

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FIRST)
)	
v.	)	Before Panel No. 2
)	
Senior Airmman (E-4),	)	No. ACM S32760
COLTON R. FAULKNER,)	
United States Air Force,	)	22 December 2023
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his 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 **29 February 2024**. The record of trial was docketed with this Court on 1 November 2023. From the date of docketing to the present date, 51 days have elapsed. Appellant withdraws the motion for enlargement of time originally submitted on 22 December 2023 and submits this renewed motion in order to correct the time that had elapsed between docketing and the present, which was erroneously described as 50 days. 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.

MICHAEL J. BRUZIK, 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 22 December 2023.

Respectfully submitted,

MICHAEL J. BRUZIK, 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
)	
Senior Airman (E-4)	)	ACM S32760
COLTON R. FAULKNER, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

**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 27 December 2023.

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

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SECOND)
)	
v.	)	Before Panel No. 2
)	
Senior Airmman (E-4),	)	No. ACM S32760
COLTON R. FAULKNER,)	
United States Air Force,	)	20 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)(2) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his 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 **30 March 2024**. The record of trial was docketed with this Court on 1 November 2023. From the date of docketing to the present date, 111 days have elapsed. On the date requested, 150 days will have elapsed.

On 21 March 2023 and 20 July 2023, Appellant was tried by a special court-martial at Dover Air Force Base, Delaware. Consistent with his pleas, the military judge convicted Appellant of one charge and specification of child endangerment in violation of Article 119b, Uniform Code of Military Justice (UCMJ); and one charge and specification of domestic violence in violation of Article 128b, UCMJ. R. at 35. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for seven months, and a bad conduct discharge. R. at 128. The convening authority took no action on the findings, but deferred the reduction in rank for six months from entry of judgment and waived automatic forfeitures for six months. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action – *United States v. SrA Colton R. Faulkner*, dated 11 August 2023.

The record of trial consists of four volumes. The transcript is 130 pages. There are 15 prosecution exhibits, 11 defense exhibits, and 23 appellate exhibits. Appellant's confinement is set to expire as of today. Undersigned counsel has not yet completed an initial review of the ROT.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

MICHAEL J. BRUZIK, 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 20 February 2024.

Respectfully submitted,

MICHAEL J. BRUZIK, 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
)	
Senior Airman (E-4)	)	ACM S32760
COLTON R. FAULKNER, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

**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 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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (THIRD)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM S32760
COLTON R. FAULKNER,)	
United States Air Force,	)	21 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)(2) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his 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 **29 April 2024**. The record of trial was docketed with this Court on 1 November 2023. From the date of docketing to the present date, 141 days have elapsed. On the date requested, 180 days will have elapsed.

On 21 March 2023 and 20 July 2023, Appellant was tried by a special court-martial at Dover Air Force Base, Delaware. Consistent with his pleas, the military judge convicted Appellant of one charge and specification of child endangerment in violation of Article 119b, Uniform Code of Military Justice (UCMJ); and one charge and specification of domestic violence in violation of Article 128b, UCMJ. R. at 35. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for seven months, and a bad conduct discharge. R. at 128. The convening authority took no action on the findings, but deferred the reduction in rank for six months from entry of judgment and waived automatic forfeitures for six months. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action – *United States v. SrA Colton R. Faulkner*, dated 11 August 2023.

The record of trial consists of four volumes. The transcript is 130 pages. There are 15 prosecution exhibits, 11 defense exhibits, and 23 appellate exhibits. Appellant's not currently in confinement. Undersigned counsel has not yet completed an initial review of the ROT.

Undersigned counsel is currently assigned 14 cases; 12 cases are pending initial AOE's before this Court. Of those, the following cases are counsel's three highest priorities:

- 1) *United States v. Schneider*, ACM 40403 - The record of trial consists of three prosecution exhibits, 26 defense exhibits, and eight appellate exhibits; the transcript is 369 pages. Appellant is not currently confined. Undersigned counsel has completed reviewing the record of trial and is currently drafting an assignment of errors due for submission on 9 April 2024. This case is on its 12th and final enlargement of time.
- 2) *United States v. Cassaberry-Folks*, ACM 40444 - The record of trial consists of seven volumes. The transcript is 375 pages. There are four Prosecution Exhibits, three Defense Exhibits, one Court Exhibit and 11 Appellate Exhibits. Undersigned counsel has begun, but not yet completed review of the record of trial. This case is on its ninth enlargement of time.
- 3) *United States v. Bates*, ACM S32752 – The record of trial consists of two volumes. The transcript is 176 pages. There are 11 Prosecution Exhibits, ten Defense Exhibits, and five Appellate Exhibits. Undersigned counsel has completed an initial review of the record of trial. This case is on its ninth enlargement of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

MICHAEL J. BRUZIK, 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 21 March 2024.

