

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

<b>UNITED STATES,</b>	)	<b>APPELLANT’S MOTION</b>
<i>Appellee,</i>	)	<b>FOR ENLARGEMENT</b>
	)	<b>OF TIME (FIRST)</b>
v.	)	
	)	Before Panel No. 1
First Lieutenant (O-2),	)	
<b>TRAVIS C. BAKER,</b>	)	No. ACM 40521
United States Air Force,	)	
<i>Appellant.</i>	)	21 November 2023

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **30 January 2024**. The record of trial was docketed with this Court on 2 October 2023. From the date of docketing to the present date, 50 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,

SAMANTHA M. CASTANIEN, Capt, 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 was sent via email to the Court and served on the Appellate Government Division on 21 November 2023.

SAMANTHA M. CASTANIEN, Capt, 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
	)	
First Lieutenant (O-2)	)	ACM 40521
TRAVIS C. BAKER, 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 22 November 2023.

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



Trial, Vol. 1, *Convening Authority Decision on Action* – United States v. 1st Lt Travis C. Baker, dated 13 June 2023.

The trial transcript is 157 pages long and the record of trial is comprised of four volumes containing eight Prosecution Exhibits, one Defense Exhibit with several subparts, and 18 Appellate Exhibits. Appellant is not currently confined.

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

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

Respectfully submitted,

SAMANTHA M. CASTANIEN, Capt, 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 was sent via email to the Court and served on the Appellate Government Division on 22 January 2024.

SAMANTHA M. CASTANIEN, Capt, 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
	)	
First Lieutenant (O-2)	)	ACM 40521
TRAVIS C. BAKER, 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 January 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> <i>Appellee,</i>	)	<b>APPELLANT’S MOTION</b>
	)	<b>FOR ENLARGEMENT</b>
	)	<b>OF TIME (THIRD)</b>
v.	)	
	)	Before Panel No. 1
First Lieutenant (O-2),	)	
<b>TRAVIS C. BAKER,</b>	)	No. ACM 40521
United States Air Force,	)	
<i>Appellant.</i>	)	20 February 2024

**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 an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **30 March 2024**. The record of trial was docketed with this Court on 2 October 2023. From the date of docketing to the present date, 141 days have elapsed. On the date requested, 180 days will have elapsed.

On 5 June 2023, at a general court-martial convened at Buckley Space Force Base, Colorado, a military judge, consistent with Appellant’s pleas, found him guilty of one charge and two specifications of drunken operation of a vehicle in violation of Article 113, Uniform Code of Military Justice (UCMJ); and one charge and one specification of conduct unbecoming an officer and a gentleman in violation of Article 133, UCMJ.<sup>1</sup> R. at 1, 12, 18-19, 99. The military judge sentenced Appellant to be reprimanded, to be confined for a total of 12 days, and to be dismissed from the service. R. at 157. The convening authority took no action on the findings or sentence. Record of

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<sup>1</sup> Pursuant to a plea agreement, the military judge granted the Government’s motion to dismiss with prejudice one charge alleging two violations of Article 107, UCMJ, and one specification alleging additional conduct unbecoming an officer and a gentleman. R. at 12, 82, 86, 99.

Trial, Vol. 1, *Convening Authority Decision on Action* – United States v. 1st Lt Travis C. Baker, dated 13 June 2023.

The trial transcript is 157 pages long and the record of trial is comprised of four volumes containing eight Prosecution Exhibits, one Defense Exhibit with several subparts, and 18 Appellate Exhibits. Appellant is not currently confined.

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

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

Respectfully submitted,

SAMANTHA M. CASTANIEN, Capt, 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 was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division 20 February 2024.

SAMANTHA M. CASTANIEN, Capt, 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
	)	
First Lieutenant (O-2)	)	ACM 40521
TRAVIS C. BAKER, 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 20 February 2024.

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



service. R. at 157. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, *Convening Authority Decision on Action* – United States v. 1st Lt Travis C. Baker, dated 13 June 2023.

The trial transcript is 157 pages long and the record of trial is comprised of four volumes containing eight Prosecution Exhibits, one Defense Exhibit with several subparts, and 18 Appellate Exhibits. Appellant is not currently confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information. Appellate defense counsel is assigned seventeen cases; fourteen cases are pending AOE's before this Court and three cases are pending before the United States Court of Appeals for the Armed Forces (CAAF). To date, seven cases have priority over the present case:

1. *United States v. Baumgartner*, No. ACM 40413 – The trial transcript is 797 pages long and the record of trial contains seven volumes consisting of six Prosecution Exhibits, 17 Defense Exhibits, 44 Appellate Exhibits, and one Court Exhibit. Appellant is currently confined. Undersigned counsel has reviewed all the exhibits, pre-trial and post-trial processing, and is currently reviewing the remaining parts of the record while drafting the AOE. She has identified several assignments of error, to include legal and factual sufficiency for both charges.

