

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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee</i>	)	<b>ENLARGEMENT OF TIME (FIRST)</b>
	)	
v.	)	Before Panel No. 1
	)	
Airman First Class (E-3)	)	No. ACM S32763
<b>JORGE H. VILLANUEVA GONZALEZ,</b>	)	
United States Air Force	)	2 February 2024
<i>Appellant</i>	)	

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a first enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **9 April 2024**. The record of trial was docketed with this Court on 11 December 2023. 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 first enlargement of time.

Respectfully submitted,

FREDERICK J. JOHNSON, 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 email to the Court and served on the Government Trial and Appellate Operations Division on 2 February 2024.

Respectfully submitted,

FREDERICK J. JOHNSON, 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 S32763
JORGE H. VILLANUEVA GONZALEZ,	)	
USAF,	)	
<i>Appellant.</i>	)	Panel No. 1

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

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

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

MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 5 February 2024.

MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force

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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee</i>	)	<b>ENLARGEMENT OF TIME (SECOND)</b>
	)	
v.	)	Before Panel No. 1
	)	
Airman First Class (E-3)	)	No. ACM S32763
<b>JORGE H. VILLANUEVA GONZALEZ,</b>	)	
United States Air Force	)	28 March 2024
<i>Appellant</i>	)	

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a second enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **9 May 2024**. The record of trial was docketed with this Court on 11 December 2023. From the date of docketing to the present date, 108 days have elapsed. On the date requested, 150 days will have elapsed.

On 6 April and 6 June 2023, a military judge sitting as a special court-martial at Joint Base Pearl Harbor-Hickam, Hawaii, found Appellant guilty, consistent with his pleas, of one charge and one specification of absence without leave in violation of Article 86, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 886; two charges with a total of three specifications of wrongful use of controlled substances in violation of Article 112a, UCMJ, 10 U.S.C. § 912a; one charge and one specification of breach of restriction in violation of Article 87b, UCMJ, 10 U.S.C. § 887b; and one charge and one specification of impaired operation of a vehicle in violation of Article 113, UCMJ, 10 U.S.C. § 913. R. at 115; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 6 September 2023. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to be confined for four months, and to be discharged from the

service with a bad-conduct discharge. R. at 138; EOJ. The convening authority took no action on the findings or the sentence but deferred the reduction in rank and automatic forfeitures until the date the military judge signed the entry of judgment and waived all automatic forfeitures from entry of judgment for six months or until release from confinement or expiration of term of service, whichever is sooner, for the benefit of Appellant's dependent child. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Airman First Class Jorge H. Villamueva Gonzalez*, dated 19 July 2023.

The record of trial is a one volume electronic record consisting of nine prosecution exhibits, two defense exhibits, and 11 appellate exhibits; the transcript is 139 pages. Appellant is not currently confined.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors.

**WHEREFORE**, Appellant respectfully requests that this Honorable Court grant the requested second enlargement of time for good cause shown.

Respectfully submitted,

FREDERICK J. JOHNSON, 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 email to the Court and served on the Government Trial and Appellate Operations Division on 28 March 2024.

Respectfully submitted,

FREDERICK J. JOHNSON, 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 S32763
JORGE H. VILLANUEVA GONZALEZ,	)	
USAF,	)	
<i>Appellant.</i>	)	Panel No. 1

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

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

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

PETE FERRELL, Lt Col, USAF  
Director of Operations  
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 29 March 2024.

PETE FERRELL, Lt Col, USAF  
Director of Operations  
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**

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee</i>	)	<b>ENLARGEMENT OF TIME (THIRD)</b>
	)	
v.	)	Before Panel No. 1
	)	
Airman First Class (E-3)	)	No. ACM S32763
<b>JORGE H. VILLANUEVA GONZALEZ,</b>	)	
United States Air Force	)	23 April 2024
<i>Appellant</i>	)	

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a third enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **8 June 2024**. The record of trial was docketed with this Court on 11 December 2023. From the date of docketing to the present date, 134 days have elapsed. On the date requested, 180 days will have elapsed.

