

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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
	)	<b>ENLARGEMENT OF TIME (FIRST)</b>
	)	
v.	)	Before Panel No. 3
	)	
Staff Sergeant (E-5)	)	No. ACM S32766
<b>JQUAN T. RUSSELL,</b>	)	
United States Air Force	)	29 January 2024
<i>Appellant</i>	)	

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a first enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **5 April 2024**. The record of trial was docketed with this Court on 7 December 2023. From the date of docketing to the present date, 53 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,

FREDERICK J. JOHNSON, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
1500 West Perimeter Road, Suite 1100  
Joint Base Andrews NAF, MD 20762-6604

**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 29 January 2024.

Respectfully submitted,

FREDERICK J. JOHNSON, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
1500 West Perimeter Road, Suite 1100  
Joint Base Andrews NAF, MD 20762-6604

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

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	ACM S32766
JQUAN T. RUSSELL, USAF,	)	
<i>Appellant.</i>	)	Before 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.

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

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 29 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>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee</i>	)	<b>ENLARGEMENT OF TIME (SECOND)</b>
	)	
v.	)	Before Panel No. 3
	)	
Staff Sergeant (E-5)	)	No. ACM S32766
<b>JQUAN T. RUSSELL,</b>	)	
United States Air Force	)	26 March 2024
<i>Appellant</i>	)	

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a second enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **5 May 2024**. The record of trial was docketed with this Court on 7 December 2023. From the date of docketing to the present date, 110 days have elapsed. On the date requested, 150 days will have elapsed.

On 30 August 2023, a military judge sitting as a special court-martial at Dover Air Force Base, Delaware, found Appellant guilty, consistent with his pleas, of one charge and three specifications of wrongful possession, distribution, and use of controlled substances in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a. R. at 81; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 22 September 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for 50 days, and to be discharged from the service with a bad-conduct discharge. R. at 113; EOJ. The convening authority took no action on the findings, approved the sentence in its entirety, and deferred the reduction in rank and automatic forfeitures until the date the military judge signed the entry of

judgment. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Staff Sergeant JQuan T. Russell*, dated 13 September 2023.

The record of trial is three volumes consisting of three prosecution exhibits, 16 defense exhibits, and six appellate exhibits; the transcript is 115 pages. Appellant is not currently confined.

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

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

Respectfully submitted,

FREDERICK J. JOHNSON, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
1500 West Perimeter Road, Suite 1100  
Joint Base Andrews NAF, MD 20762-6604

**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 26 March 2024.

Respectfully submitted,

FREDERICK J. JOHNSON, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
1500 West Perimeter Road, Suite 1100  
Joint Base Andrews NAF, MD 20762-6604

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

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	ACM S32766
JQUAN T. RUSSELL, USAF,	)	
<i>Appellant.</i>	)	Before 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.

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 26 March 2024.

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

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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee</i>	)	<b>ENLARGEMENT OF TIME (THIRD)</b>
	)	
v.	)	Before Panel No. 3
	)	
Staff Sergeant (E-5)	)	No. ACM S32766
<b>JQUAN T. RUSSELL,</b>	)	
United States Air Force	)	23 April 2024
<i>Appellant</i>	)	

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a third enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **4 June 2024**. The record of trial was docketed with this Court on 7 December 2023. From the date of docketing to the present date, 138 days have elapsed. On the date requested, 180 days will have elapsed.

On 30 August 2023, a military judge sitting as a special court-martial at Dover Air Force Base, Delaware, found Appellant guilty, consistent with his pleas, of one charge and three specifications of wrongful possession, distribution, and use of controlled substances in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a. R. at 81; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 22 September 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for 50 days, and to be discharged from the service with a bad-conduct discharge. R. at 113; EOJ. The convening authority took no action on the findings, approved the sentence in its entirety, and deferred the reduction in rank and automatic forfeitures until the date the military judge signed the entry of

judgment. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Staff Sergeant JQuan T. Russell*, dated 13 September 2023.

The record of trial is three volumes consisting of three prosecution exhibits, 16 defense exhibits, and six appellate exhibits; the transcript is 115 pages. Appellant is not currently confined.

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

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

Respectfully submitted,

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

**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 23 April 2024.

Respectfully submitted,

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

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

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	ACM S32766
JQUAN T. RUSSELL, USAF,	)	
<i>Appellant.</i>	)	Before 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.

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

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 24 April 2024.

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

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

<b>UNITED STATES</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee</i>	)	<b>TIME (FOURTH)</b>
	)	
v.	)	Before Panel No. 3
	)	
Staff Sergeant (E-5)	)	No. ACM S32766
<b>JQUAN T. RUSSELL,</b>	)	
United States Air Force	)	28 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)(3), (4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fourth 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 Jul 2024**. The record of trial was docketed with this Court on 7 December 2023. From the date of docketing to the present date, 173 days have elapsed. On the date requested, 210 days will have elapsed.

On 30 August 2023, a military judge sitting as a special court-martial at Dover Air Force Base, Delaware, found Appellant guilty, consistent with his pleas, of one charge and three specifications of wrongful possession, distribution, and use of controlled substances in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a. R. at 81; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 22 September 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for 50 days, and to be discharged from the service with a bad-conduct discharge. R. at 113; EOJ. The convening authority took no action on the findings, approved the sentence in its entirety, and deferred the reduction in rank and automatic forfeitures until the date the military judge signed the entry of

judgment. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Staff Sergeant JQuan T. Russell*, dated 13 September 2023.

The record of trial is three volumes consisting of three prosecution exhibits, 16 defense exhibits, and six appellate exhibits; the transcript is 115 pages. Appellant is not currently confined.

Undersigned counsel was detailed to this case on 8 April 2024. Since the Third Motion for Enlargement of Time, counsel has completed review of the record of trial, and discussed the case with Appellant. Counsel is researching and conferring with Appellant on potential issues but requires additional time to decide whether to file a brief, and to draft a brief, if necessary. Counsel has advised Appellant of his right to a timely appeal, as well as advised him of the requests for an enlargement of time. Appellant understands his rights and agrees with the request for an enlargement of time. Appellant is also aware that counsel works for the Office of the Federal Defender as a civilian and is assigned as a reservist to the Air Force Appellate Defense Division to handle his appeal.

Presently, this is the only case counsel has before the United States Air Force Court of Criminal Appeals. However, in addition to this case, counsel has twenty-five cases before the United States District Court for the Middle District of Florida, in which she is the sole and primary trial counsel. Lastly, counsel is also assigned as the Office of the Federal Defender representative to the Reentry Program. The Reentry Program assists former federal prisoners who have been placed on supervised release as part of their sentence and are reentering the community. Currently, there are ten clients in the Reentry Program that counsel is responsible to assist with their integration in the community to successful participation in the program. The following is a list, in the order of priority, of all cases counsel is currently working on.



