

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION
<i>Appellee,</i>	)	FOR ENLARGEMENT
	)	OF TIME (FIRST)
v.)	
	)	Before Panel No. 2
Staff Sergeant (E-5))	
JOSEPH T. DeCLUE,	)	No. ACM 40769
United States Air Force,)	
<i>Appellant.</i>	)	11 March 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 to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **23 May 2025**.

Appellant’s case was docketed with this Court on 23 January 2025. From the date of docketing to the present date, 47 days have elapsed. On the date requested, 120 days will have elapsed since docketing.

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

Respectfully submitted,



JORDAN L. GRANDE, 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 Air Force Government Trial and Appellate Operations Division on 11 March 2025.



JORDAN L. GRANDE, Capt, USAF
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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
)	
	)	Before Panel No. 2
)	
Staff Sergeant (E-5)	)	No. ACM 40769
JOSEPH T. DeCLUE)	
United States Air Force,)	
<i>Appellant.</i>	)	13 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 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 13 March 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

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

UNITED STATES	)	No. ACM 40769
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Joseph T. DeCLUE)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 11 March 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 March, 2025,

ORDERED:

Appellant’s Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error **not later than 23 May 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 readdress 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 360 days after docketing, will not be granted absent exceptional circumstances.



FOR THE COURT



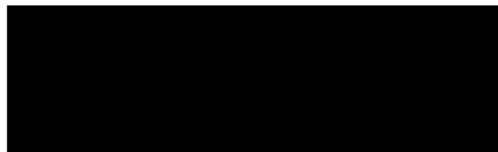
Olga Stanford
OLGA STANFORD, Capt, USAF
Chief Commissioner

The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,



JORDAN L. GRANDE, Maj, 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 Air Force Government Trial and Appellate Operations Division on 16 May 2025.



JORDAN L. GRANDE, Maj, USAF
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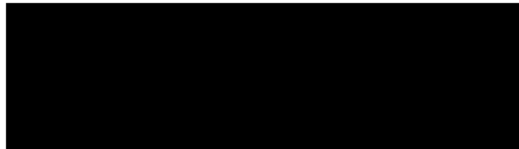
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
	)	OPPOSITION TO APPELLANT'S
<i>Appellee,</i>	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
	)	Before Panel No. 3
Staff Sergeant (E-5))	
JOSEPH T. DeCLUE	)	No. ACM 40769
United States Air Force,)	
<i>Appellant.</i>	)	20 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.



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 20 May 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,	)	APPELLANT’S MOTION
<i>Appellee,</i>	)	FOR ENLARGEMENT
	)	OF TIME (THIRD)
v.)	
	)	Before Panel No. 2
Staff Sergeant (E-5))	
JOSEPH T. DeCLUE,	)	No. ACM 40769
United States Air Force,)	
<i>Appellant.</i>	)	12 June 2025

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

Pursuant to Rule 23.3(m)(1) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **22 July 2025**.

Appellant’s case was docketed with this Court on 23 January 2025. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed since docketing.

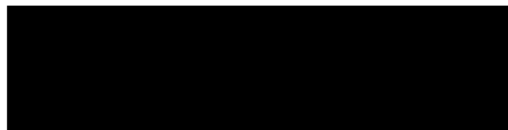
From 9 through 12 September 2024, Appellant was tried by a General Court-Martial composed of a military judge at Joint Base Andrews NAF Washington, Maryland. R. at 94, 231-232, 626. Contrary to his pleas, Appellant was convicted of one Charge with One Specification of child endangerment, in violation of Article 119b, Uniform Code of Military Justice (UCMJ); One Charge with One Specification of obstruction of justice, in violation of Article 131b, UCMJ; and One Charge with One Specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 233, 596; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the Grade of E-1, confined for a total period of nine months, and to be dishonorably discharged. EOJ; R. at 625.

The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,



JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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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 Air Force Government Trial and Appellate Operations Division on 12 June 2025.



JORDAN L. GRANDE, Maj, USAF
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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. 2
Staff Sergeant (E-5))	
JOSEPH T. DeCLUE	)	No. ACM 40769
United States Air Force.)	
<i>Appellant</i>	)	16 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.

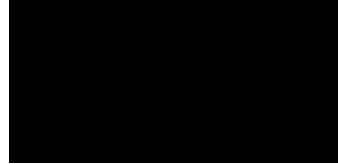


KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4809

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 16 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

The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 30 cases; 24 cases are pending before this Court (20 cases are pending AOE's). Nine cases have priority over the present case:

1. *United States v. Hilson*, ACM No. 24063 – The record of trial consists of one E-ROT with two volumes. It contains two Prosecution Exhibits, one Court Exhibit, eight Defense Exhibits, and four Appellate Exhibits. The transcript is 156 pages long. Undersigned counsel has completed her review of the record in this case.
2. *United States v. Fundis*, ACM No. 40689- The record of trial consists of six volumes, with eight Prosecution Exhibits, two Court Exhibits, eighteen Defense Exhibits, and eighteen Appellate Exhibits. The transcript is 377 pages long. Undersigned counsel has not yet completed her review of the record in this case.
3. *United States v. Reese*, ACM No. 24069 – The record of trial consists of one E-ROT containing two volumes, with twelve Prosecution Exhibits, four Court Exhibits, fourteen Defense Exhibits, and fifty-six Appellate Exhibits. The transcript is 1310 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of the record for this case.
4. *United States v. Castillo*, ACM No. 40705- The record of trial consists of seven volumes, with five Prosecution Exhibits, one Court Exhibit, one Defense Exhibit, and thirty-four Appellate Exhibits. The transcript is 470 pages long. Appellant is not

