹. Record of Trial (ROT), Entry of Judgment (EOJ), dated 12 February 2024; Record (R.) at 392. The military judge sentenced Appellant to be

¹ The Government withdrew and dismissed with prejudice Specifications 1, 2, 3, 4, and 7 of Charge I; Specifications 1 of Charge II, and the excepted words “on divers occasions” in Specification 2 of Charge II.

reprimanded, reduced to the grade of E-1, to be confined for 3 years², and to be discharged from the service with a Dishonorable Discharge. R. at 372; EOJ.

The Convening Authority disapproved the adjudged reprimand. ROT, Convening Authority Decision on Action – *United States v. SrA Ace L. Nesbitt*, dated 2 July 2024.

The electronic ROT is 6 volumes and consists of 6 Prosecution Exhibits, 0 Defense Exhibits, 65 Appellate Exhibits, and 2 Court Exhibits; the transcript is 373 pages. Appellant is currently confined.

The undersigned counsel is currently assigned 29 cases; 21 cases are pending before this Court (19 cases are pending AOE). To date, four cases before this Court have priority over the present case:

1. *United States v. Griffin*, No ACM 40641 – The ROT is 6 volumes and consists of 24 Prosecution Exhibits, 29 Defense Exhibits, 30 Appellate Exhibits, and 1 Court Exhibits; the transcript is 605 pages. Appellant is currently confined. Counsel has begun drafting the AOE.

2. *United States v. Hooker*, No. ACM 40646 – The electronic ROT is 1 volume and consists of 4 Prosecution Exhibits, 16 Defense Exhibits, and 32 Appellate Exhibits; the transcript is 683 pages. Appellant is currently confined.

3. *United States v. Roedel*, No. ACM 40662 – The electronic ROT is 1 volume and consists of 4 Prosecution Exhibits, 16 Defense Exhibits, and 32 Appellate Exhibits; the transcript is 683 pages. Appellant is currently confined.

² For Specification 6 of Charge I, Appellant was sentenced to 3 years of confinement. For Specification 2 of Charge II, Appellant was sentenced to 30 months confinement. For Specification 3 of Charge II, Appellant was sentenced to 2 years confinement. For Specification 1 of Charge IV, Appellant was sentenced to 3 months confinement. Confinement for all Specifications is to run concurrently.

4. *United States v. Coley*, No. ACM 40675 – The electronic record of trial is 1 volume and consists of 13 Prosecution Exhibits, 1 Defense Exhibit, and 17 Appellate Exhibits; the transcript is 124 pages. Appellant is currently confined.

Through no fault of Appellant, undersigned counsel has been unable to complete her review and prepare a brief for Appellant’s case. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise Appellant regarding potential errors. Appellant was advised on his right to a timely appeal, was provided an update of the status of counsel’s progress on Appellant’s case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



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 Trial and Appellate Operations Division on 6 July 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770

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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
ACE L. NESBITT,	)	No. ACM 40679
United States Air Force.)	
<i>Appellant</i>	)	8 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 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 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. 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.



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 8 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	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (NINTH) OOT¹
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40679
ACE L. NESBITT,)	
United States Air Force,	)	14 August 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(1) and (3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **12 September 2025**. The record of trial was docketed with this Court on 17 September 2024. From the date of docketing to the present date, 331 days have elapsed. On the date requested, 360 days will have elapsed.

On 14 May 2024, consistent with his pleas, Appellant was convicted by a military judge sitting as a general court-martial at Moody Air Force Base, Georgia. Appellant was found guilty of one charge and one specification of sexual assault in violation of Article 120, Uniform Code of Military Justice (UCMJ); of one charge and two specifications of domestic violence violation of Article 128, UCMJ; and of one charge and one specification of extramarital sexual conduct in

¹ Due to an unintentional calendaring oversight on the part of Appellant’s counsel, the deadline for submission of the AOE in this matter was mistakenly believed to be 12 September 2024. As a result, this motion for enlargement of time was filed after the deadline established by this Honorable Court. This error was not the product of bad faith, and upon recognizing the discrepancy, counsel acted promptly to remedy the situation. SrA Nesbitt bears no responsibility for the delay.

violation of Article 134, UCMJ². Record of Trial (ROT), Entry of Judgment (EOJ), dated 12 February 2024; Record (R.) at 392. The military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, to be confined for 3 years³, and to be discharged from the service with a Dishonorable Discharge. R. at 372; EOJ.