Respectfully submitted,

MICHAEL J. BRUZIK, 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
)	
Senior Airman (E-4)	)	ACM S32760
COLTON R. FAULKNER, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

**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 25 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

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FOURTH)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM S32760
COLTON R. FAULKNER,)	
United States Air Force,	)	19 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)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fourth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **29 May 2024**. The record of trial was docketed with this Court on 1 November 2023. From the date of docketing to the present date, 170 days have elapsed. On the date requested, 210 days will have elapsed.

On 21 March 2023 and 20 July 2023, Appellant was tried by a special court-martial at Dover Air Force Base, Delaware. Consistent with his pleas, the military judge convicted Appellant of one charge and specification of child endangerment in violation of Article 119b, Uniform Code of Military Justice (UCMJ); and one charge and specification of domestic violence in violation of Article 128b, UCMJ. R. at 35. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for seven months, and a bad conduct discharge. R. at 128. The convening authority took no action on the findings, but deferred the reduction in rank for six months from entry of judgment and waived automatic forfeitures for six months. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action – *United States v. SrA Colton R. Faulkner*, dated 11 August 2023.

The record of trial consists of four volumes. The transcript is 130 pages. There are 15 prosecution exhibits, 11 defense exhibits, and 23 appellate exhibits. Appellant's not currently in confinement. Undersigned counsel has not yet completed an initial review of the ROT.

Undersigned counsel is currently assigned 14 cases; 12 cases are pending initial AOE's before this Court. Of those, the following cases are counsel's three highest priorities:

- 1) *United States v. Bates*, ACM S32752 – The record of trial consists of two volumes. The transcript is 176 pages. There are 11 Prosecution Exhibits, ten Defense Exhibits, and five Appellate Exhibits. Undersigned counsel has nearly completed an initial draft of an assignment of errors identifying three issues. This case is on its tenth enlargement of time.
- 2) *United States v. Cassaberry-Folks*, ACM 40444 - The record of trial consists of seven volumes. The transcript is 375 pages. There are four Prosecution Exhibits, three Defense Exhibits, one Court Exhibit and 11 Appellate Exhibits. Undersigned counsel has completed initial review of the record of trial and identified five issues for an AOE. This case is on its tenth enlargement of time and due for submission on 6 May 2024.
- 3) *United States v. Hilton*, ACM 40500 - The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. Undersigned counsel has not yet completed an initial review of the ROT. This case is on its sixth enlargement of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

MICHAEL J. BRUZIK, 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 19 April 2024.

Respectfully submitted,

MICHAEL J. BRUZIK, 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
)	
Senior Airman (E-4)	)	ACM S32760
COLTON R. FAULKNER, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

**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 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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FIFTH)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM S32760
COLTON R. FAULKNER,)	
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 23.3(m)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fifth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **28 June 2024**. The record of trial was docketed with this Court on 1 November 2023. From the date of docketing to the present date, 202 days have elapsed. On the date requested, 240 days will have elapsed.

On 21 March 2023 and 20 July 2023, Appellant was tried by a special court-martial at Dover Air Force Base, Delaware. Consistent with his pleas, the military judge convicted Appellant of one charge and specification of child endangerment in violation of Article 119b, Uniform Code of Military Justice (UCMJ); and one charge and specification of domestic violence in violation of Article 128b, UCMJ. R. at 35. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for seven months, and a bad conduct discharge. R. at 128. The convening authority took no action on the findings, but deferred the reduction in rank for six months from entry of judgment and waived automatic forfeitures for six months. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action – *United States v. SrA Colton R. Faulkner*, dated 11 August 2023.