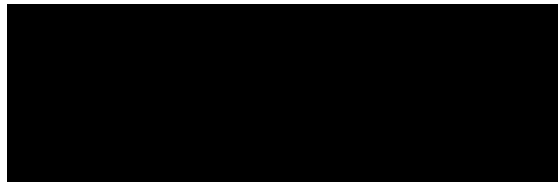
- currently confined. Undersigned counsel has not yet completed her review of the record for this case.
5. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
 6. *United States v. Heilig*, ACM No. 40740 - The record of trial consists of one e-ROT with six volumes, three Prosecution Exhibits, eight Defense Exhibits, and six Appellate Exhibits; the transcript is 135 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
 7. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
 8. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
 9. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits,

and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.


Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,



JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel
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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. 2
Staff Sergeant (E-5))	
JOSEPH T. DeCLUE	)	No. ACM 40769
United States Air Force.)	
<i>Appellant</i>	)	15 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.

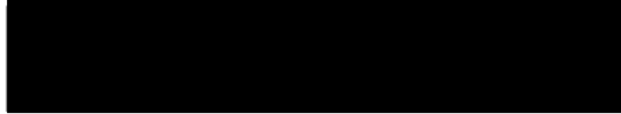
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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(240) 612-4800

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Appellate Defense Division on 15 July 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

The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 30 cases; 24 cases are pending before this Court (20 cases are pending AOE). Nine cases have priority over the present case:

1. *United States v. Gale*, Crim. App. Dkt. No. 2025-01/ USCA Dkt. No. XX-XXXX-AF – Undersigned counsel is working with civilian counsel to draft the Supplement to the Petition for Grant of Review in this Art. 62, UCMJ case. Civilian counsel in this case filed a Motion for Enlargement of Time to file the Supplement, which is currently pending before the CAAF.
2. *United States v. Fundis*, ACM No. 40689- The record of trial consists of six volumes, with eight Prosecution Exhibits, two Court Exhibits, eighteen Defense Exhibits, and eighteen Appellate Exhibits. The transcript is 377 pages long. Undersigned counsel has completed her review of the record in this case, however civilian counsel is drafting the AOE in this case.
3. *United States v. Reese*, ACM No. 24069 – The record of trial consists of one E-ROT containing two volumes, with twelve Prosecution Exhibits, four Court Exhibits, fourteen Defense Exhibits, and fifty-six Appellate Exhibits. The transcript is 1310 pages long. Appellant is not currently confined. Undersigned counsel is currently drafting the AOE in this case.

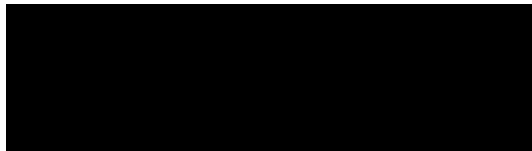
4. *United States v. Castillo*, ACM No. 40705- The record of trial consists of seven volumes, with five Prosecution Exhibits, one Court Exhibit, one Defense Exhibit, and thirty-four Appellate Exhibits. The transcript is 470 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of the record for this case.
5. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
6. *United States v. Heilig*, ACM No. 40740 - The record of trial consists of one e-ROT with six volumes, three Prosecution Exhibits, eight Defense Exhibits, and six Appellate Exhibits; the transcript is 135 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
7. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
8. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.


9. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

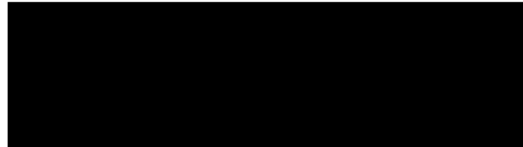


JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel
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1500 West Perimeter Road, Suite 1100
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Email: jordan.grande@us.af.mil

CERTIFICATE OF FILING AND SERVICE

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JORDAN L. GRANDE, Maj, USAF
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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
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 2
Staff Sergeant (E-5))	
JOSEPH T. DeCLUE	)	No. ACM 40769
United States Air Force.)	
<i>Appellant</i>	)	11 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.



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

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Appellate Defense Division on 11 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

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

UNITED STATES	)	No. ACM 40769
<i>Appellee</i>)	
)	
v.)	
	)	NOTICE OF
Joseph T. DeCLUE	)	PANEL CHANGE
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>)	

It is by the court on this 16th day of September, 2025,

ORDERED:

The record of trial in the above styled matter is withdrawn from Panel 2 and referred to a Special Panel for appellate review.

The Special Panel in this matter shall be constituted as follows:

JOHNSON, JOHN C., Colonel, Chief Appellate Military Judge
KEARLEY, CYNTHIA T., Colonel, Appellate Military Judge
MORGAN, CHRISTOPHER S., Colonel, Appellate Military Judge

This panel letter supersedes all previous panel assignments.



FOR THE COURT



TANICA S. BAGMON
Appellate Court Paralegal

232, 626. Contrary to his pleas, Appellant was convicted of one Charge with One Specification of child endangerment, in violation of Article 119b, Uniform Code of Military Justice (UCMJ); One Charge with One Specification of obstruction of justice, in violation of Article 131b, UCMJ; and One Charge with One Specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 233, 596; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the Grade of E-1, confined for a total period of nine months, and to be dishonorably discharged. EOJ; R. at 625.