2. *United States v. Folts*, No. ACM 40322 – The trial transcript is 2,141 pages long and the record of trial contains eight volumes consisting of ten Prosecution Exhibits, 40 Defense Exhibits, 66 Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined. Civilian appellate defense counsel, who was also trial defense counsel, has begun drafting the AOE while undersigned counsel completes her pending priority before reviewing the record independently to ensure this appellant's rights on appeal are protected.



3. *United States v. Braum*, No. ACM 40434 – Civilian appellate defense counsel filed this appellant’s AOE on 12 February 2024. This appellant has provided limited consent to disclose a confidential communication with counsel wherein he has conditionally waived military appellate counsel’s review of the record so as to exercise his right to speedy appellate review. Depending on timing and this appellant’s request, undersigned counsel will likely review the reply brief before it is filed.

4. *United States v. Dominguez-Garcia*, No. ACM S32694 (f rev) – The trial transcript is 362 pages long and the record of trial is four volumes consisting of nine Prosecution Exhibits, two Defense Exhibits, and six Appellate Exhibits. Appellant is not currently in confinement. Undersigned counsel has reviewed the rehearing-related documents, which has triggered the need to review the transcript for the possibility of a new AOE. Undersigned counsel was not this appellant’s original military appellate defense counsel.

5. *United States v. Clark*, No. ACM 40461 – The trial transcript is 1,060 pages long and the record of trial is 11 volumes consisting of 19 Prosecution Exhibits, 26 Defense Exhibits, 59 Appellate Exhibits, and one court exhibit. Appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

6. *United States v. Giles*, No. ACM 40482 – The trial transcript is 791 pages long and the record of trial is comprised of seven volumes containing seven Prosecution Exhibits, 14 Defense Exhibits, and 49 Appellate Exhibits. Appellant is not currently confined. Counsel has not yet completed her review of this appellant’s record.

7. *United States v. Hinds*, No. ACM S32756 – The trial transcript is 94 pages long and the record of trial is comprised of two volumes containing four Prosecution Exhibits, eleven Defense

Exhibits, one Court Exhibit, and four Appellate Exhibits. Appellant is not currently confined. Counsel has not yet completed her review of this appellant's record.

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

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

Respectfully submitted,

SAMANTHA M. CASTANIEN, Capt, 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 was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division 15 March 2024.

SAMANTHA M. CASTANIEN, Capt, 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
	)	
First Lieutenant (O-2)	)	ACM 40521
TRAVIS C. BAKER, 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 19 March 2024.

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

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

<b>UNITED STATES</b>	)	<b>No. ACM 40521</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	<b>NOTICE OF PANEL</b>
<b>Travis C. BAKER</b>	)	<b>CHANGE</b>
<b>First Lieutenant (O-2)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	

It is by the court on this 12th day of April, 2024,

**ORDERED:**

That the record of trial in the above-styled matter is withdrawn from Panel 1 and referred to a Special Panel for appellate review. The Special Panel in this matter shall be constituted as follows:

ANNEXSTAD, WILLIAM J., Colonel, Senior Appellate Military Judge  
DOUGLAS, KRISTINE M., Colonel, Appellate Military Judge  
WARREN, CHARLES G., Lieutenant Colonel, Appellate Military Judge



FOR THE COURT

FLEMING E. KEEFE, Capt, USAF  
Deputy Clerk of the Court



Trial, Vol. 1, *Convening Authority Decision on Action* – United States v. 1st Lt Travis C. Baker, dated 13 June 2023.

The trial transcript is 157 pages long and the record of trial is comprised of four volumes containing eight Prosecution Exhibits, one Defense Exhibit with several subparts, and 18 Appellate Exhibits. Appellant is not currently confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information. Appellate defense counsel is assigned nineteen cases; sixteen cases are pending AOE's before this Court and three cases are pending before the United States Court of Appeals for the Armed Forces (CAAF). To date, six cases have priority over the present case:

1. *United States v. Dominguez-Garcia*, No. ACM S32694 (f rev) – On 19 March 2024, this Court held a status conference discussing the procedural posture of this case. On 20 March 2024, the Court issued an order wherein any assignments of error would be filed by 24 April 2024, and, absent extraordinary circumstances, no further requests for an enlargement of time would be granted. Undersigned counsel has drafted this AOE concerning the rehearing related documents, which is undergoing review before being filed by the 24 April 2024 deadline.

