

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee,

v.

Staff Sergeant (E-5)
DOMINIC L. BIO,
United States Air Force,
Appellant.

) **NOTICE OF DIRECT APPEAL**
) **PURSUANT TO ARTICLE**
) **66(b)(1)(A), UCMJ**
)
)
)
) No. ACM _____
)
) 2 February 2024
)

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

On 18 September 2023, consistent with his plea, Staff Sergeant (SSgt) Dominic L. Bio was convicted by a military judge sitting at a special court-martial at Keesler Air Force Base, Mississippi, of one charge and specification of larceny, in violation of Article 121, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912 (2019). The military judge sentenced SSgt Bio to a total of 40 days’ confinement, reduction in grade to E-3, and a reprimand. R. at 132.

On 6 December 2023, the Government sent SSgt Bio notice of his right to appeal within 90 days. Pursuant to Article 66(b)(1)(A), SSgt Bio respectfully files his notice of direct appeal with this Court.

Respectfully submitted,

SAMANTHA P. GOLSETH, 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 was sent via email to the Court and served on the Appellate Government Division on 2 February 2024.

Respectfully submitted,

SAMANTHA P. GOLSETH, 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 _____
<i>Appellee</i>)	
)	
v.)	
	)	NOTICE OF
Dominic L. BIO	)	DOCKETING
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>)	

On 2 February 2024, this court received a notice of direct appeal from Appellant in the above-styled case, pursuant to Article 66(b)(1)(A), Uniform Code of Military Justice, 10 U.S.C. § 866(b)(1)(A).

As of the date of this notice, the court has not yet received a record of trial in Appellant's case.

Accordingly, it is by the court on this 2d day of February, 2024,

ORDERED:

The case in the above-styled matter is referred to Panel 1.

It is further ordered:

The Government will forward a copy of the record of trial to the court forthwith.



FOR THE COURT

TANICA S. BAGMON
Appellate Court Paralegal

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME
	)	(FIRST)
v.)	
	)	Before Panel No. 1
Staff Sergeant (E-5))	
DOMINIC L. BIO,	)	No. ACM 24006
United States Air Force,)	
<i>Appellant.</i>	)	22 March 2024

**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, Staff Sergeant (SSgt) Dominic L. Bio, Appellant, hereby moves for an enlargement of time to file his assignments of error. SSgt Bio requests an enlargement for a period of 60 days, which will end on **13 June 2024**. The record of trial was docketed with this Court on 2 February 2024, but this Court had not yet received the record of trial in his case. Notice of Docketing, 2 February 2024. On 14 February 2024, this Court received his record of trial, beginning the time-period for SSgt Bio to file his assignments of error. From the date of docketing to the present date, 49 days have elapsed. On the date requested, 132 days will have elapsed.

WHEREFORE, SSgt Bio respectfully requests this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

SAMANTHA P. GOLSETH, 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 22 March 2024.

Respectfully submitted,

SAMANTHA P. GOLSETH, 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
	)	OF TIME
v.)	
)	
Staff Sergeant (E-5)	)	ACM 24006
DOMINIC L. BIO, 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 25 March 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

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME
	)	(SECOND)
v.)	
	)	Before Panel No. 1
Staff Sergeant (E-5))	
DOMINIC L. BIO,	)	No. ACM 24006
United States Air Force,)	
<i>Appellant.</i>	)	3 June 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, Staff Sergeant (SSgt) Dominic L. Bio, Appellant, hereby moves for a second enlargement of time to file his assignments of error. SSgt Bio requests an enlargement for a period of 30 days, which will end on **13 July 2024**. The record of trial was docketed with this Court on 2 February 2024, but this Court had not yet received the record of trial in his case. Notice of Docketing, 2 February 2024. On 14 February 2024, this Court received his record of trial, beginning the time-period for SSgt Bio to file his assignments of error. From the date of docketing to the present date, 122 days have elapsed. On the date requested, 162 days will have elapsed.

On 18 September 2023, consistent with his pleas, SSgt Bio was convicted by a military judge at a special court-martial at Keesler Air Force Base, Mississippi, of committing one charge and one specification of larceny in violation of Article 121, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 921. R. at 1, 13, 49. The military judge sentenced SSgt Bio to be reprimanded, reduced to the grade of E-3, and confined for 40 days. R. at 132. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action, 3 October 2023. The military judge then entered the above findings and sentence in the entry of judgment. Entry of Judgment, 7 November 2023. The record of trial consists of 3 prosecution

exhibits, 17 defense exhibits, and four appellate exhibits. The transcript is 132 pages. SSgt Bio is not confined.