The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 29 cases; 23 cases are pending before this Court (18 cases are pending AOE). Six cases have priority over the present case:

1. *United States v. Castillo*, ACM No. 40705- The record of trial consists of seven volumes, with five Prosecution Exhibits, one Court Exhibit, one Defense Exhibit, and thirty-four Appellate Exhibits. The transcript is 470 pages long. Appellant is not currently confined. Undersigned counsel is drafting the AOE for this case.
2. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. Undersigned counsel is reviewing the record for this case.

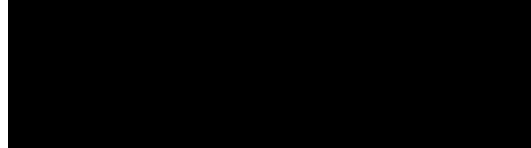
3. *United States v. Heilig*, ACM No. 40740 - The record of trial consists of one e-ROT with six volumes, three Prosecution Exhibits, eight Defense Exhibits, and six Appellate Exhibits; the transcript is 135 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
4. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.
5. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
6. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose

a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

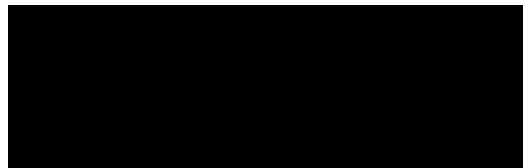


JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770



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 Air Force Government Trial and Appellate Operations Division on 14 September 2025.



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Office: (240) 612-4770



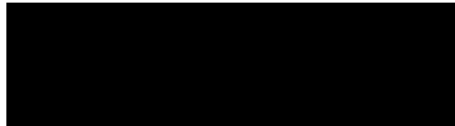
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 2
Staff Sergeant (E-5))	
JOSEPH T. DeCLUE	)	No. ACM 40769
United States Air Force.)	
<i>Appellant</i>	)	15 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 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.



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 15 August 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
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United States Air Force
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be reduced to the Grade of E-1, confined for a total period of nine months, and to be dishonorably discharged. EOJ; R. at 625.

The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 29 cases; 23 cases are pending before this Court (18 cases are pending AOE). Five cases have priority over the present case:

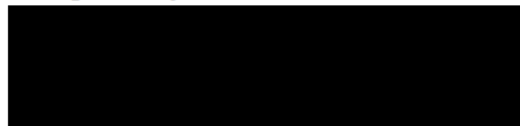
1. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. Undersigned counsel is drafting the AOE for this case.
2. *United States v. Heilig*, ACM No. 40740 - The record of trial consists of one e-ROT with six volumes, three Prosecution Exhibits, eight Defense Exhibits, and six Appellate Exhibits; the transcript is 135 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
3. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.

4. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
5. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.

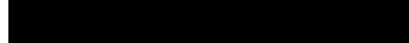
Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,



JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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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 Air Force Government Trial and Appellate Operations Division on 13 October 2025.



JORDAN L. GRANDE, Maj, USAF
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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. 2
Staff Sergeant (E-5))	
JOSEPH T. DeCLUE	)	No. ACM 40769
United States Air Force.)	
<i>Appellant</i>	)	14 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 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.

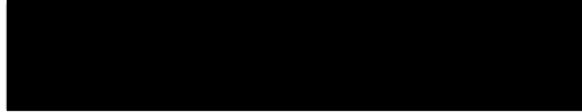
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 14 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 40769
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Joseph T. DeCLUE)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>	)	Special Panel

On 13 October 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Seventh), 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, prior filings in this case, case law, and this court's Rules of Practice and Procedure.

Accordingly, it is by the court on this 20th day of October, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (Seventh) is **GRANTED**. Appellant shall file any assignments of error not later than **19 November 2025**.

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



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, <i>Appellee,</i>	)	APPELLANT’S MOTION
	)	FOR ENLARGEMENT
	)	OF TIME (EIGHTH)
v.)	
	)	Before Panel No. 2
Staff Sergeant (E-5))	
JOSEPH T. DeCLUE,	)	No. ACM 40769
United States Air Force,)	
<i>Appellant.</i>	)	12 November 2025

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

Pursuant to Rule 23.3(m)(1), (4), and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of thirty days, which will end on **19 December 2025**.

Appellant’s case was docketed with this Court on 23 January 2025. From the date of docketing to the present date, 293 days have elapsed. On the date requested, 330 days will have elapsed since docketing.

From 9 through 12 September 2024, Appellant was tried by a General Court-Martial composed of a military judge at Joint Base Andrews NAF Washington, Maryland. R. at 94, 231-232, 626. Contrary to his pleas, Appellant was convicted of one Charge with One Specification of child endangerment, in violation of Article 119b, Uniform Code of Military Justice (UCMJ); One Charge with One Specification of obstruction of justice, in violation of Article 131b, UCMJ; and One Charge with One Specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 233, 596; Entry of Judgment (EOJ). The military judge sentenced Appellant to

be reduced to the Grade of E-1, confined for a total period of nine months, and to be dishonorably discharged. EOJ; R. at 625.