1. *United States v. Tarance Ariz Baker, Jr.*, Case No. 6:20-cr-162-PGB-LHP: Mr. Baker was brought to federal court pursuant to a petition alleging violation of supervised release for committing a new law violation for possession of a firearm. Counsel is preparing for a fully litigated bench trial scheduled for June 12, 2024.
2. *United States v. Antoine Johnson*, Case No.6:23-cr-139-CEM-LHP: Mr. Johnson's case involves a single count of possession of a firearm by a convicted felon. The case originated in state court and was federally adopted for prosecution. Mr. Johnson has been in pretrial custody since May 9, 2023. Mr. Johnson is scheduled to commence a two-day jury trial on June 17, 2024. Due to his prior criminal convictions, he is facing a minimum mandatory of 15 years imprisonment, if convicted.
3. *United States v. Shawndell Johnson*, Case No. 6:23-cr-231-WWB-EJK: Mr. Johnson is indicted on five counts alleging distribution of a controlled substances, possession of a firearm by a convicted felon and possession of a firearm in furtherance of a drug trafficking crime. Mr. Johnson is facing a mandatory minimum of ten years to life on the drug charges, as well as a minimum of five years imprisonment to life on one of the firearm charges. For all other charges, Mr. Johnson faces a maximum of twenty years imprisonment. Mr. Johnson is currently scheduled for a status conference on June 4, 2024, and a trial term in July 2024. Counsel is diligently reviewing discovery with Mr. Johnson and advising him on his case. Counsel is in the process of drafting pretrial motions to include a motion to suppress due to lack of consent and a warrantless search of Mr. Johnson's residence. Mr. Johnson is being held in pretrial custody.
4. *United States v. Christian Medina Torres*, Case No. 6:23-cr-179-CEM-DCI: Mr. Medina Torres was indicted for possession with the intent to distribute cocaine. He is facing a

minimum mandatory of 10 years to life imprisonment. However, due to his safety valve eligibility, he is no longer subject to the 10-year minimum mandatory, should the court determine a lower sentence is appropriate. Counsel has submitted objections to the Presentencing Report and is in the process of drafting a sentencing memorandum and mitigation appendix for the court's consideration of a downward variance of the federal sentencing guidelines. Counsel's submission to the court is due on May 31, 2024. The sentencing hearing is scheduled for June 6, 2024. Mr. Medina Torres is out of custody.

5. *United States v. Audulio Gonzalez-Sanchez*: Case No. 6:20-cr-82-RBD-EJK: Mr. Gonzalez-Sanchez was arrested in March 2024, on state charges and was thereafter brought to federal court to face charges of illegal re-entry from 2020. Mr. Gonzalez-Sanchez pled to the charges in his case and is now awaiting sentencing. A sentencing hearing is scheduled for June 11, 2024. Counsel has completed objections to the Presentencing Report and is now in the process of drafting the sentencing memorandum and mitigation appendix due to the court on June 4, 2024.
6. *United States v. Christian Rodriguez Labour*, Case No. 6:24-cr-27-CEM-EJK: Mr. Labour pled to conspiracy to commit money laundering charges. Counsel diligently worked on objection to the Presentencing Reports that involved an intended loss amount of over \$6 million dollars. Additionally, counsel drafted and submitted a sentencing memorandum and mitigation appendix totaling 58 pages for the court's consideration of a downward variance. Day one of the sentencing hearing was held on May 22, 2024. Day two of the sentencing hearing is scheduled for June 21, 2024.
7. *United States v. Cristian Ponce*, Case No. 6:23-cr-64-RBD-RMN: Mr. Ponce's sentencing hearing is scheduled for July 1, 2024. Counsel is currently working on objections to the

Presentencing Report, which are extensive and include an enhancement for conduct resulting in death. Additionally, counsel's sentencing memorandum and mitigation appendix are due to the court on June 24, 2024. Mr. Ponce is facing up to life imprisonment and is currently being held in custody.

8. *United States v. Valerio Garcia-Galicia*, Case No. 6:24-cr-38-PGB-LHP: Mr. Valerio Garcia-Galicia was charged and pled to illegal re-entry. His sentencing hearing is set for July 9, 2024. Counsel's sentencing memorandum and mitigation appendix in this case is due July 3, 2024.
9. *United States v. Tramon Jamal Stewart*, Case No. 6:23-cr-232-PGB-RMN: Mr. Stewart's case involves a one count indictment for possession of a firearm by a convicted felon. The government alleges the gun Mr. Stewart possessed was involved in a second-degree attempted murder case Mr. Stewart currently has pending in state proceedings. Mr. Stewart enter a plea in April of 2024, but is disputing his involvement in the second-degree attempted murder case. The sentencing hearing in this case is expected to be contentious, as the government is expected to prove up Mr. Stewart's involvement in the second- degree murder case for aggravation purposes at sentencing. The sentencing hearing is scheduled for July 11, 2024.
10. *United States v. Benjamin Garmon, Jr.*, Case No. 6:24-cr-21-WWB-RMN: Mr. Garmon appeared for his initial appearance on January 22, 2024. He was brought in on a criminal complaint alleging the possession of a firearm by a convicted felon and his involvement in the murder of a woman who was shot 12 times in front of her children. He was subsequently indicted on January 24, 2024. Counsel is actively and diligently reviewing discovery in this

case. A status conference is scheduled for June 4, 2024. Mr. Garmon remains in pretrial custody.

11. *United States v. Lued Brown*, Case No. 6:23-cr-167-WWB-RMN: Mr. Brown's case alleges violations of supervised release that involving new law violations for possession of cocaine in the state. A sentencing hearing is scheduled for July 10, 2024. Counsel's sentencing memorandum and mitigation appendix is due to the court on July 3, 2024. Counsel is diligently requesting records pertaining to the client's employment, substance abuse treatment, custody of his minor daughter, among others, that will be part of the mitigation appendix for the court's consideration at sentencing.
12. *United States v. Mark Donald Sotnick*, Case No. 6:24-cr-31-PGB-RMN: Mr. Sotnick's case involves alleges of enticement and extortion of a minor, production and distribution of child pornography among other charges. There is massive forensic discovery in this case that requires review at law enforcement offices. The discovery production and review process are on-going in this case. Counsel has hired experts to assist in the review and interpretation of the discovery in this case and for preparation for trial. Mr. Sotnick is in pretrial custody. A status conference is scheduled for June 10, 2024. Counsel expects this case to be a jury trial and will be asking the court for additional time to prepare.
13. *United States v. Staff Sergeant JQuan T. Russell*, No. ACM S32766, Air Force Court of Criminal Appeals Case: Counsel has completed review of the record of trial and discussed the case with Appellant. Counsel is researching case law and conferring with Appellant on potential issues but requires additional time to decide whether to file a brief, and to draft a brief, if necessary.