On 6 April and 6 June 2023, a military judge sitting as a special court-martial at Joint Base Pearl Harbor-Hickam, Hawaii, found Appellant guilty, consistent with his pleas, of one charge and one specification of absence without leave in violation of Article 86, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 886; two charges with a total of three specifications of wrongful use of controlled substances in violation of Article 112a, UCMJ, 10 U.S.C. § 912a; one charge and one specification of breach of restriction in violation of Article 87b, UCMJ, 10 U.S.C. § 887b; and one charge and one specification of impaired operation of a vehicle in violation of Article 113, UCMJ, 10 U.S.C. § 913. R. at 115; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 6 September 2023. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to be confined for four months, and to be discharged from the

service with a bad-conduct discharge. R. at 138; EOJ. The convening authority took no action on the findings or the sentence but deferred the reduction in rank and automatic forfeitures until the date the military judge signed the entry of judgment and waived all automatic forfeitures from entry of judgment for six months or until release from confinement or expiration of term of service, whichever is sooner, for the benefit of Appellant's dependent child. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Airman First Class Jorge H. Villanueva Gonzalez*, dated 19 July 2023.

The record of trial is a one-volume electronic record consisting of nine prosecution exhibits, two defense exhibits, and 11 appellate exhibits; the transcript is 139 pages. Appellant is not currently confined.

Undersigned was detailed to this case on 8 April 2024. Through no fault of Appellant, counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors.

**WHEREFORE**, Appellant respectfully requests that this Honorable Court grant the requested third enlargement of time for good cause shown.

Respectfully submitted,

NICOLE MOUAKAR, 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 email to the Court and served on the Government Trial and Appellate Operations Division on 23 April 2024.

Respectfully submitted,

NICOLE MOUAKAR, 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 S32763
JORGE H. VILLANUEVA GONZALEZ,	)	
USAF,	)	
<i>Appellant.</i>	)	Panel No. 1

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

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

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

PETE FERRELL, Lt Col, USAF  
Director of Operations  
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 24 April 2024.

PETE FERRELL, Lt Col, USAF  
Director of Operations  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force

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

UNITED STATES	)	No. ACM S32763
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
<b>Jorge H. VILLANUEVA GONZALEZ)</b>		
<b>Airman First Class (E-3)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	<b>Panel 1</b>

On 23 April 2024, counsel for Appellant submitted a Motion for Enlargement of Time (Third) requesting an additional 30 days to submit Appellant’s assignments of error. The Government opposes the motion.

This court held a status conference on 26 April 2024 to discuss the progress of Appellant’s case. Lieutenant Colonel Peter Ferrell represented the Government, and Major Nicole Mouakar represented Appellant. Lieutenant Colonel Allen S. Abrams also attended as the Deputy Chief of the Appellate Defense Division. Appellant’s counsel explained that this case is her first priority before this court.

The court has considered Appellant’s motion, the Government’s opposition, case law, and this court’s Rules of Practice and Procedure. Appellant’s case has been docketed with this court since 11 December 2023. While this is appellate defense counsel’s first priority case, Major Mouakar further stated that she may need to request another enlargement of time after this one. If this court grants an additional 30 days for Appellant to submit any assignments of error, the brief will be due on 8 June 2024, which will be 180 days since docketing with this court. The court also considered Appellant was found guilty by a military judge alone at a special court-martial, consistent with his pleas and pursuant to a plea agreement, and was sentenced to four months’ confinement, reduction to the grade of E-1, a bad-conduct discharge, and a reprimand. The record consists of 139 transcript pages. The court is not inclined to grant any further enlargements of time absent exceptional circumstances.

Accordingly, it is by the court on this 29th day of April, 2024,

**ORDERED:**

Appellant’s Motion for Enlargement of Time (Third) is **GRANTED**. Appellant shall file any assignments of error not later than **8 June 2024**.

Appellant's counsel should not rely on subsequent requests for enlargement of time being granted; each request will be considered on its merits. Absent exceptional circumstances, no further enlargements of time will be granted.



FOR THE COURT

CAROL K. JOYCE  
Clerk of the Court



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

<b>UNITED STATES</b>	)	<b>MOTION FOR RECONSIDERATION</b>
<i>Appellee</i>	)	<b>OF THIRD ENLARGEMENT OF TIME</b>
	)	
v.	)	Before Panel No. 1
	)	
Airman First Class (E-3)	)	No. ACM S32763
<b>JORGE H. VILLANUEVA GONZALEZ,</b>	)	
United States Air Force	)	3 May 2024
<i>Appellant</i>	)	

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

Pursuant to Rules 23.3(k) and 31 of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for reconsideration of the Court’s ruling concerning a third enlargement of time to file an Assignments of Error (AOE). Appellant is not requesting reconsideration of the Court’s determination to grant the motion through the date requested, 8 June 2024. Rather, Appellant is requesting reconsideration of that portion of the Court’s order foreclosing further enlargements of time “absent exceptional circumstances,” and requests that constraint be removed from the Court’s order. The United States Court of Appeals for the Armed Forces (CAAF) has not gained jurisdiction, and this Court is therefore empowered to grant the relief requested.

