

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	NOTICE OF DIRECT APPEAL
<i>Appellee</i>	)	PURSUANT TO ARTICLE 66(b)(1)(A),
	)	UCMJ
)	
v.)	
)	
Master Sergeant (E-7)	)	No. ACM SXXXXXX
KIEL B. KAUFFELD)	
United States Air Force	)	13 February 2024
<i>Appellant</i>)	

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

On 17 – 19 July 2023, Appellant was tried by special court-martial sitting as a military judge alone at Goodfellow Air Force Base, Texas. Record of Trial (ROT), Vol. 1, Entry of Judgement, dated 8 September 2023, at 1. Appellant was convicted, contrary to his pleas, of one charge and specification of sexual harassment, in violation of Article 134, Uniform Code of Military Justice (UCMJ). *Id.* Appellant was acquitted of two specifications of sexual harassment under the same Article. *Id.* The military judge sentenced Appellant to a reduction in pay grade to Technical Sergeant (E-6) and a reprimand. *Id.* at 2. The convening authority took no action on the findings or sentence. ROT, Vol. 1, Convening Authority Decision on Action – *United States v. MSgt Kiel b. Kauffeld.*

On 15 November 2023, the Government provided Appellant the required notice, by mail, of his right to appeal within 90 days. Pursuant to Article 66(b)(1)(A), UCMJ, Appellant files his notice of direct appeal with this Court.

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force

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 13 February 2024.

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force

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

UNITED STATES	)	No. ACM _____
<i>Appellee</i>)	
)	
v.)	
	)	NOTICE OF
Kiel B. KAUFFELD	)	DOCKETING
Master Sergeant (E-7))	
U.S. Air Force)	
<i>Appellant</i>)	

On 13 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 13th day of February, 2024,

ORDERED:

The case in the above-styled matter is referred to Panel 3.

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 3
)	
Technical Sergeant (E-6)	)	No. ACM 24010
KIEL B. KAUFFELD,)	
United States Air Force	)	26 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)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **6 July 2024**. This case was docketed with this Court on 13 February 2024.¹ The record of trial was not received by this Court until 8 March 2024. From the date of receipt of the record of trial to the present date, 49 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force

¹ From the date of docketing to the present date, 74 days have elapsed. On the date requested, 145 days have elapsed.

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 26 April 2024.

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force

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)
)	
	)	Before Panel No. 3
Technical Sergeant (E-6))	
KIEL B. KAUFFELD	)	No. ACM 24010
United States Air Force)	
<i>Appellant.</i>	)	30 April 2024

**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 (First) to file an Assignment of Error in this case.

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 30 April 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

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

UNITED STATES	)	No. ACM 24010
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Kiel B. KAUFFELD)	
Technical Sergeant (E-6))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 3

On 13 February 2024, Appellant filed with this court a notice of direct appeal pursuant to Article 66(b)(1)(A), Uniform Code of Military Justice, 10 U.S.C. § 866(b)(1)(A). While Appellant’s filing was not accompanied by a record of trial, the court docketed Appellant’s case the same day. In this court’s notice of docketing, it further ordered the Government to “forward a copy of the record of trial to the court forthwith.”

On 8 March 2024, the Government forwarded the completed record of trial to this court and Appellant’s counsel.

26 April 2024 (49 days after Appellant’s counsel received the completed record of trial), counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 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 1st day of May, 2024,

ORDERED:

Appellant’s Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **6 July 2024**.



Counsel should not rely on any subsequent requests for enlargement of time being granted. Each request 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.

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.



 OLGA STANFORD, Capt, USAF
Commissioner 

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME (SECOND)
)	
v.	)	Before Panel 3
)	
Master Sergeant (E-6) ¹	)	No. ACM 24010
KIEL B. KAUFFELD,)	
United States Air Force	)	26 June 2024
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his second enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **5 August 2024**. This case was docketed with this Court on 13 February 2024.² The record of trial was not received by this Court until 8 March 2024. From the date of receipt of the record of trial to the present date, 110 days have elapsed. On the date requested, 150 days will have elapsed.

On 17-19 July 2024, R. at 1, 380, Appellant was tried by a special court-martial consisting of a military judge sitting alone. R. at 5. Contrary to his pleas, R. at 6, Appellant was found guilty of one charge and specification of sexual harassment, in violation of Article 134, Uniform Code of Military Justice (UCMJ).³ R. at 364. The military judge sentenced Appellant to a reduction in

¹ In two previous filings—Notice of Direct Appeal, dated 13 February 2024, and Motion for Enlargement of Time (First), dated 26 April 2024—undersigned counsel erroneously referenced this Appellant as a Technical Sergeant (E-6). At the time of his court-martial, Appellant was a Master Sergeant (E-7). In this and all subsequent filings, Appellant will be referenced as a Master Sergeant (E-7).

