

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

UNITED STATES	)	No. ACM 39939 (f rev)
<i>Appellee</i>)	
)	
v.)	
	)	NOTICE OF DOCKETING
Paul J. GOLDMAN)	
Airman First Class (E-3))	
U.S. Air Force)	
<i>Appellant</i>)	

The above styled case was re-docketed with this court by the Appellate Records Branch on 15 September 2022.

Accordingly, it is by the court on this 16th day of September, 2022,

ORDERED:

That the Record of Trial in the above styled matter is 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
KEY III, JAMES E., Colonel, Senior Appellate Military Judge
ANNEXSTAD, WILLIAM J., Colonel, Appellate Military Judge



FOR THE COURT

TANICA S. BAGMON
Appellate Court Paralegal

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
	)	TIME (FIRST)
)	
v.	)	Before Special Panel
)	
Airman First Class (E-3)	)	No. ACM 39939 (f rev)
PAUL J. GOLDMAN)	
United States Air Force	)	7 November 2022
)	
)	

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

Pursuant to Rule 23.3(m)(2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **13 January 2023**. The record of trial was re-docketed with this Court on 15 September 2022. From the date of docketing to the present date, 53 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,



JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

GRANTED
9 NOVEMBER 2022

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 Appellate Government Division on 7 November 2022.

Respectfully submitted,

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

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
)	
Airman First Class (E-3)	)	ACM 39939 (f rev)
PAUL J. GOLDMAN, USAF,)	
<i>Appellant.</i>	)	Before Special Panel
)	

**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.

OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 9 November 2022.

OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME (SECOND)
)	
v.	)	Before Special Panel
)	
Airman First Class (E-3)	)	No. ACM 39939 (f rev)
PAUL J. GOLDMAN)	
United States Air Force	)	6 January 2023
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **12 February 2023**. The record of trial was re-docketed with this Court on 15 September 2022. From the date of re-docketing to the present date, 113 days have elapsed. On the date requested, 150 days will have elapsed.

On 15–17 January, and 10–11 March 2020, consistent with his pleas, Appellant was convicted¹ at a general court-martial at Joint Base San Antonio-Lackland, Texas, of one charge and two specifications of willfully disobeying a superior officer in violation of Article 90, Uniform Code of Military Justice (UCMJ), one charge and one specification of failing to obey a lawful general regulation in violation of Article 92, UCMJ, one charge and one specification of possessing marijuana in violation of Article 112a, one charge and five specifications of consummated by a battery in violation of Article 128, UCMJ, one charge and one specification of obstruction of justice in violation of Article 131b, one charge and one



GRANTED

10 JAN 2023

¹ Pursuant to his plea agreement, one charge and two specifications of sexual assault in violation of Article 120, UCMJ, and one specification of assault consummated by a battery in violation of Article 128 were dismissed following arraignment.

specification of extramarital sexual conduct, one specification of child endangerment, and one specification of drunk and disorderly conduct in violation of Article 134. The military judge sentenced Appellant to a reprimand, to be reduced to the grade of E-1, to be confined for 10 months, and to be discharged from the service with a bad conduct discharge. R. at 923. In accordance with Appellant's request, the convening authority deferred the reduction in rank and the automatic forfeitures until the date the entry of judgment was signed, and waived the automatic forfeitures of total pay and allowances for a period of six months. Decision on Action, dated 5 May 2020.

On 20 January 2022, this Court remanded Appellant's case to fix several errors in Appellant's Entry of Judgment (EOJ). *United States v. Goldman*, ACM 39939, 2022 CCA LEXIS 43, at *13-14 (A.F. Ct. Crim. App. 20 Jan. 2022) (unpub. op.). This Court found that the EOJ did not accurately reflect that Appellant's dismissed charges had been dismissed with prejudice. *Id.* at *13. This Court identified four additional errors in the EOJ. *Id.* at *14. Additionally, this Court also found that Appellant's record of trial (ROT) should be corrected to address "(1) the blank pages in three appellate exhibits, (2) the two email rulings made by the military judge that were not included in the record of trial, and (3) the missing audio recording of one session of open court." *Id.* at *17-18. After his case was redocketed and submitted on the merits, this Court determined that while Appellant's EOJ had been corrected to state his charges were dismissed with prejudice, the EOJ failed to correct the errors previously identified by this Court. *United States v. Goldman*, ACM 39939 (f rev), 2022 CCA LEXIS 511, at *2 (A.F. Ct. Crim. App. 30 Aug. 2022) (unpub. op.).