2. *United States v. Baumgartner*, No. ACM 40413 – The trial transcript is 797 pages long and the record of trial contains seven volumes consisting of six Prosecution Exhibits, 17 Defense Exhibits, 44 Appellate Exhibits, and one Court Exhibit. Appellant is currently confined. Undersigned counsel has reviewed the record and is drafting the AOE, which currently consists of six issues, to include legal and factual sufficiency for both charges. This appellant's civilian appellate defense counsel is currently working another issue regarding ineffective assistance of counsel. Barring extraordinary circumstances, this AOE will be submitted early May.



3. *United States v. Folts*, No. ACM 40322 – The trial transcript is 2,141 pages long and the record of trial contains eight volumes consisting of ten Prosecution Exhibits, 40 Defense Exhibits, 66 Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined. Civilian appellate defense counsel, who was also trial defense counsel, has begun drafting the AOE while undersigned counsel completes her pending priorities before reviewing the record independently to ensure this appellant’s rights on appeal are protected.

4. *United States v. Braum*, No. ACM 40434 – Civilian appellate defense counsel filed this appellant’s AOE on 12 February 2024. This appellant has provided limited consent to disclose a confidential communication with counsel wherein he has conditionally waived military appellate counsel’s review of the record so as to exercise his right to speedy appellate review. Depending on timing and this appellant’s request, undersigned counsel will likely review the reply brief before it is filed.

5. *United States v. Clark*, No. ACM 40461 – The trial transcript is 1,060 pages long and the record of trial is 11 volumes consisting of 19 Prosecution Exhibits, 26 Defense Exhibits, 59 Appellate Exhibits, and one court exhibit. Appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

6. *United States v. Giles*, No. ACM 40482 – The trial transcript is 791 pages long and the record of trial is comprised of seven volumes containing seven Prosecution Exhibits, 14 Defense Exhibits, and 49 Appellate Exhibits. Appellant is not currently confined. Counsel has not yet completed her review of this appellant’s record.

Additionally, to alert the Court ahead of time, undersigned counsel has authorized overseas leave from . She will be unable to work on Appellant’s case, or any other case, during this time.

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

Appellant was advised of his right to a timely appeal and of the request for this enlargement of time. Appellant agrees with this request for an enlargement of time.

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

Respectfully submitted,

SAMANTHA M. CASTANIEN, Capt, 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 was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division 17 April 2024.

SAMANTHA M. CASTANIEN, Capt, 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
	)	
First Lieutenant (O-2)	)	ACM 40521
TRAVIS C. BAKER, USAF,	)	
<i>Appellant.</i>	)	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.

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 18 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**

<b>UNITED STATES</b>	)	<b>No. ACM 40521</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	<b>ORDER</b>
<b>Travis C. BAKER</b>	)	
<b>First Lieutenant (O-2)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	<b>Special Panel</b>

On 17 April 2024, counsel for Appellant submitted a Motion for Enlargement of Time (Fifth) requesting an additional 30 days to submit Appellant’s assignments of error. The Government opposes the motion.

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

Accordingly, it is by the court on this 19th day of April, 2024,

**ORDERED:**

Appellant’s Motion for Enlargement of Time (Sixth) is **GRANTED**. Appellant shall file any assignments of error not later than **29 May 2024**.

Any subsequent motions for enlargement of time shall, in addition to the matters required under this court’s Rules of Practice and Procedure, continue to include a statement 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.

Appellant’s counsel should not rely on subsequent requests for enlargement of time being granted; each request will be considered on its merits. Appellant’s counsel are advised that any requests for future enlargements of time may necessitate a status conference prior to the court taking action on any forthcoming request. Further, Appellant’s counsel are 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, Capt, USAF  
Commissioner





Appellant to be reprimanded, to be confined for a total of 12 days, and to be dismissed from the service. R. at 157. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, *Convening Authority Decision on Action* – United States v. 1st Lt Travis C. Baker, dated 13 June 2023.