² From the date of docketing to the present date, 134 days have elapsed. On the date requested, 174 days have elapsed.

³ Consistent with his pleas, Appellant was acquitted of two additional specifications of sexual harassment under Article 134, UCMJ.

pay grade to Technical Sergeant (E-6) and a reprimand. R. at 380. The convening authority took no action with respect to the findings or sentence. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action – *United States v. MSgt Kiel B. Kauffeld*.

The ROT is four volumes long consisting of four prosecution exhibits, 10 defense exhibits, and 19 appellate exhibits. The transcript is 380 pages long.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant’s case. An enlargement of time is necessary to allow counsel time to fully review Appellant’s case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal. Appellant was advised of the request for this enlargement of time. Appellant has provided a limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement. Additionally, undersigned counsel provided Appellant with an update on the status of undersigned counsel’s progress on his case.⁴

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

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force

⁴ Appellant provided a limited consent to disclose this attorney-client privileged communication.

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 26 June 2024.

Respectfully submitted.

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force

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
)	
Technical Sergeant (E-6)	)	ACM 24010
KIEL B. KAUFFELD, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

**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.

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 28 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

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME (THIRD)
)	
v.	)	Before Panel 3
)	
Master Sergeant (E-6)	)	No. ACM 24010
KIEL B. KAUFFELD,)	
United States Air Force	)	26 July 2024
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his third enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **4 September 2024**. This case was docketed with this Court on 13 February 2024.¹ The record of trial was not received by this Court until 8 March 2024. From the date of receipt of the record of trial to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

On 17-19 July 2024, R. at 1, 380, Appellant was tried by a special court-martial consisting of a military judge sitting alone. R. at 5. Contrary to his pleas, R. at 6, Appellant was found guilty of one charge and specification of sexual harassment, in violation of Article 134, Uniform Code of Military Justice (UCMJ).² R. at 364. The military judge sentenced Appellant to a reduction in pay grade to Technical Sergeant (E-6) and a reprimand. R. at 380. The convening authority took no action with respect to the findings or sentence. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action – *United States v. MSgt Kiel B. Kauffeld*. Appellant is not confined.

¹ From the date of docketing to the present date, 164 days have elapsed. On the date requested, 204 days have elapsed.

² Consistent with his pleas, Appellant was acquitted of two additional specifications of sexual harassment under Article 134, UCMJ.

The ROT is four volumes long consisting of four prosecution exhibits, 10 defense exhibits, and 19 appellate exhibits. The transcript is 380 pages long.

Undersigned counsel is assigned 23 cases, 15 cases are pending initial AOE's before this Court. Two cases before the Court of Appeals for the Armed Forces (CAAF) takes priority over this case: (1) *United States v. Valentin-Andino* and (2) *United States v. Daughma*. Undersigned counsel is presently conducting research in preparation of filing a petition for grant of review and corresponding supplement for both cases. In addition, the following cases before this Court take priority over the instant one:

- 1) *United States v. Pulley*, ACM 40438 – The record of trial is 11 volumes, consisting of 22 prosecution exhibits, five defense exhibits, and 66 appellate exhibits; the transcript is 730 pages. Undersigned counsel filed an initial brief on 16 July 2024. The Government's answer is due on 15 August 2024, with any reply due on 22 August 2024.
- 2) *United States v. Rice*, ACM 40502 – The record of trial is ten volumes, consisting of 41 appellate exhibits, 14 prosecution exhibits, four defense exhibits, and two court exhibits; the transcript is 514 pages. Undersigned counsel has completed a review of the sealed and unsealed record, and anticipates filing an initial brief on 29 July 2024.
- 3) *United States v. Couty*, ACM 40484 – The record of trial is seven volumes, consisting of 20 prosecution exhibits, two defense exhibits, two court exhibits, and 29 appellate exhibits; the transcript is 868 pages. Undersigned counsel has completed a review of the sealed and unsealed record. Undersigned counsel has begun research on several identified errors. In addition, undersigned counsel filed a draft list of anticipated assignments of error with this Court today, 26 July 2024.