The record of trial consists of 5 prosecution exhibits, 1 defense exhibits, and 48 appellate

exhibits; the transcript is 924 pages. Appellant is not currently confined.¹

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and not finished her review of Appellant's ROT. Accordingly, an enlargement of time is necessary to allow undersigned counsel to complete her review of Appellant's ROT.

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

Respectfully submitted,

— F
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-

¹ Appellant was given credit for 188 days of pretrial confinement.

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 Appellate Government Division on 6 January 2023.

Respectfully submitted,

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-

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
)	
Airman First Class (E-3)	)	ACM 39939 (f rev)
PAUL J. GOLDMAN, USAF,)	
<i>Appellant.</i>	)	Before Special Panel
)	

**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.

OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 9 January 2023.

OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
	)	TIME (FOURTH)
)	
<i>Appellee</i>	)	Before Special Panel
)	
v.)	
	)	No. ACM 39939 (f rev)
Airman First Class (E-3))	
PAUL J. GOLDMAN	)	7 March 2023
United States Air Force)	
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) and (m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **13 April 2023**. The record of trial was re-docketed with this Court on 15 September 2022. From the date of re-docketing to the present date, 173 days have elapsed. On the date requested, 210 days will have elapsed.

On 15–17 January, and 10–11 March 2020, consistent with his pleas,¹ Appellant was convicted at a general court-martial at Joint Base San Antonio-Lackland, Texas, of one charge and two specifications of willfully disobeying a superior officer in violation of Article 90, Uniform Code of Military Justice (UCMJ), one charge and one specification of failing to obey general regulation in violation of Article 92, UCMJ, one charge and one specification of willfully using marijuana in violation of Article 112a, one charge and five specifications of sexual assault consummated by a battery in violation of Article 128, UCMJ, one charge and one



GRANTED

9 MAR 2023

¹ Pursuant to his plea agreement, one charge and two specifications of sexual assault in violation of Article 120, UCMJ, and one specification of assault consummated by a battery in violation of Article 128 were dismissed following arraignment.

specification of obstruction of justice in violation of Article 131b, one charge and one violation specification of extramarital sexual conduct, one specification of child endangerment, and one specification of drunk and disorderly conduct in violation of Article 134. The military judge sentenced Appellant to a reprimand, to be reduced to the grade of E-1, to be confined for 10 months, and to be discharged from the service with a bad conduct discharge. R. at 923. In accordance with Appellant's request, the convening authority deferred the reduction in rank and the automatic forfeitures until the date the entry of judgment was signed, and waived the automatic forfeitures of total pay and allowances for a period of six months. Decision on Action, dated 5 May 2020.

On 20 January 2022, this Court remanded Appellant's case to fix several errors in Appellant's Entry of Judgment (EOJ). *United States v. Goldman*, ACM 39939, 2022 CCA LEXIS 43, at *13-14 (A.F. Ct. Crim. App. 20 Jan. 2022) (unpub. op.). This Court found that the EOJ did not accurately reflect that Appellant's dismissed charges had been dismissed with prejudice. *Id.* at *13. This Court identified four additional errors in the EOJ. *Id.* at *14. Additionally, this Court also found that Appellant's record of trial (ROT) should be corrected to address "(1) the blank pages in three appellate exhibits, (2) the two email rulings made by the military judge that were not included in the record of trial, and (3) the missing audio recording of one session of open court." *Id.* at *17-18. After his case was redocketed and submitted on the merits, this Court determined that while Appellant's EOJ had been corrected to state his charges were dismissed with prejudice, the EOJ failed to correct the errors previously identified by this Court. *United States v. Goldman*, ACM 39939 (f rev), 2022 CCA LEXIS 511, at *2 (A.F. Ct. Crim. App. 30 Aug. 2022) (unpub. op.).