The trial transcript is 157 pages long and the record of trial is comprised of four volumes containing eight Prosecution Exhibits, one Defense Exhibit with several subparts, and 18 Appellate Exhibits. Appellant is not currently confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information. Appellate defense counsel is assigned 22 cases; 17 cases are pending AOE's before this Court and three cases are pending before the United States Court of Appeals for the Armed Forces (CAAF). To date, five cases have priority over the present case:

1. *United States v. Folts*, No. ACM 40322 – The trial transcript is 2,141 pages long and the record of trial contains eight volumes consisting of ten Prosecution Exhibits, 40 Defense Exhibits, 66 Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined. Civilian appellate defense counsel, who was also trial defense counsel, has begun drafting the AOE and undersigned counsel has completed her review of the record. Undersigned counsel is coordinating with civilian appellate defense counsel and this appellant on the identified issues and finalizing the AOE, currently due 19 May 2024.

2. *United States v. Baumgartner*, No. ACM 40413 – The trial transcript is 797 pages long and the record of trial contains seven volumes consisting of six Prosecution Exhibits, 17 Defense Exhibits, 44 Appellate Exhibits, and one Court Exhibit. Appellant is currently confined.

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of Article 133, UCMJ, alleging additional conduct unbecoming an officer and a gentleman. R. at 12, 82, 86, 99.

Undersigned counsel has written the draft AOE, which is pending civilian appellate defense counsel's addition of one potential issue relating to ineffective assistance of counsel. This AOE will be submitted early June.

3. *United States v. Dominguez-Garcia*, No. ACM S32694 (f rev) – This appellant's AOE was submitted on 24 April 2024. The Government's Answer is expected by 28 May 2024, upon which undersigned counsel will assess whether a reply is warranted.

4. *United States v. Clark*, No. ACM 40461 – The trial transcript is 1,060 pages long and the record of trial is 11 volumes consisting of 19 Prosecution Exhibits, 26 Defense Exhibits, 59 Appellate Exhibits, and one court exhibit. Appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

5. *United States v. Giles*, No. ACM 40482 – The trial transcript is 791 pages long and the record of trial is comprised of seven volumes containing seven Prosecution Exhibits, 14 Defense Exhibits, and 49 Appellate Exhibits. Appellant is not currently confined. Counsel has not yet completed her review of this appellant's record.

Undersigned counsel has been unable to contact Appellant to provide him an update on his case for *this specific* enlargement of time. Within the last thirty days and prior to Appellant's last request for an enlargement of time, submitted 17 April 2024, Appellant was apprised of the status of his case in general and agreed to all requests for enlargements of time necessary for detailed military appellate defense counsel to provide adequate and effective attention to his case. He was also advised of his right to a timely appeal. In light of undersigned counsel's case load and priorities,

this request for an enlargement of time is necessary and for good cause, as demonstrated above.

Should the Court order a status conference, undersigned counsel will be **unavailable**

due to her aforementioned leave .

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

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

Respectfully submitted,

SAMANTHA M. CASTANIEN, Capt, 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 was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division 6 May 2024.

SAMANTHA M. CASTANIEN, Capt, 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
	)	
First Lieutenant (O-2)	)	ACM 40521
TRAVIS C. BAKER, USAF,	)	
<i>Appellant.</i>	)	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.

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 6 May 2024.

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

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

<b>UNITED STATES</b>	)	<b>No. ACM 40521</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	<b>ORDER</b>
<b>Travis C. BAKER</b>	)	
<b>First Lieutenant (O-2)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	<b>Special Panel</b>

On 6 May 2024, counsel for Appellant submitted a Motion for Enlargement of Time (Sixth) requesting an additional 30 days to submit Appellant’s assignments of error. The Government opposes the motion.

The court has considered Appellant’s motion, the Government’s opposition, case law, and this court’s Rules of Practice and Procedure. Accordingly, it is by the court on this 7th day of May, 2024,

**ORDERED:**

Appellant’s Motion for Enlargement of Time (Sixth) is **GRANTED**. Appellant shall file any assignments of error not later than **28 June 2024**.

Any subsequent motions for enlargement of time shall, in addition to the matters required under this court’s Rules of Practice and Procedure, continue to include a statement 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.\*

Appellant’s counsel is further advised that given the relative brevity of the record of trial (including, inter alia, only 157 transcript pages), and given the

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\* The court notes that Appellant’s counsel represented in their motion that, “Appellant was apprised of the status of his case in general and agreed to all requests for enlargements of time necessary for detailed military appellate defense counsel to provide adequate and effective attention to his case.” Notwithstanding what might be construed as “pre-consent” by Appellant to any forthcoming enlargement of time requests by his detailed counsel, the court nonetheless continues to order Appellant’s counsel to exercise reasonable diligence in coordinating with Appellant on any forthcoming requests.

number of enlargements granted thus far, the court will continue to closely examine any further requests for an enlargement of time.