Through no fault of SSgt Bio, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review his case and advise him regarding potential errors.

WHEREFORE, SSgt Bio respectfully requests this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

SAMANTHA P. GOLSETH, 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 June 2024.

Respectfully submitted,

SAMANTHA P. GOLSETH, 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
	)	OF TIME
v.)	
)	
Staff Sergeant (E-5)	)	ACM 24006
DOMINIC L. BIO, 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 3 June 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**

UNITED STATES	)	No. ACM 24006
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Dominic L. BIO)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 3 June 2024, counsel for Appellant submitted a Motion for Enlargement of Time (Second) 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. Appellant’s case has been docketed with this court since 2 February 2024, but Appellant did not receive the verbatim record of trial until 14 February 2024. While we consider the days since docketing, we also consider the number of days that have passed since Appellant’s sentencing on 18 September 2023, which is currently 260 days.

Accordingly, it is by the court on this 4th day of June, 2024,

ORDERED:

Appellant’s Motion for Enlargement of Time (Second) is **GRANTED**. Appellant shall file any assignments of error not later than **13 July 2024**.

Each request for an enlargement of time will be considered on its merits. Appellant’s counsel is advised that any subsequent motions for enlargement of time, shall include, in addition to matters required under this court’s Rules of Practice and Procedure, statements as to: (1) whether Appellant was advised of Appellant’s right to a timely appeal, (2) whether Appellant was provided an

update of the status of counsel's progress on Appellant's case, (3) whether Appellant was advised of the request for an enlargement of time, and (4) whether Appellant agrees with the request for an enlargement of time.



FOR THE COURT

 OLGA STANFORD, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME
	)	(THIRD)
v.)	
	)	Before Panel No. 1
Staff Sergeant (E-5))	
DOMINIC L. BIO,	)	No. ACM 24006
United States Air Force,)	
<i>Appellant.</i>	)	3 July 2024

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Staff Sergeant (SSgt) Dominic L. Bio, Appellant, hereby moves for a third enlargement of time to file his assignments of error. SSgt Bio requests an enlargement for a period of 30 days, which will end on **12 August 2024**. The record of trial was docketed with this Court on 2 February 2024, but this Court had not yet received the record of trial in his case. Notice of Docketing, 2 February 2024. On 14 February 2024, this Court received his record of trial, beginning the time-period for SSgt Bio to file his assignments of error. From the date of docketing to the present date, 152 days have elapsed. On the date requested, 192 days will have elapsed.

On 18 September 2023, consistent with his pleas, SSgt Bio was convicted by a military judge at a special court-martial at Keesler Air Force Base, Mississippi, of committing one charge and one specification of larceny in violation of Article 121, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 921. R. at 1, 13, 49. The military judge sentenced SSgt Bio to be reprimanded, reduced to the grade of E-3, and confined for 40 days. R. at 132. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action, 3 October 2023. The military judge then entered the above findings and sentence in the entry of judgment. Entry of Judgment, 7 November 2023. The record of trial consists of 3 prosecution

exhibits, 17 defense exhibits, and four appellate exhibits. The transcript is 132 pages. SSgt Bio is not confined.

Undersigned counsel has fully reviewed SSgt Bio's record of trial and researched potential issues, however, through no fault of SSgt Bio, undersigned counsel has been working on other assigned matters and has yet to fully advise SSgt Bio regarding the potential issues in his case. This enlargement of time is necessary to allow undersigned counsel to fully advise SSgt Bio.

SSgt Bio was (1) advised of his right to a timely appeal, (2) provided an update on the status of undersigned counsel's progress on his case, (3) advised of this request for an enlargement of time, and (4) agrees with this request for an enlargement of time.