14. *United States v. Henry Bernard*, Case No. 6:17-cr-272-CEM-LHP: Mr. Bernard's case is a complex case that involves charges from 2017 for Hobbs Act Robbery with a Firearm. Mr. Bernard has been declared incompetent to proceed and non-restorable by state authorities for the past five years for similar state charges. On January 4, 2024, Mr. Bernard was ordered to the custody of the Attorney General for a competency evaluation. On March 2, 2024, a report was received stating Mr. Bernard is incompetent to proceed. Since then, a hearing was held in March 2024, in which the court ordered restoration efforts in this case. Mr. Henry is currently awaiting to be transferred to an appropriate Bureau of Prisons facility to start the four-month restoration process. Counsel is monitoring the transportation process in this case and continues to communicate with Mr. Henry to assess his mental health status. Should transportation continued to be delayed in this case past July 2024, counsel anticipates litigation in this case.
15. *United States v. Augusto Reyes-Gonzalez*, Case No. 6:24-cr-30-WWB-RMN: Mr. Reyes-Gonzalez was indicted for conspiracy to distribute and possess controlled substances. Due to the quantity of the controlled substances involved, he is facing a minimum mandatory of 10 years to life if convicted. Mr. Reyes Gonzalez is one of three defendants charged in the indictment. The discovery process in this case is on-going. Mr. Reyes Gonzalez is held in pretrial custody. Currently, this case is set for trial in the August 2024 trial term.
16. *United States v. Carlos Ferrer*, Case No. 6:22-cr-116-WWB-EJK: Mr. Ferrer pled guilty to charges of bank fraud on September 13, 2023. He is one of several defendants in the indictment. For his conduct, he faces a maximum sentence of thirty years' imprisonment. Sentencing is currently scheduled for August 13, 2024. Mr. Ferrer's sentencing hearing has been delayed due to his potential testimony in the trial of other co-defendants. Counsel is

diligently working with Mr. Ferrer in the preparation of his testimony. Additionally, counsel needs to prepare objections to the Presentencing Report, draft and submitted a sentencing memorandum and mitigation appendix due to the Court of August 6, 2024.

17. *United States v. Kevin Thompson*, Case No. 6:24-cr-13-PGB-DCI: Mr. Thompson was indicted on possession and receiving child pornography charges. He is facing a minimum mandatory of five years imprisonment and a maximum term of 20 years imprisonment. Counsel has been diligently reviewing the discovery, advising Mr. Thompson, and obtaining records, such as Social Security and foster care records to use in negotiations with the government in this case. A status conference is scheduled for June 10, 2024. Mr. Thompson is in pretrial custody and is expected to plea in this case.

18. *United States v. Richard Mills*, Case No. 6:14-cr-97-PGB-LHP: Mr. Mills has two cases pending in federal court. This case involves violations of supervised release alleging failure to register electronic mail addresses as required by his sex offender registration requirements and unlawful use of a computer device. For his violations, Mr. Mills is facing a maximum of five years in addition to any punishment he may receive in his second case. In both cases, Mr. Mills is scheduled to be sentenced on July 15, 2024.

19. *United States v. Richard Mills*, Case No. 6:24-cr-72-PGB-LHP: On April 1, 2024, Mr. Mills pled by information to one count of possession of child pornography. Because this is his second federal case involving the possession of child pornography, he is facing a minimum mandatory of 10 years up to life. There are no provisions in the law applicable to Mr. Mills that will allow the court to sentence him to less than 10 years imprisonment. Counsel has been diligently working on Mr. Mills' case to include work with an expert that has written a report for the court's consideration at the sentencing hearing. Additionally,

counsel is working on objections to the Presentencing Report, which includes various objections to individuals who are claiming to be a victim of the offense. Lastly, counsel sentencing memorandum and mitigation appendix is due to the court on July 10, 2024. The sentencing hearing is scheduled for July 15, 2024. Mr. Mills is currently being held in pretrial custody.

20. *United States v. Jesus Gonzalez-Rivera*, Case No. 6:24-cr-85-WWB-DCI: Counsel was appointed to represent Mr. Gonzalez-Rivera pre-indictment. Counsel has been diligently reviewing discovery, engaging in plea negotiations, filing motions to transfer the case to another district judge, and advising Mr. Gonzalez-Rivera. On May 1, 2024, Mr. Gonzalez-Rivera pled guilty to possession with intent to distribute cocaine. For his conduct, he faces a minimum mandatory of 5 years up to 40 years imprisonment. Mr. Gonzalez-Rivera is out of custody. Counsel is waiting for a sentencing hearing to be scheduled in this case and to receive a copy of the Presentencing Report to review with Mr. Gonzalez-Rivera. Counsel anticipates a sentencing hearing to be scheduled in the month of July 2024, but that counsel will need to ask the court for additional time to properly prepare the case for sentencing.
21. *United States v. Jonathan Maroney*, Case No. 6-22-mj-1614: Mr. Maroney's case involves allegations of a \$17 million dollar Ponzi scheme, with over 150 victims. He has a companion SEC civil case. He is in the pre-Indictment stage of the proceedings and the discovery process is massive and currently on-going. Counsel is continuing to review and organizing the discovery, as well as consult with a forensic accounting expert in this case.
22. *United States v. Celeste Alcantara Reyes*, Case No. 6:23-cr-203-WWB-EJK: Counsel filed a notice of appearance in Ms. Alcantara Reyes' case on May 5, 2024. She is charged with

Social Security fraud. Counsel recently received discovery and is in the process of developing a case plan and identifying legal support needed.

23. *United States v. Douglas Barron*, Case No. 6:24-cr-112-WWB-DCI: Counsel filed a notice of appearance in Mr. Barron's case on May 6, 2024. Mr. Barron is charged with receipt and possession of child pornography. Case has conducted a bail hearing in this case and has scheduled discovery review at the FBI office on June 3, 2024. Currently, Mr. Barron's case is in the early stages and counsel is in the process of identifying case needs for investigators and paralegal support.

24. *United States v. Ronnie L. Hardy*, Case No. 6:21-cr-55-WWB-EJK: Mr. Hardy is facing violations of his supervised release. Counsel filed a notice of appearance on May 5, 2024. Counsel has recently received some discovery in this case and is in the process of reviewing with Mr. Hardy.

25. *United States v. Lonnie Robinson*, Case No. 6:06-cr-179-GAP-RMN: Mr. Robinson is facing violations of supervised release involving new criminal charges at the state level which alleged distribution of controlled substances resulting in death. Mr. Robinson is currently in state custody and undersigned counsel is currently responsible for filing month status reports in federal court.

26. *United States v. Sheldon Shaun Hibbert*, Case No. 6:23-cr-93-GAP-EJK: Mr. Hibbert is facing violations of his supervised release. His violations stem from state charges that are currently pending. Mr. Hibbert is out of custody. Counsel is responsible for filing monthly status reports with the Court.



## Recently Closed Cases

27. *United States v. Michael Barrington Douglas*, Case No. 6:23-cr-122-GAP-DCI: Mr. Douglas' sentencing hearing was held on May 2, 2024. For his conduct involving the theft of government funds and aggravated identity theft, Mr. Douglas was sentenced to 24 months and a day. This case is now closed.