The Convening Authority disapproved the adjudged reprimand. ROT, Convening Authority Decision on Action – *United States v. SrA Ace L. Nesbitt*, dated 2 July 2024.

The electronic ROT is 6 volumes and consists of 6 Prosecution Exhibits, 0 Defense Exhibits, 65 Appellate Exhibits, and 2 Court Exhibits; the transcript is 373 pages. Appellant is currently confined. Counsel has not begun reviewing the ROT in this case.

The undersigned counsel is currently assigned 29 cases; 21 cases are pending before this Court (16 cases are pending AOE). To date, one case before the Court of Appeals for the Armed Forces take priority over this case: *United States v. Menard*. Counsel is finalizing the brief and will file with the court on 18 August 25.

1. *United States v. Roedel*, No. ACM 40662 – The electronic ROT is 1 volume and consists of 4 Prosecution Exhibits, 16 Defense Exhibits, and 32 Appellate Exhibits; the transcript is 683 pages. Appellant is currently confined. Counsel has not begun reviewing the ROT in this case. Government has responded to this Court’s show cause order acknowledging the need for this case to be remanded for correction.

² The Government withdrew and dismissed with prejudice Specifications 1, 2, 3, 4, and 7 of Charge I; Specifications 1 of Charge II, and the excepted words “on divers occasions” in Specification 2 of Charge II.

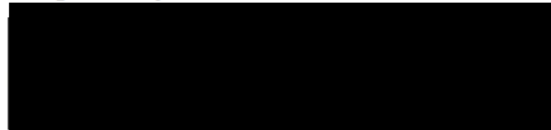
³ For Specification 6 of Charge I, Appellant was sentenced to 3 years of confinement. For Specification 2 of Charge II, Appellant was sentenced to 30 months confinement. For Specification 3 of Charge II, Appellant was sentenced to 2 years confinement. For Specification 1 of Charge IV, Appellant was sentenced to 3 months confinement. Confinement for all Specifications is to run concurrently.

2. *United States v. Coley*, No. ACM 40675 – The electronic record of trial is 1 volume and consists of 13 Prosecution Exhibits, 1 Defense Exhibit, and 17 Appellate Exhibits; the transcript is 124 pages. Appellant is currently confined. Counsel has not begun reviewing the ROT in this case.

Through no fault of Appellant, undersigned counsel has been unable to complete her review and prepare a brief for Appellant’s case. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise Appellant regarding potential errors. Appellant was advised on his right to a timely appeal, was provided an update of the status of counsel’s progress on Appellant’s case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



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 Trial and Appellate Operations Division on 14 August 2025.

Respectfully submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
ACE L. NESBITT,	)	No. ACM 40679
United States Air Force.)	
<i>Appellant</i>	)	18 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 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 6 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.

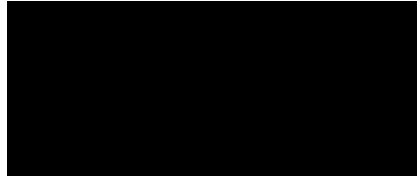
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 18 August 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

**UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS**

UNITED STATES	)	No. ACM 40679
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Ace L. NESBITT)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 9 July 2025, this court granted Appellant’s Motion for Enlargement of Time (Eighth), requiring Appellant file any assignments of error not later than 13 August 2025.

On 14 August 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Ninth), out of time, requesting an additional 30 days to submit Appellant’s assignments of error.* The Government opposed the motion, stating, *inter alia*, “[i]f Appellant’s new delay request is granted, the defense delay in this case will be 360 days in length.” The Government did not oppose the motion for being out of time.

The court has considered Appellant’s motion, the Government’s opposition, prior filings in this case, case law, and this court’s Rules of Practice and Procedure. Accordingly, it is by the court on this 19th day of August, 2025,

ORDERED:

Appellant’s Motion for Enlargement of Time (Ninth) is **GRANTED**. Appellant shall file any assignments of error not later than **12 September 2025**.

Further requests by Appellant for enlargements of time may necessitate a status conference.



FOR THE COURT



AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

* As justification for an untimely motion, Appellant’s counsel misstates the assignments of error deadline as 12 September 2024 vice 12 September 2025.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (TENTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40679
ACE L. NESBITT,)	
United States Air Force,	)	3 September 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(1) and (3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **12 October 2025**. The record of trial was docketed with this Court on 17 September 2024. From the date of docketing to the present date, 351 days have elapsed. On the date requested, 390 days will have elapsed.