This motion should be granted because the Court’s order omits consideration of the matters addressed during the status conference held on 26 April 2024, did not have the benefit of additional information about undersigned counsel’s duties since she was detailed to Appellant’s case and in the months ahead, and does not appear to account for the governing case law concerning the necessity of affording counsel the opportunity to present Appellant’s issues to this Court.

The third paragraph of the Court’s order discusses those factors considered by the Court in reaching its determination to limit Appellant’s time to submit a brief to this Court. The order is based on “Appellant’s motion, the Government’s opposition, case law, and this court’s Rules of Practice and Procedure.” In concluding that no more enlargements of time will be warranted “absent exceptional circumstances,” the order goes on to list out how this case is undersigned counsel’s first priority, Appellant’s guilty plea before a military judge, the sentence, and the length of the transcript.

Other than the priority of Appellant’s case, notably absent from the Court’s consideration appears to be anything that was discussed during the status conference. During that thirty-minute conference, the Court indicated it was inclined to grant no more than a fourth enlargement of time—one more than the subject of this motion. A lengthy discussion ensued, during which undersigned counsel articulated that she might not be able to meet that deadline—as in a fourth enlargement of time—depending on the issues in the case, to include an ongoing finance issue that undersigned counsel is seeking to resolve without the intervention of this Court. At no point did the Court suggest that undersigned counsel would be limited to only the third enlargement of time until issuing this Court’s order.

Additionally, while this Court’s order correctly noted that Appellant’s case is undersigned counsel’s first priority, it omitted the discussion from the status conference that undersigned counsel is an Assistant Federal Public Defender with a full trial docket of more than twenty clients whose ongoing criminal cases take priority over undersigned counsel’s appellate docket. Notwithstanding the Court’s insinuation during the status conference—based on the Court’s independent review of a copy of undersigned counsel’s Air Force biography that was not before the Court as part of the motion for an enlargement of time—that undersigned counsel’s family

make-up might adversely impact her availability to represent Appellant, it is, in fact, these professional commitments, both to Appellant and undersigned counsel's other clients, that matter.

Undersigned counsel's professional commitments exceed those recognized in the Court's order, both in her most recent time on orders and in the months ahead, and this additional information further supports the requested reconsideration. Though undersigned counsel was on orders from 8 April 2024 through 26 April 2024, this case was not undersigned counsel's sole duty during that timeframe and, to the extent the Court's order that is the subject of this motion relied on the belief that undersigned counsel was exclusively dedicated to Appellant's case, reexamination is warranted. These matters were not addressed during the 26 April 2024 status conference.

On 8 April 2024, undersigned counsel critiqued a moot oral argument to prepare a fellow appellate defense counsel for an outreach oral argument that undersigned counsel attended on 10 April 2024.

From 8 through 10 April 2024, undersigned counsel assisted the appellant in *United States v. Ashley*, No. ACM 40509, finalizing review of that case and submitting the appellant's motion to withdraw from appellate review to this Court.

Undersigned counsel familiarized herself with case pleadings to critique another moot oral argument held on 17 April 2024 in *United States v. Daughma*.

During this most recent timeframe on orders, undersigned counsel also assisted the Appellate Defense Division in planning three training podcasts to educate trial defense counsel in the field and was required to dedicate significant time to ensuring military personnel records were updated and accurate for an upcoming promotion board.

During the last week on orders, 22 through 26 April, undersigned counsel was specifically requested by the Appellate Defense Division’s Chief to harness her background as an Assistant Federal Public Defender dealing with the Crime Victims’ Rights Act, 18 U.S.C. § 3771, leading undersigned counsel to spend the majority of the week researching and drafting the Division’s response to a proposed amendment to Article 6b, UCMJ, to expand the CAAF’s jurisdiction to petitions by victims seeking a writ of mandamus.