The record of trial consists of four volumes. The transcript is 130 pages. There are 15 prosecution exhibits, 11 defense exhibits, and 23 appellate exhibits. Appellant's not currently in confinement. Undersigned counsel has not yet completed an initial review of the ROT.

Undersigned counsel is currently assigned 20 cases; 14 cases are pending initial AOE's before this Court. Of those, the following cases are counsel's highest priorities:

- 1) *In re A.G.*, Misc. Dkt. 2024-05 – This is a petition for extraordinary relief filed by an individual claiming Article 6b, UCMJ, status. A response from the real party in interest is due to this Court on 28 May 2024.
- 2) *United States v. Cassaberry-Folks*, ACM 40444 – The record of trial consists of seven volumes. The transcript is 375 pages. There are four Prosecution Exhibits, three Defense Exhibits, one Court Exhibit and 11 Appellate Exhibits. Undersigned counsel is working towards completion of a final drafted assignment of errors. This case is on its eleventh and final enlargement of time and due for submission on 31 May 2024.
- 3) *United States v. Hilton* – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its seventh enlargement of time. Undersigned counsel has not yet completed an initial review of the record of trial.
- 4) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 1134 page transcript. This case is on its fifth

enlargement of time. Undersigned counsel has not yet completed an initial review of the record of trial.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Undersigned counsel is hard at work completing briefs for both *In re AG* and *United States v. Cassaberry-Folks*, which are both due this Court within days of each other. Additionally, undersigned counsel is taking

Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

MICHAEL J. BRUZIK, 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 21 May 2024.

Respectfully submitted,

MICHAEL J. BRUZIK, 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
)	
Senior Airman (E-4)	)	ACM S32760
COLTON R. FAULKNER, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

**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 22 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**

UNITED STATES	)	No. ACM S32760
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Colton R. FAULKNER)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 21 May 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.

Appellant’s case was docketed with this court on 1 November 2023. If Appellant’s motion is granted, 240 days will have elapsed since docketing. Counsel are reminded that an appellant’s motion for an enlargement of time that, if granted, would expire more than 180 days after docketing must include, *inter alia*, “a detailed explanation of the number and complexity of counsel’s pending cases; a statement of other matters that have priority over the subject case; and a statement as to progress being made on the subject case.” A.F. CT. CRIM. APP. R. 23.3(m)(6).

The court has considered Appellant’s motion, this court’s Rules of Practice and Procedure—to include Appellant’s failure to comply with those rules—the Government’s opposition, case law, and judicial economy.

Accordingly, it is by the court on this 23d day of May, 2024,

ORDERED:

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

Counsel should not rely on any subsequent requests for enlargement of time being granted. Each request will be considered on its merits. Counsel may request, and the court may order, *sua sponte*, a status conference to facilitate timely processing of this appeal.

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. Counsel is not required to re-address item (1) in each subsequent motion for enlargement of time.

Appellant's counsel is further advised that any future requests for enlargements of time that, if granted, would expire more than 360 days after docketing, will not be granted absent exceptional circumstances.



FOR THE COURT

OLGA STANFORD, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR LEAVE
<i>Appellee,</i>	)	TO FILE APPELLANT’S
	)	MERIT BRIEF
	)	OUT OF TIME
v.)	
	)	Before Panel No. 2
Senior Airman (E-4),)	
COLTON R. FAULKNER,	)	No. ACM S32760
United States Air Force,)	
<i>Appellant.</i>	)	9 July 2024

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

Pursuant to Rule 23(d) and 18.5 of this Court’s Rules of Practice and Procedure, Senior Airman (SrA) Colton R. Faulkner, Appellant, hereby moves this Honorable Court for leave to file his merits brief out of time for the Court’s consideration. Appellant’s brief was due on 28 June 2024. From 28 June 2024 into the days beyond, undersigned counsel experienced communication issues that prevented counsel from filing Appellant’s brief. Appellant respectfully requests the Court accept his brief and review his case on the merits.

WHEREFORE Appellant respectfully request this Court GRANT this motion.

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 9 July 2024.

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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MERITS BRIEF
<i>Appellee,</i>	)	OUT OF TIME
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM S32760
COLTON R. FAULKNER,)	
United States Air Force,	)	9 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 Senior Airman (SrA) Colton R. Faulkner, 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 9 July 2024.

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