On 14 May 2024, consistent with his pleas, Appellant was convicted by a military judge sitting as a general court-martial at Moody Air Force Base, Georgia. Appellant was found guilty of one charge and one specification of sexual assault in violation of Article 120, Uniform Code of Military Justice (UCMJ); of one charge and two specifications of domestic violence violation of Article 128, UCMJ; and of one charge and one specification of extramarital sexual conduct in violation of Article 134, UCMJ¹. Record of Trial (ROT), Entry of Judgment (EOJ), dated 12 February 2024; Record (R.) at 392. The military judge sentenced Appellant to be

¹ The Government withdrew and dismissed with prejudice Specifications 1, 2, 3, 4, and 7 of Charge I; Specifications 1 of Charge II, and the excepted words “on divers occasions” in Specification 2 of Charge II.

reprimanded, reduced to the grade of E-1, to be confined for 3 years², and to be discharged from the service with a Dishonorable Discharge. R. at 372; EOJ.

The Convening Authority disapproved the adjudged reprimand. ROT, Convening Authority Decision on Action – *United States v. SrA Ace L. Nesbitt*, dated 2 July 2024.

The electronic ROT is 6 volumes and consists of 6 Prosecution Exhibits, 0 Defense Exhibits, 65 Appellate Exhibits, and 2 Court Exhibits; the transcript is 373 pages. Appellant is currently confined. Counsel has not begun reviewing the ROT in this case.

The undersigned counsel is currently assigned 29 cases; 21 cases are pending before this Court (16 cases are pending AOE). To date, only two cases have priority over the present case:

1. *United States v. Coley*, No. ACM 40675 – The electronic record of trial is 1 volume and consists of 13 Prosecution Exhibits, 1 Defense Exhibit, and 17 Appellate Exhibits; the transcript is 124 pages. Appellant is currently confined. Counsel has reviewed approximately 80% of ROT in this case. The AOE is currently due on 27 September 2025.

2. *United States v. Anderson*, No. ACM 40752 – The Government’s answer is currently due on 6 September 2025, as such the reply brief will be due on 13 September 2025.

Through no fault of Appellant, undersigned counsel has been unable to complete her review and prepare a brief for Appellant’s case. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise Appellant regarding potential errors. Appellant was advised on his right to a timely appeal, was provided an update of the status of

² For Specification 6 of Charge I, Appellant was sentenced to 3 years of confinement. For Specification 2 of Charge II, Appellant was sentenced to 30 months confinement. For Specification 3 of Charge II, Appellant was sentenced to 2 years confinement. For Specification 1 of Charge IV, Appellant was sentenced to 3 months confinement. Confinement for all Specifications is to run concurrently.

counsel's progress on Appellant's case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature of the appellant.

JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770

A black rectangular redaction box covering the contact information of the appellant.

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 Trial and Appellate Operations Division on 3 September 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Joyclin N. Webster.

JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770

A black rectangular redaction box covering contact information, likely an email address.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
ACE L. NESBITT,	)	No. ACM 40679
United States Air Force.)	
<i>Appellant</i>	)	4 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 over 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 over a 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 5 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 4 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	)	MOTION FOR ENLARGEMENT OF TIME (ELEVENTH)
<i>Appellee,</i>)	
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40679
ACE L. NESBITT,)	
United States Air Force,	)	1 October 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(1) and (3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **11 November 2025**. The record of trial was docketed with this Court on 17 September 2024. From the date of docketing to the present date, 379 days have elapsed. On the date requested, 390 days will have elapsed.

On 14 May 2024, consistent with his pleas, Appellant was convicted by a military judge sitting as a general court-martial at Moody Air Force Base, Georgia. Appellant was found guilty of one charge and one specification of sexual assault in violation of Article 120, Uniform Code of Military Justice (UCMJ); of one charge and two specifications of domestic violence violation of Article 128, UCMJ; and of one charge and one specification of extramarital sexual conduct in violation of Article 134, UCMJ¹. Record of Trial (ROT), Entry of Judgment (EOJ), dated 12 February 2024; Record (R.) at 392. The military judge sentenced Appellant to be

¹ The Government withdrew and dismissed with prejudice Specifications 1, 2, 3, 4, and 7 of Charge I; Specifications 1 of Charge II, and the excepted words “on divers occasions” in Specification 2 of Charge II.

reprimanded, reduced to the grade of E-1, to be confined for 3 years,² and to be discharged from the service with a Dishonorable Discharge. R. at 372; EOJ.