The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 29 cases; 23 cases are pending before this Court (18 cases are pending AOE). Five cases have priority over the present case:


1. *United States v. Reese*, No. ACM 24069 – The record of trial consists of one E-ROT containing two volumes, with twelve Prosecution Exhibits, four Court Exhibits, fourteen Defense Exhibits, and fifty-six Appellate Exhibits. The transcript is 1310 pages long. Appellant is not currently confined. The Reply in this case is due 15 November 2025.
2. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. Undersigned counsel is drafting the AOE for this case.
3. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.

4. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
5. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

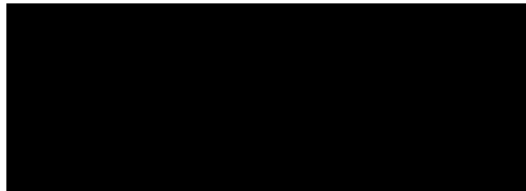


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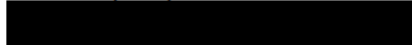


CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 12 November 2025.



JORDAN L. GRANDE, Maj, 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’
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT’S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Staff Sergeant (E-5)	)	Before Panel No. 2
JOSEPH T. DeCLUE,)	
United States Air Force,	)	No. ACM 40769
<i>Appellant.</i>)	
	)	14 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 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 14 November 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

be reduced to the Grade of E-1, confined for a total period of nine months, and to be dishonorably discharged. EOJ; R. at 625.

The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 22 cases; 17 cases are pending before this Court (10 cases are pending AOE). Four cases have priority over the present case:

1. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. The AOE in this case is being reviewed.
2. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. Undersigned counsel is currently drafting the AOE in this case.
3. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
4. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits,

and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

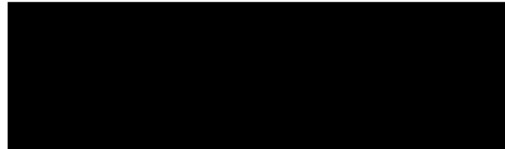


JORDAN L. GRANDE, Maj, USAF
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Joint Base Andrews NAF, MD 20762-6604
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I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 12 December 2025.



JORDAN L. GRANDE, Maj, USAF
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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. 2
Staff Sergeant (E-5))	
JOSEPH T. DeCLUE,	)	No. ACM 40769
United States Air Force.)	
<i>Appellant</i>	)	16 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 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.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial & 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 16 December 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial & 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 40769
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Joseph T. DeCLUE)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>	)	Special Panel

On 12 December 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Ninth), requesting an additional 30 days to submit Appellant’s assignments of error. The Government opposes the motion.

On 19 December 2025, the court held a status conference to discuss the progress of the case. Appellant was represented by Major Jordan L. Grande, who participated by telephone; Mr. Dwight H. Sullivan from the Appellate Defense Division also participated by telephone. Major Vanessa Bairos represented the Government. Among other information, Major Grande provided updates on the cases before this court that she considered higher priorities than Appellant’s case. She estimated the Defense may request one additional enlargement of time beyond the ninth, and she might file Appellant’s assignments of error in February 2026. She also clarified that Appellant is not currently confined. Major Bairos maintained the Government’s opposition to the motion but did not challenge any representation by the Defense.

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 December, 2025,

ORDERED:

Appellant’s Motion for Enlargement of Time (Ninth) is **GRANTED**.

It is further ordered:

Appellant shall file any assignments of error not later than **18 January 2026**.



JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

Facts

From 9 through 12 September 2024, Appellant was tried by a General Court-Martial composed of a military judge at Joint Base Andrews Naval Air Facility Washington, Maryland. R. at 94, 231-232, 626. Contrary to his pleas, Appellant was convicted of one charge with one specification of child endangerment, in violation of Article 119b, Uniform Code of Military Justice (UCMJ); one charge with one specification of obstruction of justice, in violation of Article 131b, UCMJ; and one charge with one specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 233, 596; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the grade of E-1, confined for a total period of nine months, and to be dishonorably discharged. EOJ; R. at 625.

During the proceedings, there was litigation concerning MRE 504 and 304(d) (Appellate Exhibit XIII). R. at 38-47. Additionally, the parties entered a closed session to discuss several motions related to MRE 412 litigation: Appellate Exhibits XIV through XX, and XXVII, XXVIII, XXXIII, and XXXIV. R. at 50-85.

Law

Pursuant to Rule for Court Martial (R.C.M.) 1113(b)(3)(B)(i), “materials presented or reviewed at trial and sealed . . . may be examined by appellate counsel upon a colorable showing to the reviewing or appellate authority that examination is reasonably necessary to a proper fulfillment of the appellate counsel’s responsibilities[.]”

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).

Air Force regulations governing professional duties and conduct of appellate defense counsel impose upon counsel, *inter alia*, a duty to provide “competent representation,”¹ perform “reasonable diligence,”² and to “give a client his or her best professional evaluation of the questions that might be presented on appeal...[to] consider all issues that might affect the validity of the judgment of conviction and sentence...[to] advise on the probable outcome of a challenge to the conviction or sentence...[and to] endeavor to persuade the client to abandon a wholly frivolous appeal or to eliminate contentions lacking in substance.”³ These requirements are consistent with those imposed by the state bar to which counsel belong.⁴

This Court may grant relief “on the basis of the entire record” of trial. Article 66, UCMJ, 10 U.S.C. § 866. Appellate defense counsel detailed by the Judge Advocate General shall represent accused servicemembers before this Court. Article 70, UCMJ, 10 U.S.C. § 870.