FOR THE COURT

FLEMING/E. KEEFE, Capt, USAF  
Deputy Clerk of the Court





Trial, Vol. 1, *Convening Authority Decision on Action* – United States v. 1st Lt Travis C. Baker, dated 13 June 2023.

The trial transcript is 157 pages long and the record of trial is comprised of four volumes containing eight Prosecution Exhibits, one Defense Exhibit with several subparts, and 18 Appellate Exhibits. Appellant is not currently confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information. Appellate defense counsel is assigned 26 cases; 22 cases are pending before this Court (19 are pending AOE) and four cases are pending before the United States Court of Appeals for the Armed Forces (CAAF). To date, four cases have priority over the present case:

1. *United States v. Folts*, No. ACM 40322 – This appellant’s AOE was filed on 16 May 2024. The Government’s Answer is expected today, 17 June 2024. Upon receipt, undersigned counsel will turn to drafting any reply brief.

2. *United States v. Clark*, No. ACM 40461 – The trial transcript is 1,060 pages long and the record of trial is 11 volumes consisting of 19 Prosecution Exhibits, 26 Defense Exhibits, 59 Appellate Exhibits, and one court exhibit. Appellant is not currently confined. Undersigned counsel is working through completing her review of the record and identifying any assignments of error.

3. *United States v. Baumgartner*, No. ACM 40413 – Since Appellant’s last request for an enlargement of time, undersigned counsel finalized and submitted this appellant’s AOE on 3 June 2024. The Government’s Answer is expected sometime in July, although pending motions in this case may affect the anticipated date.

4. *United States v. Giles*, No. ACM 40482 – The trial transcript is 791 pages long and the record of trial is comprised of seven volumes containing seven Prosecution Exhibits, 14 Defense

Exhibits, and 49 Appellate Exhibits. Appellant is not currently confined. Counsel has not yet completed her review of this appellant's record.

In addition to the progress made in the above cases, since Appellant's last enlargement of time request, undersigned counsel also filed a reply brief, followed by a petition for grant of review and supplement to the petition for grant of review, for *United States v. Dominguez-Garcia*, No. ACM S32694 (f rev).

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

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

Respectfully submitted,

SAMANTHA M. CASTANIEN, Capt, 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 was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division 17 June 2024.

SAMANTHA M. CASTANIEN, Capt, 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
	)	
First Lieutenant (O-2)	)	ACM 40521
TRAVIS C. BAKER, USAF,	)	
<i>Appellant.</i>	)	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.

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

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

J. 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 21 June 2024.

J. 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>MOTION FOR WITHDRAWAL OF</b>
<i>Appellee,</i>	)	<b>APPELLATE DEFENSE COUNSEL</b>
	)	
v.	)	Before Special Panel
	)	
First Lieutenant (O-2)	)	No. ACM 40521
<b>TRAVIS C. BAKER,</b>	)	
United States Air Force,	)	17 July 2024
<i>Appellant.</i>	)	

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

Pursuant to Rules 12(b), 12.4, and 23.3(h) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. Undersigned counsel is withdrawing to allow a more available appellate defense counsel take over Appellant’s case, as undersigned counsel currently has three cases prioritized over Appellant’s, which are delaying review of Appellant’s case. Lieutenant Colonel Jarett Merk has been detailed substitute counsel in undersigned counsel’s stead, and he intends to make a notice of appearance in accordance with Rule 12.4. A thorough turnover of the record between counsel has been completed.

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

**WHEREFORE**, Appellant respectfully requests that this Honorable Court grant this motion.

Respectfully submitted,

SAMANTHA M. CASTANIEN, Capt, 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 17 July 2024.

SAMANTHA M. CASTANIEN, Capt, 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>MERITS BRIEF</b>
<i>Appellee,</i>	)	
	)	
v.	)	Before Special Panel
	)	
First Lieutenant (O-2)	)	No. ACM 40521
<b>TRAVIS C. BAKER,</b>	)	
United States Air Force,	)	18 July 2024
<i>Appellant.</i>	)	

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

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

Respectfully submitted,

JARETT MERK, Lt Col, USAFR  
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 18 July 2024.

Respectfully submitted,

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