The Convening Authority disapproved the adjudged reprimand. ROT, Convening Authority Decision on Action – *United States v. SrA Ace L. Nesbitt*, dated 2 July 2024.

The electronic ROT is 6 volumes and consists of 6 Prosecution Exhibits, 0 Defense Exhibits, 65 Appellate Exhibits, and 2 Court Exhibits; the transcript is 373 pages. Appellant is currently confined. Counsel has not begun reviewing the ROT in this case.

The undersigned counsel is currently assigned 29 cases; 21 cases are pending before this Court (16 cases are pending AOE). To date, one case before the Court of Appeals for the Armed Forces has priority over the present case: *United States v. Menard*, the reply brief is due on 7 October 2025. To date, no case at this Court has priority over the present case.

Through no fault of Appellant, undersigned counsel has been unable to complete her review and prepare a brief for Appellant’s case. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise Appellant regarding potential errors. Appellant was advised on his right to a timely appeal, was provided an update of the status of counsel’s progress on Appellant’s case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

² For Specification 6 of Charge I, Appellant was sentenced to 3 years of confinement. For Specification 2 of Charge II, Appellant was sentenced to 30 months confinement. For Specification 3 of Charge II, Appellant was sentenced to 2 years confinement. For Specification 1 of Charge IV, Appellant was sentenced to 3 months confinement. Confinement for all Specifications is to run concurrently.

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

Respectfully submitted,



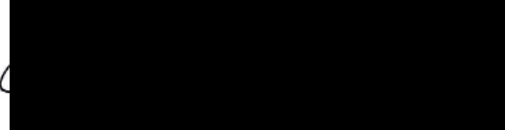
JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



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 Trial and Appellate Operations Division on 1 October 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Joyclin N. Webster.

JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770

A black rectangular redaction box covering the contact information, likely an email address.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
ACE L. NESBITT,	)	No. ACM 40679
United States Air Force.)	
<i>Appellant</i>	)	3 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 over 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 420 days in length. Appellant’s over a 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 five 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 3 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 40679
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Ace L. NESBITT)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel No. 1

On 1 October 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Eleventh) requesting an additional 30 days to submit Appellant’s assignments of error.¹ 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 7th day of October, 2025,

ORDERED:

Appellant’s Motion for Enlargement of Time (Eleventh) is **GRANTED**. Appellant shall file any assignments of error not later than **11 November 2025**.

Given the number of enlargements granted thus far, the court will closely scrutinize any further requests and may necessitate a status conference.



FOR THE COURT



JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

¹ The court observes from the date of docketing with this court (17 September 2024) to the date requested (11 November 2025), 420 days will have elapsed, vice the 390 days cited in the EOT motion.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	CONSENT MOTION TO EXAMINE
<i>Appellee,</i>	)	SEALED MATERIALS
)	
v.)	
	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40679
ACE L. NESBITT,)	
United States Air Force,	)	5 November 2025
<i>Appellant.</i>)	

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

Pursuant to Rule for Courts-Martial (R.C.M.) 1113(b)(3)(B) and Rules 3.1 and 23.3(f)(1) of this Court’s Rules of Practice and Procedure, undersigned counsel hereby moves this Court to permit appellate counsel for the Appellant and the Government to examine the following materials sealed by the military judge:

1. Appellate Exhibits V-VII, IX-X, XII-XIV, XVI- XVIII, XX-XXII, XLIX-LIII, and LVI-LVIII;
2. PHO Exhibits 7 and 15;
3. Audio recording of closed sessions; and
4. Sealed transcript pages of closed sessions.

In accordance with R.C.M. 1113(b)(3)(B)(i), which requires a colorable showing that examination of these matters is reasonably necessary to appellate counsels’ responsibilities, undersigned counsel asserts that review of the referenced exhibits is necessary to conduct a complete review of the record of trial and be able to advocate competently on behalf of Appellant.

Moreover, a review of the entire record of trial is necessary because this Court is empowered by Article 66, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 866, to grant

relief based on a review and analysis of “the entire record.” To determine whether the record of trial yields grounds for this Court to grant relief under Article 66, UCMJ, 10 U.S.C. § 866, appellate defense counsel must, therefore, examine “the entire record.”

Although Courts of Criminal Appeals have a broad mandate to review the record unconstrained by an appellant’s assignments of error, that broad mandate does not reduce the importance of adequate representation. As we said in *United States v. Ortiz*, 24 M.J. 323, 325 (C.M.A. 1987), independent review is not the same as competent appellate representation.