Undersigned counsel currently represents 33 clients and is presently assigned 18 cases pending initial brief before this Court. Nine cases currently have priority over the present case:

1. *United States v. Johnson*, No. ACM 40291 (f rev) – The record of trial consists of 23 appellate exhibits, 28 prosecution exhibits, and 4 defense exhibits. The transcript is 395 pages. The appellant is not confined. His case was docketed before this Court on 13 July 2023 and was a fully litigated general court-martial. The appellant's brief is fully drafted and currently being reviewed by undersigned counsel's leadership. It will be filed no later than 8 July 2024.
2. *United States v. Goodwater*, No. ACM 40304 (f rev) – The appellant raised four issues in his initial brief. The government's answer is due on 15 July 2024. Undersigned counsel anticipates needing to draft and file a reply brief.
3. *United States v. George*, No. ACM 40397 – Due not later than 1 August 2024, before the United States Court of Appeals for the Armed Forces (CAAF), undersigned counsel

- will file a petition and supplemental brief. Undersigned counsel needs time to draft the appellant's supplemental brief.
4. *United States v. Trovatore*, No. ACM 40505 – The record of trial consists of 12 prosecution exhibits, 2 appellate exhibits, and 2 court exhibits. The transcript is 175 pages. The appellant is not confined. His case was docketed before this Court on 8 August 2023. Undersigned counsel is reviewing the record of trial and anticipates filing any assignments of error on or before 2 August 2024.
 5. *United States v. Donley*, No. ACM 40350 – Due not later than 5 August 2024, before the United States Court of Appeals for the Armed Forces (CAAF), undersigned counsel will file a petition and supplemental brief. Undersigned counsel needs time to draft the appellant's supplemental brief.
 6. *United States v. Simmons*, No. ACM 40462 (f rev) – The record of trial consists of 5 prosecution exhibits, 5 defense exhibits, and 9 appellate exhibits. The transcript is 104 pages. The appellant is not confined. His case was re-docketed before this Court on 15 August 2023, after this Court *sua sponte* remanded his record for correction.
 7. *United States v. Benoit, Jr.*, No. ACM 40508 – The record of trial consists of 11 prosecution exhibits, 12 defense exhibits, 58 appellate exhibits, and 2 court exhibits. The transcript is 678 pages. The appellant is not confined. His case was docketed before this Court on 15 August 2023. This case was a fully litigated general court-martial which involves the death of a servicemember.
 8. *United States v. Casillas*, No. ACM 40551 – The record of trial consists of 19 prosecution exhibits, 4 defense exhibits, and 65 appellate exhibits. The transcript is

1627 pages and was a fully litigated general court-martial. The appellant is confined. His case was docketed before this Court on 14 December 2023.

9. *United States v. Nakken*, No. ACM S32767 – The record of trial consists of 3 prosecution exhibits, 14 defense exhibits, and 6 appellate exhibits. The transcript is 139 pages. The appellant is not confined. Undersigned counsel filed a pending motion before this Court to withdrawal as appellate defense counsel with the appellant's consent. If the motion to withdrawal is granted, the case will no longer have priority over the instant case.

During the requested enlargement of time,

WHEREFORE, SSgt Bio respectfully requests this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

SAMANTHA P. GOLSETH, 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 July 2024.

Respectfully submitted,

SAMANTHA P. GOLSETH, 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
	)	OF TIME
v.)	
)	
Staff Sergeant (E-5)	)	ACM 24006
DOMINIC L. BIO, 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 9 July 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

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME
	)	(FOURTH)
v.)	
	)	Before Panel No. 1
Staff Sergeant (E-5))	
DOMINIC L. BIO,	)	No. ACM 24006
United States Air Force,)	
<i>Appellant.</i>	)	2 August 2024

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Staff Sergeant (SSgt) Dominic L. Bio, Appellant, hereby moves for a fourth enlargement of time to file his assignments of error. SSgt Bio requests an enlargement for a period of 30 days, which will end on **11 September 2024**. The record of trial was docketed with this Court on 2 February 2024, but this Court had not yet received the record of trial in his case. Notice of Docketing, 2 February 2024. On 14 February 2024, this Court received his record of trial, beginning the time-period for SSgt Bio to file his assignments of error. From the date of docketing to the present date, 182 days have elapsed. On the date requested, 222 days will have elapsed.

On 18 September 2023, consistent with his pleas, SSgt Bio was convicted by a military judge at a special court-martial at Keesler Air Force Base, Mississippi, of committing one charge and one specification of larceny in violation of Article 121, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 921. R. at 1, 13, 49. The military judge sentenced SSgt Bio to be reprimanded, reduced to the grade of E-3, and confined for 40 days. R. at 132. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action, 3 October 2023. The military judge then entered the above findings and sentence in the entry of judgment. Entry of Judgment, 7 November 2023. The record of trial consists of 3 prosecution

exhibits, 17 defense exhibits, and four appellate exhibits. The transcript is 132 pages. SSgt Bio is not confined.