28. *United States v. Antonio Olivas Gonzalez*, Case No. 6:14-cr-95-WWB-EJK: Mr. Gonzalez's sentencing hearing was held on May 14, 2024. His case involved various violations of his supervised release relating to his sex offender status resulting from his 2014 possession of child pornography case. For his conduct, Mr. Gonzalez received a four-month sentence of imprisonment followed by 15 years of supervised release. This case is now closed.

29. *United States v. Taneika Lashawn Dewdney*, Case No. 6:23-cr-147-PGB-RMN: Ms. Dewdney's sentencing hearing was held on May 15, 2024. For her role as a drug mule, Ms. Dewdney was indicted for possession of control substances (methamphetamine and fentanyl) with the intent to distribute charges. Ms. Dewdney was facing a minimum mandatory of 10 years imprisonment, and a maximum sentence of life for her offense. Due to her safety valve eligibility, and other factors considered by the court, Ms. Dewdney was sentenced to a term of 60 months imprisonment. Counsel has filed a notice of appeal in this case. However, another attorney within the Federal Defender's Office will be handling the appeal.

In addition to the cases noted above, counsel is responsible for the following cases in the Reentry Program, however all the cases above take priority to this program.

1. *United States v. Michael Bellini*: 2:16-cr-143

2. *United States v. Bobby Houston Bridges*: 6:22-cr-130-CEM-DCI
3. *United States v. Jorge Cedeno-Rosado*: 6:23-cr-130-RBD-RMN
4. *United States v. John James Ericson*: 2:12-cr-418-APG-VCF
5. *United States v. Rickey Durell Hudson*: 1:15-20279-JAL
6. *United States v. Christopher Irizarry*: 6:21-cr-66-WWB-EJK
7. *United States v. Allen Knight*: 6:22-cr-180
8. *United States v. Carlos Marin-Vega*: 6:09-cr-123-JA-DAB
9. *United States v. Victor Manuel Ortiz*: 4:04-cr-114-A
10. *United States v. Keiyana Unique Wiltz*: 6:21-cr-1834

Through no fault of Appellant, undersigned counsel has been diligently working on Appellant's case in addition to other cases. Accordingly, an enlargement of time is necessary to allow undersigned counsel to research case law and fully review all potential issues in Appellant's case, as well as advise Appellant regarding how he would like to proceed with his appeal.

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

Respectfully submitted,

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

**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 28 May 2024.

Respectfully submitted,

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

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

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	ACM S32766
JQUAN T. RUSSELL, USAF,	)	
<i>Appellant.</i>	)	Before 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.

BRIT~~T~~<sup>A</sup>N~~A~~<sup>N</sup>Y M. SPEIRS, Maj, USAFR  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 29 May 2024.

BRIT~~ANY~~ M. SPEIRS, Maj, USAFR  
Appellate Government Counsel  
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 S32766
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Jquan T. RUSSELL	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 3</b>

On 28 May 2024, counsel for Appellant submitted a Motion for Enlargement of Time (Fourth) 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 31st day of May, 2024,

**ORDERED:**

Appellant’s Motion for Enlargement of Time (Fourth) is **GRANTED**. Appellant shall file any assignments of error not later than **4 July 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 are 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

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

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

<b>UNITED STATES</b>	)	<b>MOTION FOR ENLARGEMENT OF TIME (FIFTH)</b>
<i>Appellee</i>	)	
	)	
v.	)	Before Panel No. 3
	)	
Staff Sergeant (E-5)	)	No. ACM S32766
<b>JQUAN T. RUSSELL,</b>	)	
United States Air Force	)	25 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), (4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fifth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **3 August 2024**. The record of trial was docketed with this Court on 7 December 2023. From the date of docketing to the present date, 201 days have elapsed. On the date requested, 240 days will have elapsed.

On 30 August 2023, a military judge sitting as a special court-martial at Dover Air Force Base, Delaware, found Appellant guilty, consistent with his pleas, of one charge and three specifications of wrongful possession, distribution, and use of controlled substances in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a. R. at 81; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 22 September 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for 50 days, and to be discharged from the service with a bad-conduct discharge. R. at 113; EOJ. The convening authority took no action on the findings, approved the sentence in its entirety, and deferred the reduction in rank and automatic forfeitures until the date the military judge signed the entry of

judgment. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Staff Sergeant JQuan T. Russell*, dated 13 September 2023.

The record of trial is three volumes consisting of three prosecution exhibits, 16 defense exhibits, and six appellate exhibits; the transcript is 115 pages. Appellant is not currently confined.

Undersigned counsel was detailed to this case on 8 April 2024. Since the Fourth Motion for Enlargement of Time, counsel has completed review of the record of trial, and discussed the case with Appellant. Counsel is continuing to research and conferring with Appellant on potential issues but requires additional time to decide whether to file a brief, and to draft a brief, if necessary. Counsel has advised Appellant of his right to a timely appeal, as well as advised him of the requests for an enlargement of time. Appellant understands his rights and agrees with the request for an enlargement of time. Appellant is also aware that counsel works for the Office of the Federal Defender as a civilian and is assigned as a reservist to the Air Force Appellate Defense Division to handle his appeal.

Presently, this is the only case counsel has before the United States Air Force Court of Criminal Appeals. However, in addition to this case, counsel has twenty-five cases before the United States District Court for the Middle District of Florida, in which she is the sole and primary trial counsel. Lastly, counsel is also assigned as the Office of the Federal Defender representative to the Reentry Program. The Reentry Program assists former federal prisoners who have been placed on supervised release as part of their sentence and are reentering the community. Currently, there are ten clients in the Reentry Program that counsel is responsible to assist with their integration in the community to successful participation in the program. The following is a list, in the order of priority, of all cases counsel is currently working on.



1. *United States v. Cristian Ponce*, Case No. 6:23-cr-64-RBD-RMN: Mr. Ponce's sentencing hearing was rescheduled from July 1, 2024, to August 28, 2024. Counsel received 110 GB of newly produced discovery on June 18, 2024, related to sentencing enhancements for conduct resulting in death that the government is seeking. Counsel is reviewing the newly produced discovery and working on objections to the Presentencing Report that are due on August 8, 2024. Additionally, counsel is preparing a sentencing memorandum and mitigation appendix that are due to the court a week before the sentencing hearing.
2. *United States v. Valerio Garcia-Galicia*, Case No. 6:24-cr-38-PGB-LHP: Mr. Valerio Garcia-Galicia was charged and pled to illegal re-entry. His sentencing hearing is set for July 9, 2024. Counsel has completed the draft sentencing mitigation appendix in this case and will file it with the court by this Friday, June 28, 2024.
3. *United States v. Tramon Jamal Stewart*, Case No. 6:23-cr-232-PGB-RMN: Mr. Stewart was recently arrested on state charges for racketeering. Due to his arrest and new allegations of criminal conduct, a bond revocation hearing was held on June 25, 2024. After the hearing, Mr. Stewart was detained pending his sentencing hearing scheduled for July 11, 2024. Mr. Stewart's case involves a one count indictment for possession of a firearm by a convicted felon. The government alleges the gun Mr. Stewart possessed was involved in a second-degree attempted murder case Mr. Stewart currently has pending in state proceedings. Mr. Stewart entered a plea in April of 2024, but is disputing his involvement in the second-degree attempted murder case, among other enhancements the government is seeking for sentencing. The sentencing hearing in this case is expected to be contentious, as the government is expected to prove up Mr. Stewart's involvement in the second-degree murder case for aggravation purposes at sentencing. Counsel is working on completing a

sentencing memorandum and mitigating appendix for the court's consideration at sentencing due July 3, 2024.