Analysis

The parties “presented” and “reviewed” the sealed material at trial. It is reasonably necessary for Appellant’s counsel to review this sealed exhibit for counsel to competently conduct a professional evaluation of Appellant’s case and to uncover all issues which might afford him relief. Because examination of the material in question is reasonably necessary to the fulfillment of counsel’s Article 70, UCMJ, duties, and because the contents of the Motions were made available to the parties at trial, Appellant has provided the “colorable showing” required by R.C.M. 1113(b)(3)(B)(i) to permit his counsel’s examination of the sealed material and has shown good cause to grant this motion.

¹ Air Force Instruction (AFI) 51-110, *Professional Responsibility Program*, Attachment 2: Air Force Rules of Professional Conduct, Rule 1.1 (11 Dec. 2018).

² *Id.* at Rule 1.3.

³ AFI 51-110, Attachment 7: Air Force Standards for Criminal Justice, Standard 4-8.3(b).

⁴ Undersigned counsel is licensed to practice law in Connecticut.

The Government consents to both parties viewing the sealed material detailed above.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant this consent motion and permit appellate counsel for the Appellant and the Government to examine the aforementioned sealed material and receive copies of the material removed but not sealed contained within the original record of trial.

Respectfully submitted,



JORDAN L. GRANDE, Maj, 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 was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 9 January 2026.

Respectfully submitted,



JORDAN L. GRANDE, Maj, 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 40769
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Joseph T. DeCLUE)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>	)	Special Panel

On 9 January 2026, counsel for Appellant submitted a Consent Motion to Examine Sealed Materials, requesting to be allowed to examine Prosecution Exhibits 9 and 10 (offered but not admitted); Appellate Exhibits XIII–XX, XXVII, XXVIII, XXXIII, and XXXIV; transcript pages 50–85; and the audio recording of the closed proceedings, which were reviewed by trial counsel and trial defense counsel below. Counsel for Appellant states “[t]he Government consents to both parties viewing the sealed material detailed above.”

Counsel for Appellant also requests copies of page 12 of Prosecution Exhibit 2 (offered but not admitted) and page 8 of Prosecution Exhibit 11, which were not ordered sealed but were removed from copies of the record of trial because they contain “sexually explicit materials,” be “made available” to appellate defense and government counsel. We authorize both parties to receive a copy of these non-sealed materials, and the Clerk of the Court will ensure such copies are provided to them.

The court finds good cause to grant the motion. *See* Rule for Courts-Martial 1113(b)(3)(B)(i), *Manual for Courts-Martial, United States* (2024 ed.).

Accordingly, it is by the court on this 12th day of January, 2026,

ORDERED:

Appellant’s Consent Motion to Examine Sealed Material dated 9 January 2026 is **GRANTED**. Appellate defense counsel and appellate government counsel may review Prosecution Exhibits 9 and 10; page 12 of Prosecution Exhibit 2 and page 8 of Prosecution Exhibit 11; Appellate Exhibits XIII–XX, XXVII, XXVIII, XXXIII, and XXXIV; transcript pages 50–85; and the audio recording of the closed proceedings, subject to the following conditions:

To review these materials, counsel will coordinate with the court.

No counsel granted access to the materials may photocopy, photograph, record, reproduce, disclose, or make available the content to any other individual without the court's prior written authorization, except as provided in this order.

Counsel for Appellant and counsel for the Government will further coordinate with the Clerk of the Court for one copy each of page 12 of Prosecution Exhibit 2 and page 8 of Prosecution Exhibit 11 for their use during the pendency of the appeal.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

From 9 through 12 September 2024, Appellant was tried by a General Court-Martial composed of a military judge at Joint Base Andrews NAF Washington, Maryland. R. at 94, 231-232, 626. Contrary to his pleas, Appellant was convicted of one Charge with One Specification of child endangerment, in violation of Article 119b, Uniform Code of Military Justice (UCMJ); one charge with one specification of obstruction of justice, in violation of Article 131b, UCMJ; and one charge with one specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 233, 596; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the Grade of E-1, confined for a total period of nine months, and to be dishonorably discharged. EOJ; R. at 625.

The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of the record for this case, and does not anticipate requesting an additional EOT.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 22 cases; 17 cases are pending before this Court (10 cases are pending AOE). Three cases have priority over the present case:

1. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. The AOE in this case is currently being reviewed. The AOE is currently due to this Court on 17 January 2026, and undersigned counsel will not be requesting an additional EOT.

2. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case. The AOE is currently due to this Court on 17 January 2026, and undersigned counsel will not be requesting an additional EOT.
3. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case and anticipates filing a two-issue AOE.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

A solid black rectangular redaction box covering the signature of the undersigned counsel.

JORDAN L. GRANDE, Maj, 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
[REDACTED]

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 Air Force Government Trial and Appellate Operations Division on 12 January 2026.

[REDACTED]

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
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Office: (240) 612-4770
[REDACTED]

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. 2
Staff Sergeant (E-5))	
JOSEPH T. DeCLUE,	)	No. ACM 40769
United States Air Force.)	
<i>Appellant</i>	)	14 January 2026

**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 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 more than 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.

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



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial & 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 14 January 2026.