Undersigned counsel has fully reviewed SSgt Bio's record of trial, researched potential issues, and has begun discussing the potential issues with SSgt Bio, however, through no fault of SSgt Bio, undersigned counsel has been working on other matters of higher priority and this enlargement of time is necessary to further advise SSgt Bio and draft any assignments of error.

SSgt Bio was (1) advised of his right to a timely appeal, (2) provided an update on the status of undersigned counsel's progress on his case, (3) advised of this request for an enlargement of time, and (4) agrees with this request for an enlargement of time.

Undersigned counsel currently represents 29 clients and is presently assigned 16 cases pending initial brief before this Court. Four cases currently have priority over the present case:

1. *United States v. Donley*, No. ACM 40350 – Undersigned counsel is drafting the appellant's petition and supplemental brief for filing before the United States Court of Appeals for the Armed Forces (CAAF) on or around Monday, 5 August 2024.
2. *United States v. Simmons*, No. ACM 40462 (f rev) – The record of trial consists of 5 prosecution exhibits, 5 defense exhibits, and 9 appellate exhibits. The transcript is 104 pages. The appellant is not confined. Undersigned counsel is reviewing this record of trial and will file any assignments of error on or before Friday, 9 August 2024.
3. *United States v. Benoit, Jr.*, No. ACM 40508 – The record of trial consists of 11 prosecution exhibits, 12 defense exhibits, 58 appellate exhibits, and 2 court exhibits. The transcript is 678 pages. The appellant is not confined. His case was docketed before this Court on 15 August 2023. This case was a fully litigated general court-

martial which involves the death of a servicemember. Undersigned counsel anticipates filing any assignments of error on or before 8 September 2024.

4. *United States v. Casillas*, No. ACM 40551 – The record of trial consists of 19 prosecution exhibits, 4 defense exhibits, and 65 appellate exhibits. The transcript is 1627 pages and was a fully litigated general court-martial. The appellant is confined. His case was docketed before this Court on 14 December 2023.

In addition to the progress reflected in the above priority list, since requesting SSgt Bio's third enlargement of time, undersigned counsel filed briefs in *United States v. Johnson*, No. ACM 40291 (f rev), and *United States v. Goodwater*, No. ACM 40304 (f rev). Today, she also filed a petition and supplemental brief before the CAAF in *United States v. George*, No. ACM 40397, USCA Dkt. No. 24-0206/AF, and a brief before this Court in *United States v. Trovatore*, No. ACM 40505. She also reviewed one record of trial to advise a servicemember regarding their opportunity to file a direct appeal before this Court.

Finally, during the requested enlargement of time, undersigned counsel has been authorized leave

WHEREFORE, SSgt Bio respectfully requests this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

SAMANTHA P. GOLSETH, 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 August 2024.

Respectfully submitted,

SAMANTHA P. GOLSETH, 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
	)	OF TIME
v.)	
)	
Staff Sergeant (E-5)	)	ACM 24006
DOMINIC L. BIO, 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.

JENNY A. LIABENOW, 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 6 August 2024.

JENNY A. LIABENOW, 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 <i>Appellee</i>	)	No. ACM 24006
)	
)	
v.)	
	)	ORDER
Dominic L. BIO Staff Sergeant (E-5) U.S. Air Force <i>Appellant</i>)	
)	
	)	Panel 1

On 8 August 2024, Appellant submitted a Motion to Withdraw from Appellant Review and Motion to Attach. Specifically, Appellant moved to attach a DD Form 2330, *Waiver / Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals*, signed by Appellant and Appellant’s counsel on 8 August 2024.

The Government did not submit any opposition.

Accordingly, it is by the court on this 13th day of August 2024,

ORDERED:

Appellant’s Motion to Withdraw from Appellate Review and Motion to Attach are **GRANTED**. Appellant’s case is forwarded to the Appellate Records Branch (JAJM) for further processing in accordance with Rules for Courts-Martial 1115(f)(3) and 1201, *Manual for Courts-Martial, United States* (2024 ed.).



FOR THE COURT

OLGA STANFORD, Capt, USAF
Commissioner