4. *United States v. Lued Brown*, Case No. 6:23-cr-167-WWB-RMN: Mr. Brown's case alleges violations of supervised release that involving new law violations for possession of cocaine in the state. A sentencing hearing is scheduled for July 10, 2024. Counsel's sentencing memorandum and mitigation appendix is due to the court on July 3, 2024. Counsel has completed a draft and will be finalizing the mitigation presentation by July 3, 2024.
5. *United States v. Jamel Williams*, Case No. 6:24-cr-123-RBD-DCI: Counsel was assigned to Mr. Williams case on June 5, 2024. Mr. Williams is charged with mail theft and bank fraud. Counsel has filed a motion requesting a bail hearing, that is scheduled for July 8, 2024. Counsel is preparing for the bail hearing to include prepping witnesses for testimony in support of Mr. Williams' release from custody.
6. *United States v. Milton St. Patrick Wright*, Case No. 24-mj-1571: Mr. Wright is charged by criminal complaint alleging one count of sexual abuse. A preliminary hearing is scheduled for July 10, 2024.
7. *United States v. Richard Mills*, Case No. 6:14-cr-97-PGB-LHP: Mr. Mills has two cases pending in federal court. This case involves violations of supervised release alleging failure to register electronic mail addresses as required by his sex offender registration requirements and unlawful use of a computer device. For his violations, Mr. Mills is facing a maximum of five years in addition to any punishment he may receive in his second case. In both cases, Mr. Mills is scheduled to be sentenced on July 15, 2024.

8. *United States v. Richard Mills*, Case No. 6:24-cr-72-PGB-LHP: On April 1, 2024, Mr. Mills pled by information to one count of possession of child pornography. Because this is his second federal case involving the possession of child pornography, he is facing a minimum mandatory of 10 years up to life. There are no provisions in the law applicable to Mr. Mills that will allow the court to sentence him to less than 10 years imprisonment. Counsel has been diligently working on Mr. Mills' case to include work with an expert that has written a report for the court's consideration at the sentencing hearing. Additionally, counsel is working on objections to the Presentencing Report, which includes various objections to individuals who are claiming to be a victim of the offense. Lastly, counsel sentencing memorandum and mitigation appendix is due to the court on July 10, 2024. The sentencing hearing is scheduled for July 15, 2024. Mr. Mills is currently being held in pretrial custody.
9. *United States v. Henry Bernard*, Case No. 6:17-cr-272-CEM-LHP: Mr. Bernard's case is a complex case that involves charges from 2017 for Hobbs Act Robbery with a Firearm. Mr. Bernard has been declared incompetent to proceed and non-restorable by state authorities for the past five years for similar state charges. On January 4, 2024, Mr. Bernard was ordered to the custody of the Attorney General for a competency evaluation. On March 2, 2024, a report was received stating Mr. Bernard is incompetent to proceed. Since then, a hearing was held in March 2024, in which the court ordered restoration efforts in this case. Mr. Henry is currently awaiting to be transferred to an appropriate Bureau of Prisons facility to start the four-month restoration process. Counsel is monitoring the transportation process in this case and continues to communicate with Mr. Henry to assess his mental

health status. Should transportation continued to be delayed in this case past July 2024, counsel anticipates litigation in this case.

10. *United States v. Kevin Thompson*, Case No. 6:24-cr-13-PGB-DCI: Mr. Thompson was indicted on possession and receiving child pornography charges. He is facing a minimum mandatory of five years imprisonment and a maximum term of 20 years imprisonment. Counsel has been diligently reviewing the discovery, advising Mr. Thompson, and obtaining records, such as Social Security and foster care records to use in negotiations with the government in this case. Counsel is awaiting a plea agreement from the government to review with Mr. Thompson and thereafter schedule a change of plea. Mr. Thompson is in pretrial custody and is expected to plea in this case in the next two weeks.
11. *United States v. Augusto Reyes-Gonzalez*, Case No. 6:24-cr-30-WWB-RMN: Mr. Reyes-Gonzalez was indicted for conspiracy to distribute and possess controlled substances. Due to the quantity of the controlled substances involved, he is facing a minimum mandatory of 10 years to life if convicted. Mr. Reyes Gonzalez is one of three defendants charged in the indictment. The discovery process in this case is on-going. Mr. Reyes Gonzalez is held in pretrial custody. Currently, this case is set for trial in the August 2024 trial term.
12. *United States v. Mark Donald Sotnick*, Case No. 6:24-cr-31-PGB-RMN: Mr. Sotnick's case involves allegations of enticement and extortion of a minor, production and distribution of child pornography among other charges. There is massive forensic discovery in this case that requires review at law enforcement offices. The discovery production and review process are on-going in this case. Counsel has hired experts to assist in the review and interpretation of the discovery in this case and for preparation for trial. Mr. Sotnick is in pretrial custody. A status conference was held on June 10, 2024, in which the court granted

a continuance until August 19, 2024. Counsel expects this case to be a jury trial in the September trial term.

13. *United States v. Staff Sergeant JQuan T. Russell*, No. ACM S32766, Air Force Court of Criminal Appeals Case: Counsel has completed review of the record of trial and discussed the case with Appellant. Counsel is researching case law and conferring with Appellant on potential issues but requires additional time to decide whether to file a brief, and to draft a brief, if necessary.

14. *United States v. Jesus Gonzalez-Rivera*, Case No. 6:24-cr-85-WWB-DCI: Counsel was appointed to represent Mr. Gonzalez-Rivera pre-indictment. Counsel has been diligently reviewing discovery, engaging in plea negotiations, filing motions to transfer the case to another district judge, and advising Mr. Gonzalez-Rivera. On May 1, 2024, Mr. Gonzalez-Rivera pled guilty to possession with intent to distribute cocaine. For his conduct, he faces a minimum mandatory of 5 years up to 40 years imprisonment. Mr. Gonzalez-Rivera is out of custody. A sentencing hearing has been scheduled for August 13, 2024; however, counsel is in the process of filing a motion to consolidate this case with the co-defendant's case, which is currently assigned to a different District Judge. Should the Court grant the motion to consolidate, counsel anticipates the sentencing hearing date to be rescheduled.