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

The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of the record for this case, however, as detailed in the Motion for Leave to File (MFLTF) and Motion for Remand filed on 5 February 2026, undersigned counsel has been unable to review the entirety of the transcript. The transcript contains over 180 instances of “inaudible” testimony, and the audio of the open proceedings has background noise that makes it impossible to hear much of the testimony of witnesses. While undersigned counsel did not anticipate requesting an additional EOT, she cannot completely review the record and prepare a brief on behalf of Appellant without a corrected transcript. The Government has not yet responded to the MFLTF and Motion for Remand, nor has this Court ruled on the Motion.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 19 cases; 16 cases are pending before this Court (three cases are pending AOE). No case has priority over the present case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant’s case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant’s case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel’s progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

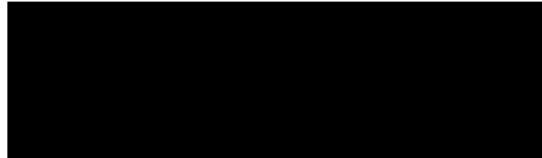


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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 10 February 2026.



JORDAN L. GRANDE, Maj, USAF
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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 a Special Panel
Staff Sergeant (E-5))	
JOSEPH T. DeCLUE,	)	No. ACM 40769
United States Air Force.)	
<i>Appellant</i>	)	12 February 2026

**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 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 more than two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 4 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.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
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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 February 2026.



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

MOTION

Facts

From 9 through 12 September 2024, SSgt DeClue was tried by a General Court-Martial composed of a military judge at Joint Base Andrews Naval Air Facility (NAF) Washington, Maryland. R. at 94, 231-232, 626. Contrary to his pleas, SSgt DeClue was convicted of one charge with one specification of child endangerment, in violation of Article 119b, Uniform Code of Military Justice (UCMJ); one charge with one specification of obstruction of justice, in violation of Article 131b, UCMJ; and one charge with one specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 233, 596; Entry of Judgment (EOJ). The military judge sentenced SSgt DeClue to be reduced to the Grade of E-1, confined for a total period of nine months, and to be dishonorably discharged. EOJ; R. at 625.

Transcript Errors

The transcript for SSgt DeClue's court-martial is 626 pages. It contains 183 portions of testimony marked as "inaudible," where there is no transcription. There are "inaudible" sections throughout the transcript. Some are during witness testimony. *See, e.g.* R. at 112, 161, 247, 257-263, 281-285, 386-87, 390-91, 422, 426, 438-440, 446, 459-470). Others are during SSgt DeClue's unsworn statement (R. at 544-45) and still others are during exchanges between counsel and the military judge (R. at 172, 193, 196). There are portions of testimony that are likely incorrect when compared with the audio proceedings (e.g. R. at 446, lines 11-14). The open audio proceedings are contained in the electronic record (e-ROT) as thirty-one (five for motions and twenty-six for findings and sentencing) embedded audio files. E-ROT at 34-35. The twenty-six audio files on page 35 of the e-ROT all contain a loud background noise. This makes it difficult to discern what

is being said and undersigned counsel is unable to compare the inaudible portions of the transcript to the audio of the proceedings to determine the transcript's accuracy.

Law

Article 54(c)(2), UCMJ, requires that a “complete record of proceedings and testimony shall be prepared in any case” where the sentence includes a discharge. 10 U.S.C. § 854. Rule for Courts-Martial (R.C.M.) 1112(b) states the record of trial must contain “[a] substantially verbatim recording of the court-martial proceedings.” *See* R.C.M. 1114(a) (“A certified verbatim transcript of the record of trial shall be prepared [w]hen the judgment entered into the record includes . . . a dishonorable or bad-conduct discharge, or confinement for more than six months.”). This certified transcript must be prepared without cost to the accused. R.C.M. 114(d). If the record of trial forwarded to appellate defense counsel does not include a written transcript of the proceedings, “the Government shall provide appellate defense counsel with appropriate equipment for playback of the recording and with either (i) the means to transform the recording into a text format through voice recognition software or similar means; or (ii) a transcription of the record in either printed or digital format.” R.C.M. 1116(b)(1)(A).

A substantial omission renders a record of trial incomplete. *United States v. Henry*, 53 M.J. 108, 111 (C.A.A.F. 2000) (citations omitted). An incomplete record may be returned to the military judge for correction. R.C.M. 1112(d)(2) (“A superior competent authority may return a [ROT] to the military judge for correction under this rule. The military judge shall give notice of the proposed correction to all parties and permit them to examine and respond to the proposed correction.”).

This Court may grant relief “on the basis of the entire record” of trial. Article 66, UCMJ, 10 U.S.C. § 866. Appellate defense counsel so detailed by the Judge Advocate General shall

represent accused servicemembers before this Court. Article 70, UCMJ, 10 U.S.C. § 870. This Court’s “broad mandate to review the record unconstrained by appellant’s assignments of error” does not reduce “the importance of adequate representation” by counsel; “independent review is not the same as competent appellate representation.” *United States v. May*, 47 M.J. 478, 481 (C.A.A.F. 1998).