United States v. May, 47 M.J. 478, 481 (C.A.A.F. 1998).

At trial, the military judge, trial counsel, and defense counsel at trial reviewed items 1, 3, and 4 of the listed materials. All parties at the preliminary hearing reviewed the PHO exhibits. DD Form 457, *Preliminary Hearing Officer’s Report*. The sealed materials here must be reviewed for counsel to provide “competent appellate representation.” *May*, 47 M.J. at 481. Viewing these exhibits, transcript pages, and audio is reasonably necessary to determine whether Appellant is entitled to relief due to errors concerning the substance of any portion of the proceedings. Therefore, undersigned counsel’s examination of the sealed materials is reasonably necessary to fulfill her responsibilities in this case as counsel cannot perform her duty of representation under Article 70, UCMJ, 10 U.S.C. § 870, or fulfill her duty to provide effective assistance of counsel without first reviewing the complete record of trial.

Appellate Government Counsel have been consulted about this motion and consent to the relief sought by Appellant.

WHEREFORE, Appellant respectfully requests this Court grant this motion.

Respectfully Submitted,



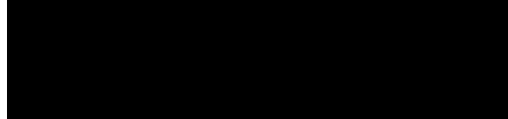
JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



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 Trial and Appellate Operations Division on 5 November 2025.

Respectfully Submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770.



**UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS**

UNITED STATES	)	No. ACM 40679
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Ace L. NESBITT)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 5 November 2025, counsel for Appellant submitted a Consent Motion to Examine Sealed Materials. Specifically, Appellant requests counsel for both parties be permitted to examine the following materials sealed by the military judge: Appellate Exhibits V–VII, IX–X, XII–XIV, XVI–XVIII, XX–XXII, XLIX–LIII, and LVI–LVIII; Preliminary Hearing Officer (PHO) Exhibits 7 and 15; audio recording of closed sessions; and sealed transcript pages 42–179 of the closed court sessions. The PHO materials were reviewed by all parties at the preliminary hearing, while all other materials were viewed by trial counsel and trial defense counsel at trial.

Appellate counsel may examine sealed materials released to counsel at trial “upon a colorable showing . . . that examination is reasonably necessary to a proper fulfillment of the appellate counsel’s responsibilities.” Rule for Courts-Martial 1113(b)(3)(B)(i).

The court has considered Appellant’s motion, the Government’s consent of the motion, and this court’s Rules of Practice and Procedure. The court finds counsel for Appellant has made a colorable showing that review of the sealed materials is necessary to fulfill counsel’s responsibilities.

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

ORDERED:

Appellant’s Consent Motion to Examine Sealed Materials is **GRANTED**.

Appellate defense counsel and appellate government counsel may view **Appellate Exhibits V–VII, IX–X, XII–XIV, XVI–XVIII, XX–XXII, XLIX–LIII, and LVI–LVIII ; Preliminary Hearing Officer (PHO) Exhibits 7 and 15; audio recording of closed sessions; and sealed transcript pages 42–179 of the closed court sessions.**

To view the sealed materials, counsel will coordinate with the court.

No counsel will photocopy, photograph, or otherwise reproduce this material and will not disclose or make available its contents to any other individual without this court's prior written authorization.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

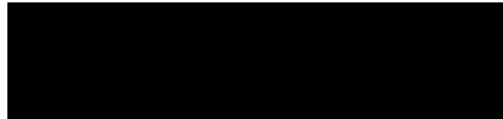
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MERITS BRIEF ON BEHALF OF
<i>Appellee,</i>	)	APPELLANT
)	
v.)	
	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40679
ACE L. NESBITT,)	
United States Air Force,	)	12 November 2025
<i>Appellant.</i>)	

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

The undersigned appellate defense counsel attests she has, on behalf of Appellant, carefully examined the record of trial in this case. Appellant does not admit the findings and sentence are correct in law and fact, but submits the case to this Honorable Court on its merits with no specific assignments of error

Respectfully Submitted,



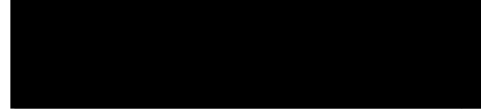
JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



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 Trial and Appellate Operations Division on 12 November 2025.

Respectfully Submitted,



JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770.