- 4) *United States v. Kelnhofer*, ACM 23012 – The record of trial is two volumes, consisting of 18 prosecution exhibits, three defense exhibits, and 11 appellate exhibits; the transcript is 494 pages. Undersigned counsel has completed a review of the record.
- 5) *United States v. Moreno*, ACM 40511 – The record of trial is six volumes, consisting of 59 appellate exhibits, 12 prosecution exhibits, and seven defense exhibits; the transcript is 531 pages. Civilian co-counsel has begun reviewing the record.
- 6) *United States v. Gibbs*, ACM 40523 – The record of trial is seven volumes, consisting of 40 appellate exhibits, 26 prosecution exhibits, 11 defense exhibits, and one court exhibit; the transcript is 1,084 pages. Undersigned counsel has identified at least one issue in this record.
- 7) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages.
- 8) *United States v. Barlow*, ACM 40552 – The record of trial is four volumes, consisting of six prosecution exhibits, nine defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 338 pages.
- 9) *United States v. Beyer*, ACM 40566 – The record of trial is seven volumes, consisting of four prosecution exhibits, four defense exhibits, 66 appellate exhibits, and one court exhibit; the transcript is 939 pages. Civilian co-counsel has begun a review of the unsealed record. Undersigned counsel filed a consent motion to review sealed materials, which this Court has granted.

- 10) *United States v. Kauffeld*, ACM 24010 – The record of trial is four volumes, consisting of four prosecution exhibits, 10 defense exhibits, and 19 appellate exhibits; the transcript is 380 pages.
- 11) *United States v. Pellegrino*, ACM S32775 – The record of trial is an electronic record consisting of 328 pages. There are three prosecution exhibits, one defense exhibit, and four appellate exhibits. The transcript is 125 pages.
- 12) *United States v. Toothman*, ACM 40599 – The record of trial is four volumes, consisting of nine prosecution exhibits, one defense exhibit, and 16 appellate exhibits; the transcript is 99 pages.
- 13) *United States v. Ryder*, ACM 40605 – The record of trial is four volumes, consisting of three prosecution exhibits, 10 defense exhibits, and six appellate exhibits; the transcript is 173 pages.
- 14) *United States v. Tyson*, ACM 40612 – The record of trial is an electronic record consisting of 924 pages. There are four prosecution exhibits, four defense exhibits, and 11 appellate exhibits. The transcript is 92 pages.
- 15) *United States v. Hupp*, ACM 24010 – The record of trial is two volumes. There are four prosecution exhibits, eight defense exhibits, four appellate exhibits, and one court exhibit. The transcript is 153 pages.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal. Appellant was advised of the request for this enlargement of time. Appellant has provided a limited consent to disclose a confidential communication with counsel

wherein Appellant consented to the request for this enlargement. Additionally, undersigned counsel provided Appellant with an update on the status of undersigned counsel's progress on his case.³

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

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force

³ Appellant provided a limited consent to disclose this attorney-client privileged communication.

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 26 July 2024.

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force

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
)	
Master Sergeant (E-7)	)	ACM 24010
KIEL B. KAUFFELD, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

**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 29 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	)	MOTION TO WITHDRAW FROM
<i>Appellee</i>	)	APPELLATE REVIEW AND
	)	MOTION TO ATTACH
v.	)	Before Panel 3
)	
Master Sergeant (E-7)	)	No. ACM 24010
KIEL B. KAUFFELD,)	
United States Air Force	)	26 August 2024
<i>Appellant</i>)	

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

Pursuant to Rule 16 of this Honorable Court’s Rules of Practice and Procedure, and Rule for Courts-Martial (RCM) 1115, Appellant hereby moves to withdraw his case from appellate review. Appellant has fully consulted with Capt Jordan Grande, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promises of clemency, or otherwise to withdraw his case from appellate review.

Further, pursuant to Rules 23(b) and 23.3(b) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel asks this Court to attach the five-page document appended to this pleading to Appellant’s Record of Trial. The document is a Department of Defense Form 2330, signed by Appellant and undersigned counsel, to include the entry of judgment referenced on the top line of the form. The appended document is necessary to comply with R.C.M. 1115(d) and Rule 16.1 of this Honorable Court’s Rules of Practice and Procedure.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the above captioned motion to withdraw from appellate review and likewise grant his request to attach matters to the record.

Respectfully submitted,

JORDAN L. GRANDE, 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 26 August 2024.

Respectfully submitted,

JORDAN L. GRANDE, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews, NAF, MD 20762-6604