Looking ahead, undersigned counsel is actively working issues for Appellant’s case. These issues were mentioned during the status conference but not discussed in detail. Appellant has already identified an inclination to raise at least one assignment of error pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982). That issue will take time for undersigned counsel to write in accordance with this Court’s rules, in addition to any other issues identified by counsel, which may or may not include the finance issue that undersigned counsel is actively seeking to resolve. Though undersigned counsel will dedicate as much time as possible to Appellant’s case and diligently perform that work, undersigned counsel does not have an extensive period of time dedicated to perform military duties again—the sort of time needed to effectively write such a brief, which would be undersigned counsel’s first assignment of error to this Court—until mid-June of 2024, subsequent to the deadline set out in the Court’s order.

Given Appellant’s desire for undersigned counsel to brief an issue, this Court should consider *United States v. May*, 47 M.J. 478 (C.A.A.F. 1998), in assessing the relief sought in this motion for reconsideration. That case underscored that this Court’s independent review is no substitute for the briefing by appellate defense counsel on behalf of an individual appellant. *Id.* at 481; *see also United States v. Roach*, 66 M.J. 410, 418 (C.A.A.F. 2006). Despite the Court’s assertion during the status conference that appellate defense counsel generally conduct “too much

writing,” or words to that effect, about matters that “don’t make it into [this Court’s] opinions”—what the Court later termed “creative writing” in a subsequent status conference in a separate case on 29 April 2024—undersigned counsel’s obligation to Appellant under Article 70, UCMJ, 10 U.S.C. § 870, to serve as his “champion on appeal” remains. *Douglas v. California*, 372 U.S. 353, 356 (1963).

Here, where undersigned counsel has only recently undertaken Appellant’s case, had limited time to dedicate to Appellant’s case, is actively working issues on Appellant’s case, is anticipating to be requested by Appellant to author a brief on at least one issue, and does not anticipate sufficient time to brief issues during the pendency of the presently granted enlargement of time and potentially even another thereafter, it is premature for this Court to foreclose additional enlargements of time “absent exceptional circumstances.” While such a constraint may be warranted at a later time, this time is not it for Appellant’s case. The predetermination contained in the Court’s 29 April 2024 order should be removed, and any further motions for enlargements of time should be evaluated on their individual merits when presented to the Court.

**WHEREFORE**, Appellant respectfully requests that this Honorable Court reconsider its order, dated 29 April 2024, remove the condition foreclosing further enlargements of time “absent exceptional circumstances.”

Respectfully submitted,

NICOLE MOUAKAR, 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 email to the Court and served on the Government Trial and Appellate Operations Division on 3 May 2024.

Respectfully submitted,

NICOLE MOUAKAR, 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**

<b>UNITED STATES</b>	)	<b>MOTION TO WITHDRAW FROM</b>
<i>Appellee,</i>	)	<b>APPELLATE REVIEW AND ATTACH</b>
	)	
v.	)	Before Panel No. 1
	)	
Airman First Class (E-3)	)	No. ACM S32763
<b>JORGE H. VILLANUEVA GONZALEZ,</b>	)	
United States Air Force	)	21 May 2024
<i>Appellant</i>	)	

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

Pursuant to Rule 16 and 23.3(i) of this Honorable Court’s Rules of Practice and Procedure and Rule for Courts-Martial (R.C.M.) 1115, Airman First Class Jorge H. Villanueva Gonzalez, Appellant, moves to withdraw his case from appellate review. Appellant has fully consulted with Major Nicole Mouakar, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promises of clemency, or otherwise, to withdraw his case from appellate review. Further, pursuant to Rules 23(b) and 23.3(b) of this Honorable Court’s Rules of Practice and Procedure, the undersigned counsel asks this Court to attach the two-page document appended to this pleading to the record of this proceeding. The appended document is necessary to comply with R.C.M. 1115(d) and R.C.M. 1115(e).

**WHEREFORE**, Appellant respectfully requests this Honorable Court to grant this motion to withdraw from appellate review, and to grant this request to attach matters to the record.

Respectfully submitted,

NICOLE MOUAKAR, 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 email to the Court and served on the Appellate Government Division on 21 May 2024.

Respectfully submitted,

NICOLE MOUAKAR, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
1500 West Perimeter Road, Suite 1100  
Joint Base Andrews NAF, MD 20762-6604