Air Force regulations governing professional duties and conduct of appellate defense counsel impose upon counsel, *inter alia*, a duty to provide “competent representation,”¹ perform “reasonable diligence,”² and to “give a client his or her best professional evaluation of the questions that might be presented on appeal . . . [to] consider all issues that might affect the validity of the judgment of conviction and sentence . . . [to] advise on the probable outcome of a challenge to the conviction or sentence. . . . [and to] endeavor to persuade the client to abandon a wholly frivolous appeal or to eliminate contentions lacking in substance.”³

Analysis

The law requires a certified verbatim transcript of the recording of the court-martial proceedings be included in a record of trial where the sentence includes a discharge. 10 U.S.C. § 854; R.C.M. 1112(b); R.C.M. 1114(a). If a record of trial does not include a written transcript of the proceedings, the Government must provide defense counsel with the means to transform the recording into a text format through voice recognition software (without any cost to the

¹ Air Force Instruction (AFI) 51-110, *Professional Responsibility Program*, Attachment 2: Air Force Rules of Professional Conduct, Rule 1.1 (11 Dec. 2018).

² *Id.* at Rule 1.3.

³ AFI 51-110, Attachment 7: Air Force Standards for Criminal Justice, Standard 4-8.3(b).

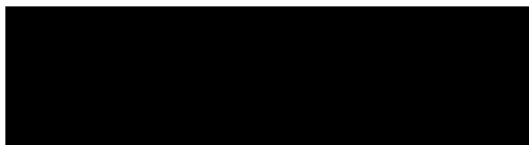
appellant or his defense counsel), or a transcription of the record in either printed or digital format. R.C.M. 1116(b)(1)(A); R.C.M. 1114(d).

SSgt DeClue's general court-martial transcription is incomplete and not verbatim. There are over 180 instances of non-transcribed testimony in the transcription and there are multiple instances where witness testimony is unclear due to the "inaudible" portions. While some of these errors, individually, may seem small, taken together they are much more serious. Although undersigned counsel has identified multiple areas where the testimony is not accurately transcribed, counsel cannot be certain that all errors or missing portions of the record have been identified. Undersigned counsel cannot reconstruct the testimony because of the muffled audio and the volume of the omissions in the transcript.

SSgt DeClue requests this Court issue an order to correct the record in this case by completing a new verbatim transcript, from start to finish. It is necessary for SSgt DeClue's counsel to review a complete record to competently conduct a professional evaluation of this case and to uncover all issues which might afford SSgt DeClue relief. The failure to include "[a] substantially verbatim recording of the court-martial proceedings" is a prejudicial omission from the record and this Court should remand this case for the record to be completed in accordance with R.C.M. 1112(d)(2).

WHEREFORE, Appellant requests this Honorable Court grant this motion and return this case to the Chief Trial Judge, Air Force Trial Judiciary, for correction under R.C.M. 1112(d).

Respectfully submitted,

A large black rectangular redaction box covering the signature of the Appellate Defense Counsel.

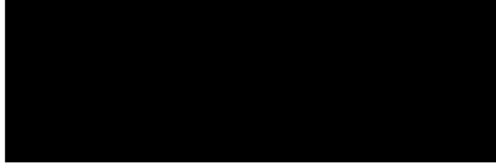
JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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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 5 February 2026.



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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES’ OPPOSITION
<i>Appellee,</i>	)	TO MOTION FOR REMAND
)	
v.	)	Before Panel No. 2
)	
Staff Sergeant (E-5)	)	No. ACM 40769
JOSEPH T. DECLUE)	
United States Air Force	)	11 February 2026
<i>Appellant.</i>)	

**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 opposes Appellant’s motion for remand because Appellant’s record of trial is complete pursuant to Article 54, UCMJ, and R.C.M. 1112. The verbatim transcript is an attachment to the record pursuant to R.C.M. 1114, not a requirement for completeness under R.C.M. 1112. Because of this, remand pursuant to R.C.M. 1112 is unnecessary and does not serve Appellant’s interest in speedy appellate review.

The United States acknowledges that small sections within the 162 page transcript are marked “inaudible.” But Appellant is wrong that this renders the record of trial incomplete under R.C.M. 1112. To be complete, a record of trial must comply with Article 54(c)(2), UCMJ, and the rules prescribed by the President. Article 54(c)(2) does not mandate a complete transcription of the proceeding. It only requires a “complete record of proceedings and testimony. The President promulgated R.C.M. 1112 and specifically directed that a “record of trial is complete if it complies with the requirements of R.C.M. 1112(b). (R.C.M. 1112(d)(2)). R.C.M. 1112(b) only requires a “*substantially verbatim recording*” of the court-martial – not a

transcript.¹ A substantially verbatim audio recording of the proceedings and testimony is in the record of trial. Although the audio recording in the sections labeled “inaudible” is difficult to hear – they are not all impossible. For example, undersigned counsel was able to identify that in audio from the last half of the sentence labeled “inaudible” on page 193 counsel says “404(b) argument from the government here.” Undersigned counsel was able to discern the audio from many of the sections, but admittedly not all. But even with some small sections being inaudible, the recording is still “substantially verbatim” in compliance with the rule. Therefore, the record of trial is complete in accordance with Article 54, UCMJ, and R.C.M. 1112, and remand pursuant R.C.M.1112(d) is inappropriate.

Appellant has failed to identify how the small portions of the recording that are inaudible are “substantial omissions” under United States v. Henry, 53 M.J. 108, 111 (C.A.A.F. 2020). Reviewing the sections identified by counsel, the inaudible audio is either irrelevant or able to be discerned from the context of the testimony. “Insubstantial omissions from a record of trial do not raise a presumption of prejudice or affect that record's characterization as a complete one.” Id. Importantly, unlike Henry and the cases cited therein, there are not exhibits missing from Appellant’s record of trial, or any other documents. In fact, the small parts of missing audio do not even rise to the level of what CAAF recognized as insubstantial omissions missing questions from members, an accused’s personnel record, and photographic exhibits of stolen property. Id.