15. *United States v. Carlos Ferrer*, Case No. 6:22-cr-116-WWB-EJK: Mr. Ferrer pled guilty to charges of bank fraud on September 13, 2023. He is one of several defendants in the indictment. For his conduct, he faces a maximum sentence of thirty years' imprisonment. Sentencing is currently scheduled for August 13, 2024. Mr. Ferrer's sentencing hearing has been delayed due to his potential testimony in the trial of other co-defendants. Counsel is diligently working with Mr. Ferrer in the preparation of his testimony. Additionally,

counsel needs to prepare objections to the Presentencing Report, draft and submitted a sentencing memorandum and mitigation appendix due to the Court of August 6, 2024.

16. *United States v. Douglas Barron*, Case No. 6:24-cr-112-WWB-DCI: Counsel filed a notice of appearance in Mr. Barron's case on May 6, 2024. Mr. Barron is charged with receipt and possession of child pornography. Counsel has conducted a bail hearing in this case and reviewed discovery at the FBI office on June 3, 2024. Currently, counsel is in the process of hiring an expert to evaluate Mr. Barron for competency, as well as scheduling a second bail hearing in this case.
17. *United States v. Shawndell Johnson*, Case No. 6:23-cr-231-WWB-EJK: On June 7, 2024, Mr. Johnson pled to a five-count indictment that charged him with distribution of controlled substances, possession of a firearm by a convicted felon and possession of a firearm in furtherance of a drug trafficking crime. Mr. Johnson is facing a mandatory minimum of ten years to life on the drug charges, as well as a minimum of five years imprisonment to life on one of the firearm charges. For all other charges, Mr. Johnson faces a maximum of twenty years imprisonment. Counsel is currently working on the sentencing phase of Mr. Johnson case. Mr. Johnson is being held in pretrial custody.
18. *United States v. Benjamin Garmon, Jr.*, Case No. 6:24-cr-21-WWB-RMN: Mr. Garmon appeared for his initial appearance on January 22, 2024. He was brought in on a criminal complaint alleging the possession of a firearm by a convicted felon and his involvement in the murder of a woman who was shot 12 times in front of her children. He was subsequently indicted on January 24, 2024. Mr. Garmon pled to one count of possession of a firearm by a convicted felon. Through efforts of counsel, the government agreed that the firearm was not involved in the alleged death. Currently, Mr. Garmon date for sentencing is pending.

19. *United States v. Jonathan Maroney*, Case No. 6-22-mj-1614: Mr. Maroney's case involves allegations of a \$17 million dollar Ponzi scheme, with over 150 victims. He has a companion SEC civil case. He is in the pre-Indictment stage of the proceedings and the discovery process is massive and currently on-going. Counsel is continuing to review and organizing the discovery, as well as consult with a forensic accounting expert in this case.
20. *United States v. Celeste Alcantara Reyes*, Case No. 6:23-cr-203-WWB-EJK: Counsel filed a notice of appearance in Ms. Alcantara Reyes' case on May 5, 2024. She is charged with Social Security fraud. Counsel recently received discovery and is in the process of developing a case plan and identifying legal support needed.
21. *United States v. Jose Luis Lugo*, Case No. 6:24-cr-138-PGB-EJK: Counsel was assigned to Mr. Lugo's case on June 7, 2024. Mr. Lugo is facing a one count indictment alleging possession of a firearm by a convicted felon. Counsel just review discovery in Mr. Lugo's case this week and is in the process of developing a case plan and identifying legal support needed for the case.
22. *United States v. Ronnie L. Hardy*, Case No. 6:21-cr-55-WWB-EJK: Mr. Hardy is facing violations of his supervised release. Counsel filed a notice of appearance on May 5, 2024. Counsel has recently received some discovery in this case and is in the process of reviewing with Mr. Hardy.
23. *United States v. Lonnie Robinson*, Case No. 6:06-cr-179-GAP-RMN: Mr. Robinson is facing violations of supervised release involving new criminal charges at the state level which alleged distribution of controlled substances resulting in death. Mr. Robinson is currently in state custody and undersigned counsel is currently responsible for filing month status reports in federal court.

24. *United States v. Sheldon Shaun Hibbert*, Case No. 6:23-cr-93-GAP-EJK: Mr. Hibbert is facing violations of his supervised release. His violations stem from state charges that are currently pending. Mr. Hibbert is out of custody. Counsel is responsible for filing monthly status reports with the Court.

25. *United States v. Nathaniel Green*: Case No. 6:08-cr-270-GAP-EJK: Mr. Green has been appointed to our office for representation to assist him with terminating his term of Supervised Release early. Counsel is in the process of gathering materials, to include medical records to present to the court in consideration of terminating Mr. Green's term of supervised release.

### **Recently Closed Cases**

26. *United States v. Christian Medina Torres*, Case No. 6:23-cr-179-CEM-DCI: Mr. Medina Torres was indicted for possession with the intent to distribute cocaine. Although he was facing a minimum mandatory of 10 years to life imprisonment, the Court found he was safety valve eligible and no longer subject to the 10-year minimum mandatory. A sentencing hearing was held on June 6, 2024, in which Mr. Medina Torres was sentenced to 36 months confinement. After the sentencing hearing, counsel advised Mr. Medina Torres of his appellate rights. Mr. Medina Torres does not wish to appeal his sentence; therefore counsel has concluded the representation of Mr. Medina Torres.

27. *United States v. Audulio Gonzalez-Sanchez*: Case No. 6:20-cr-82-RBD-EJK: Mr. Gonzalez-Sanchez was arrested in March 2024, on state charges and was thereafter brought to federal court to face charges of illegal re-entry from 2020. Mr. Gonzalez-Sanchez pled to the charges and his sentencing hearing was held on June 11, 2024. Counsel has now concluded the representation of Mr. Gonzalez-Sanchez.



28. *United States v. Tarance Ariz Baker, Jr.*, Case No. 6:20-cr-162-PGB-LHP: Mr. Baker was brought to federal court pursuant to a petition alleging violation of supervised release for committing a new law violation for possession of a firearm. Counsel concluded the representation of Mr. Baker on June 12, 2024.
29. *United States v. Antoine Johnson*, Case No.6:23-cr-139-CEM-LHP: Mr. Johnson's case involved a single count of possession of a firearm by a convicted felon. The case originated in state court and was federally adopted for prosecution. Mr. Johnson had been in pretrial custody since May 9, 2023. Due to conflicts arising during the representation of Mr. Johnson's case, the court granted counsel's withdrawal of the case.
30. *United States v. Christian Rodriguez Labour*, Case No. 6:24-cr-27-CEM-EJK: Mr. Labour pled to conspiracy to commit money laundering charges. A sentencing hearing was held on May 22, 2024, and June 21, 2024. Since his sentencing hearing, counsel has advised Mr. Labour of his appellate rights and filed a notice of appeal in his case. Another attorney within the Federal Defender's Office will be handling Mr. Labour's appeal.

In addition to the cases noted above, counsel is responsible for the following cases in the Reentry Program, however all the cases above take priority to this program.