The record of trial consists of 5 prosecution exhibits, 1 defense exhibits, and 48 appellate

exhibits; the transcript is 924 pages. Appellant is not currently confined.²

Through no fault of Appellant, undersigned counsel has been working on other assigned matters³ and not finished her review of Appellant's ROT. Counsel is currently assigned 23 cases; 12 cases are pending initial AOE's before this Court. Appellant's case is military counsel's fourth priority case. The following cases have priority over Appellant's case:

1. *United States v Robles*, ACM 40280 – The record of trial is 8 volumes; the trial transcript is 399 pages. There are 18 prosecution exhibits, 6 defense exhibits, and 15 appellate exhibits. Counsel has reviewed approximately 200 pages of Appellant's transcript.

2. *United States v. Arbo*, ACM 40285 – The record of trial is 2 volumes; the trial transcript is 118 pages. There are 6 prosecution exhibits, 2 defense exhibits, and 6 appellate exhibits. Counsel has reviewed Appellant's transcript, has reviewed $\frac{3}{4}$ of Appellant's ROT, and submitted a request to view sealed materials, which was granted.

3. *United States v Flores*, ACM S32728 – The record of trial is 2 volumes; the trial transcript is 143 pages. There are 5 prosecution exhibits, 4 defense exhibits, and 5 appellate exhibits. Counsel has completed her review of Appellant's case, identified potential issues to raise, and has spoken with Appellant to discuss what issues she would like raised in her brief, and has started drafting her Assignments of Error.

Accordingly, an enlargement of time is necessary to allow undersigned counsel to complete her review of Appellant's ROT.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the

² Appellant was given credit for 188 days of pretrial confinement.

³ Since the filing of Appellant's last EOT, counsel filed a lengthy brief in *United States v. Jones*, ACM 40226, on 21 February 2023.

requested enlargement of time.

Respectfully submitted,

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-

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 Appellate Government Division on 7 March 2023.

Respectfully submitted,

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-

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
)	
Airman First Class (E-3)	)	ACM 39939 (f rev)
PAUL J. GOLDMAN, USAF,)	
<i>Appellant.</i>	)	Before Special Panel
)	

**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.

OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 8 March 2023.

OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

v.

Airman First Class (E-3)
PAUL J. GOLDMAN,
United States Air Force,

Appellant

MERITS BRIEF

Before Special Panel

No. ACM 39939 (f rev)

Filed on: 13 April 2023

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

Submission of Case Without Specific Assignments of Error

The undersigned appellate defense counsel attests she has, on behalf of Airman First Class (A1C) Paul J. Goldman, Appellant, carefully examined the record of trial in this case. A1C Goldman does not admit that the findings and sentence are correct in law and fact, but submits the case to this Honorable Court on its merits with no specific assignments of error.¹

¹ A1C Goldman has conformed this merits brief to the format in Appendix B of this Honorable Court’s Rule of Practice and Procedure. A1C Goldman understands this Court will exercise its independent “awesome, plenary, and de novo power” to review the entire record of this proceeding for factual and legal sufficiency, and for sentence propriety, and to “substitute its judgment” for that of the court below, as is provided for and required by Article 66(c), UCMJ, 10 U.S.C. §866(c) (2012) [now Article 66(d), UCMJ, 10 U.S.C. §866(d) (2019)]. *United States v. Cole*, 31 M.J. 270, 272 (C.M.A. 1990); *United States v. Chin*, 75 M.J. 220 (C.A.A.F. 2016).

Respectfully submitted,

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via electronic mail to the Court and served on the Appellate Government Division on 13 April 2023.

Respectfully submitted,

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

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

UNITED STATES	)	No. ACM 39939 (f rev)
<i>Appellee</i>)	
)	
v.)	
	)	NOTICE OF PANEL CHANGE
Paul J. GOLDMAN)	
Airman First Class (E-3))	
U.S. Air Force)	
<i>Appellant</i>)	

It is by the court on this 14th day of April, 2023,

ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from a Special Panel and referred to Panel 1 for appellate review.

This panel letter supersedes all previous panel assignments.



FOR THE COURT

TANICA S. BAGMON
Appellate Court Paralegal