¹ Further supporting that a verbatim transcript is not considered part of the contents of the record of trial which could render it incomplete pursuant to R.C.M. 1112 is the change in the rules for courts-martial that occurred between the 2016 M.C.M. and the 2019 M.C.M. Before 2019, R.C.M. 1103(b)(2)(B), titled *Verbatim transcript required*, directed that “the record of trial shall include a verbatim transcript...” The rule changed in the 2019 M.C.M., and all later versions, and the relevant authority, R.C.M. 1112, now only requires a “substantially verbatim recording” rather than a transcript. (R.C.M. 1112(b)(1)). A verbatim transcript is now merely considered an attachment to the record of trial pursuant to R.C.M. 1114 rather than part of the record of trial.

On its face, the small “inaudible” portions of the recording and transcript are not substantial, and so unless Appellant identifies how these small omissions are “substantial,” this Court should find remand to be inappropriate

The United States acknowledges that R.C.M. 1114 required that a verbatim transcript be attached to Appellant’s record of trial. But a *perfect* transcript is not required. Although, “verbatim means: Word for word; in the same words[.]” the CMA has “from the beginning recognized that literal compliance with this requirement is impossible. Accordingly, [the Court] ha[s] interpreted Article 54(a) to require that such records be substantially verbatim.” United States v. Lashley, 14 M.J. 7, 8 (C.M.A. 1982) (quotation and citation omitted). It is not unusual that some parts of an audio recording are inaudible and it does not render the transcript not substantially verbatim.

When minor “inaudible” sections in the transcript do not render the record of trial incomplete pursuant to R.C.M. 1112(b), remand, and the delay it causes, is unnecessary and impacts Appellant’s right to speedy appellate review.

WHEREFORE, the United States requests this Court deny Appellant’s motion for remand.



HEATHER R. BEZOLD, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations
Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

MARY ELLEN PAYNE
Associate Chief
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 the Air Force
Appellate Defense Division on 11 February 2026.



HEATHER R. BEZOLD, Capt, 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 40769
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Joseph T. DeCLUE)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>	)	Special Panel

On 5 February 2026, Appellant filed a Motion for Leave to File and Motion for Remand. Appellant contended the record of trial lacks the required verbatim transcript due to 183 instances in the 626-page transcript of the audio recording of the proceedings being marked “inaudible.” Appellant requests this court return the record to the Chief Trial Judge, Air Force Trial Judiciary, for correction pursuant to Rule for Courts-Martial 1112(d).

On 10 February 2026, while the Government’s response to Appellant’s Motion for Leave to File and Motion for Remand was pending, Appellant filed a motion for an eleventh enlargement of time in which to file his assignments of error. Appellant’s assignments of error were due on 17 February 2026. Appellant cited his pending Motion for Leave to File and Motion for Remand as a principal reason for seeking another enlargement of time.

On 11 February 2026, the Government filed its opposition to Appellant’s Motion for Leave to File and Motion for Remand, and on 12 February 2026 the Government opposed Appellant’s motion for enlargement of time.

The court has considered Appellant’s motions, the Government’s responses, the record and its attachments, prior filings in this case, the Rules for Courts-Martial, and this court’s Rules of Practice and Procedure.

Accordingly, it is by the court on this 17th day of February, 2026,

ORDERED:

Appellant’s Motion for Enlargement of Time (Eleventh) is **GRANTED**. Appellant shall file any assignments of error not later than **19 March 2026**.

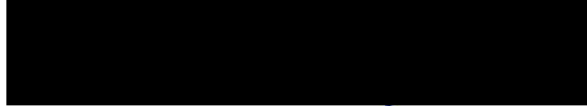
Appellant’s Motion for Leave to File dated 5 February 2026 is **GRANTED**.

Appellant’s Motion for Remand dated 5 February 2026 is **DENIED** without prejudice to Appellant’s ability to request relief for alleged deficiencies in the

record or transcript of the proceedings when he submits his assignments of error brief.



FOR THE COURT



JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

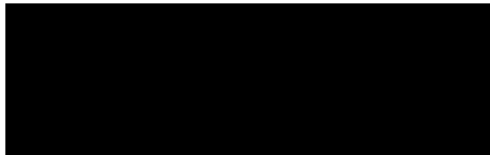
The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of the record for this case, however, as detailed in the Motion for Leave to File (MFLTF) and Motion for Remand filed on 5 February 2026, the transcript contains over 180 instances of “inaudible” testimony, and this has required undersigned counsel to spend additional time listening to the audio of the proceedings. Undersigned counsel is requesting seven additional days to complete the AOE, which has required more time than originally anticipated given the issues with the transcript described above.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned sixteen cases; eleven cases are pending before this Court (four cases are pending AOE). No case has priority over the present case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant’s case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant’s case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel’s progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,



JORDAN L. GRANDE, Maj, 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 Air Force Government Trial and Appellate Operations Division on 12 March 2026.



JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel
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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 a Special Panel
Staff Sergeant (E-5))	
JOSEPH T. DeCLUE,	)	No. ACM 40769
United States Air Force.)	
<i>Appellant</i>	)	16 March 2026

**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 427 days in length. Appellant’s over 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 more than two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 3 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 16 March 2026.



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