1. *United States v. Michael Bellini*: 2:16-cr-143
2. *United States v. Bobby Houston Bridges*: 6:22-cr-130-CEM-DCI
3. *United States v. Jorge Cedeno-Rosado*: 6:23-cr-130-RBD-RMN
4. *United States v. John James Ericson*: 2:12-cr-418-APG-VCF
5. *United States v. Rickey Durell Hudson*: 1:15-20279-JAL
6. *United States v. Christopher Irizarry*: 6:21-cr-66-WWB-EJK
7. *United States v. Allen Knight*: 6:22-cr-180

8. *United States v. Carlos Marin-Vega*: 6:09-cr-123-JA-DAB
9. *United States v. Victor Manuel Ortiz*: 4:04-cr-114-A
10. *United States v. Keiyana Unique Wiltz*: 6:21-cr-1834

Through no fault of Appellant, undersigned counsel has been diligently working on Appellant's case in addition to other cases. Accordingly, an enlargement of time is necessary to allow undersigned counsel to research case law and fully review all potential issues in Appellant's case, as well as advise Appellant regarding how he would like to proceed with his appeal.

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

Respectfully submitted,

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

**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 25 June 2024.

Respectfully submitted,

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

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

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	ACM S32766
JQUAN T. RUSSELL, USAF,	)	
<i>Appellant.</i>	)	Before 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 27 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 ENLARGEMENT OF TIME (SIXTH)</b>
<i>Appellee</i>	)	
	)	
v.	)	Before Panel No. 3
	)	
Staff Sergeant (E-5)	)	No. ACM S32766
<b>JQUAN T. RUSSELL,</b>	)	
United States Air Force	)	24 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), (4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his sixth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **2 September 2024**. The record of trial was docketed with this Court on 7 December 2023. From the date of docketing to the present date, 230 days have elapsed. On the date requested, 270 days will have elapsed.

On 30 August 2023, a military judge sitting as a special court-martial at Dover Air Force Base, Delaware, found Appellant guilty, consistent with his pleas, of one charge and three specifications of wrongful possession, distribution, and use of controlled substances in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a. R. at 81; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 22 September 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for 50 days, and to be discharged from the service with a bad-conduct discharge. R. at 113; EOJ. The convening authority took no action on the findings, approved the sentence in its entirety, and deferred the reduction in rank and automatic forfeitures until the date the military judge signed the entry of

judgment. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Staff Sergeant JQuan T. Russell*, dated 13 September 2023.

The record of trial is three volumes consisting of three prosecution exhibits, 16 defense exhibits, and six appellate exhibits; the transcript is 115 pages. Appellant is not currently confined.

Undersigned counsel was detailed to this case on 8 April 2024. Since the Fifth Motion for Enlargement of Time, counsel has completed review of the record of trial, and discussed the case with Appellant. Counsel is continuing to confer and advise Appellant on potential issues but requires additional time to decide whether to file a brief, and to draft a brief, if necessary. Counsel has advised Appellant of his right to a timely appeal, as well as advised him of the requests for an enlargement of time. Appellant understands his rights and agrees with the request for an enlargement of time. Appellant is also aware that counsel works for the Office of the Federal Defender as a civilian and is assigned as a reservist to the Air Force Appellate Defense Division to handle his appeal.

Presently, this is the only case counsel has before the United States Air Force Court of Criminal Appeals. However, in addition to this case, counsel has twenty-three cases before the United States District Court for the Middle District of Florida, in which she is the sole and primary trial counsel. Lastly, counsel is also assigned as the Office of the Federal Defender representative to the Reentry Program. The Reentry Program assists former federal prisoners who have been placed on supervised release as part of their sentence and are reentering the community. Currently, there are eight clients in the Reentry Program that counsel is responsible to assist with their integration in the community to successful participation in the program. The following is a list, in the order of priority, of all cases counsel is currently working on.

1. *United States v. Carlos Ferrer*, Case No. 6:22-cr-116-WWB-EJK: Mr. Ferrer pled guilty to charges of bank fraud on September 13, 2023. He is one of several defendants in the indictment. For his conduct, he faces a maximum sentence of thirty years' imprisonment. The sentencing hearing is scheduled for August 13, 2024. However, counsel is required to submit objections to the Presentencing Report by July 25, 2024, and draft and submitted a sentencing memorandum and mitigation appendix due to the Court of August 6, 2024.
2. *United States v. Cristian Ponce*, Case No. 6:23-cr-64-RBD-RMN: Mr. Ponce's sentencing hearing was rescheduled from July 1, 2024, to August 28, 2024. Counsel received 110 GB of newly produced discovery on June 18, 2024, related to sentencing enhancements for conduct resulting in death that the government is seeking. Counsel is reviewing the newly produced discovery and working on objections to the Presentencing Report at are due on August 8, 2024. Additionally, counsel is preparing a sentencing memorandum and mitigation appendix are due to the court a week before the sentencing hearing.
3. *United States v. Augusto Reyes-Gonzalez*, Case No. 6:24-cr-30-WWB-RMN: Mr. Reyes-Gonzalez was indicted for conspiracy to distribute and possess controlled substances. Due to the quantity of the controlled substances involved, he is facing a minimum mandatory of 10 years to life, if convicted. Mr. Reyes Gonzalez is one of three defendants charged in the indictment. Counsel received a plea agreement this week to review with Mr. Reyes Gonzalez. Should Mr. Reyes Gonzalez reject the plea offer by the government, trial is scheduled to commence in the September trial term.
4. *United States v. Mark Donald Sotnick*, Case No. 6:24-cr-31-PGB-RMN: Mr. Sotnick's case involves alleges of enticement and extortion of a minor, production and distribution of child pornography among other charges. There is massive forensic discovery in this case



that requires review at law enforcement offices. The discovery production and review process are on-going in this case. Counsel has hired experts to assist in the review and interpretation of the discovery in this case and for preparation for trial. Mr. Sotnick is in pretrial custody. A status conference is scheduled for August 19, 2024. Counsel expects to ask for another continuance given the voluminous discovery in the case that counsel is still in the process of reviewing with her expert.

5. *United States v. Milton St. Patrick Wright*, Case No. 24-mj-1571: Mr. Wright is charged by criminal complaint alleging one count of sexual abuse occurring on a public nude beach. This case is in trial posture. Counsel has put together a trial team to assist in this case to include an investigator to assist with finding witnesses for trial.
6. *United States v. Richard Mills*, Case No. 6:14-cr-97-PGB-LHP: Mr. Mills has two cases pending in federal court. This case involves violations of supervised release alleging failure to register electronic mail addresses as required by his sex offender registration requirements and unlawful use of a computer device. For his violations, Mr. Mills is facing a maximum of five years in addition to any punishment he may receive in his second case. The government recently requested a continuance in the sentencing phase of the case to ensure the victims in this case had sufficient time to submit a request for restitution. In both cases, Mr. Mills is now scheduled to be sentenced on August 21, 2024.
7. *United States v. Richard Mills*, Case No. 6:24-cr-72-PGB-LHP: On April 1, 2024, Mr. Mills pled by information to one count of possession of child pornography. Because this is his second federal case involving the possession of child pornography, he is facing a minimum mandatory of 10 years up to life. There are no provisions in the law applicable to Mr. Mills that will allow the court to sentence him to less than 10 years imprisonment.

Counsel has been diligently working on Mr. Mills' case to include work with an expert that has written a report for the court's consideration at the sentencing hearing. Additionally, counsel is working on objections to the Presentencing Report, which includes various objections to individuals who are claiming to be a victim of the offense. Lastly, counsel sentencing memorandum and mitigation appendix is due to the court on August 16, 2024. The sentencing hearing is scheduled for August 21, 2024. Mr. Mills is currently being held in pretrial custody.

8. *United States v. Henry Bernard*, Case No. 6:17-cr-272-CEM-LHP: Mr. Bernard's case is a complex case that involves charges from 2017 for Hobbs Act Robbery with a Firearm. Mr. Bernard has been declared incompetent to proceed and non-restorable by state authorities for the past five years for similar state charges. On January 4, 2024, Mr. Bernard was ordered to the custody of the Attorney General for a competency evaluation. On March 2, 2024, a report was received stating Mr. Bernard is incompetent to proceed. Since then, a hearing was held in March 2024, in which the court ordered restoration efforts in this case. Mr. Henry is currently awaiting to be transferred to an appropriate Bureau of Prisons facility to start the four-month restoration process. Counsel is monitoring the transportation process in this case and continues to communicate with Mr. Henry to assess his mental health status. Should transportation continued to be delayed in this case past July 2024, counsel anticipates litigation in this case.
9. *United States v. Staff Sergeant JQuan T. Russell*, No. ACM S32766, Air Force Court of Criminal Appeals Case: Counsel has completed review of the record of trial and discussed the case with Appellant. Counsel is researching case law and conferring with Appellant on

potential issues but requires additional time to decide whether to file a brief, and to draft a brief, if necessary.

10. *United States v. Jamel Williams*, Case No. 6:24-cr-123-RBD-DCI: Counsel was assigned to Mr. Williams case on June 5, 2024. Mr. Williams is charged with mail theft and bank fraud. On July 8, 2024, a bail hearing was held to release Mr. Williams. However, the Court did not release him, and Mr. Williams is currently being held in custody. Counsel is in the process of completing review of the discovery in this case and consulting with Mr. Williams regarding his options in this case. A status conference is scheduled for August 16, 2024. It is anticipated that the government will request more time to determine whether it will bring additional charges against Mr. Williams.
11. *United States v. Celeste Alcantara Reyes*, Case No. 6:23-cr-203-WWB-EJK: Counsel filed a notice of appearance in Ms. Alcantara Reyes' case on May 5, 2024. She is charged with Social Security fraud. Counsel is still in the process of reviewing the voluminous discovery received. Ms. Alcantara Reyes is an elderly client that only speak Spanish and lives out of State. These circumstances require additional time to devote explaining and translating the discovery in this case.
12. *United States v. Jose Luis Lugo*, Case No. 6:24-cr-138-PGB-EJK: Counsel was assigned to Mr. Lugo's case on June 7, 2024. Mr. Lugo is facing a one count indictment alleging possession of a firearm by a convicted felon. Counsel has review discovery in Mr. Lugo's and is currently advising Mr. Lugo with options in his case.
13. *United States v. Douglas Barron*, Case No. 6:24-cr-112-WWB-DCI: Counsel filed a notice of appearance in Mr. Barron's case on May 6, 2024. Mr. Barron is charged with receipt and possession of child pornography. Counsel has conducted a bail hearing in this case and

reviewed discovery at the FBI office on June 3, 2024. Counsel hired an expert to evaluate Mr. Barron for competency and will be receiving the results of the evaluation on July 25, 2024. Just this week counsel received 900 pages of social security records that support Mr. Barron has intellectual limitations and maybe incompetent. Counsel is in the process of reviewing those records and providing them to the expert in this case.

14. *United States v. Jesus Gonzalez-Rivera*, Case No. 6:24-cr-85-WWB-DCI: Counsel was appointed to represent Mr. Gonzalez-Rivera pre-indictment. Counsel has been diligently reviewing discovery, engaging in plea negotiations, filing motions to transfer the case to another district judge, and advising Mr. Gonzalez-Rivera. On May 1, 2024, Mr. Gonzalez-Rivera pled guilty to possession with intent to distribute cocaine. For his conduct, he faces a minimum mandatory of 5 years up to 40 years imprisonment. Mr. Gonzalez-Rivera is out of custody. Counsel filed a motion to consolidate this case with the co-defendant's case, which is currently assigned to a different District Judge. The Court granted the motion to consolidate and reset the sentencing hearing for October 9, 2024.

15. *United States v. Kevin Thompson*, Case No. 6:24-cr-13-PGB-DCI: Mr. Thompson was indicted on possession and receiving child pornography charges. He is facing a minimum mandatory of five years imprisonment and a maximum term of 20 years imprisonment. Counsel has been diligently reviewing the discovery, advising Mr. Thompson, and obtaining records, such as Social Security and foster care records to use in negotiations with the government in this case. On July 22, 2024, a change of plea hearing was held where Mr. Thompson pled guilty to one count of receipt of child pornography. Mr. Thompson is scheduled to be sentenced October 16, 2024.

16. *United States v. Shawndell Johnson*, Case No. 6:23-cr-231-WWB-EJK: On June 7, 2024, Mr. Johnson pled to a five-count indictment that charged him with distribution of controlled substances, possession of a firearm by a convicted felon and possession of a firearm in furtherance of a drug trafficking crime. Mr. Johnson is facing a mandatory minimum of ten years to life on the drug charges, as well as a minimum of five years imprisonment to life on one of the firearm charges. For all other charges, Mr. Johnson faces a maximum of twenty years imprisonment. Counsel is continuing to work on the sentencing phase of Mr. Johnson case. Mr. Johnson is being held in pretrial custody. Mr. Johnson is scheduled to be sentenced in October 2024.
17. *United States v. Benjamin Garmon, Jr.*, Case No. 6:24-cr-21-WWB-RMN: Mr. Garmon appeared for his initial appearance on January 22, 2024. He was brought in on a criminal complaint alleging the possession of a firearm by a convicted felon and his involvement in the murder of a woman who was shot 12 times in front of her children. He was subsequently indicted on January 24, 2024. Mr. Garmon pled to one count of possession of a firearm by a convicted felon. Through efforts of counsel, it was discovered that the firearm in the instant case was not involved in the alleged death. Currently, Mr. Garmon is set for sentencing in November 2024. However, counsel is in the process of requesting the Court advance his sentencing hearing in this case.
18. *United States v. Jonathan Maroney*, Case No. 6-22-mj-1614: Mr. Maroney's case involves allegations of a \$17 million dollar Ponzi scheme, with over 150 victims. He has a companion SEC civil case. He is in the pre-Indictment stage of the proceedings and the discovery process is massive and currently on-going. Counsel is continuing to review and organizing the discovery, as well as consult with a forensic accounting expert in this case.

19. *United States v. Ronnie L. Hardy*, Case No. 6:21-cr-55-WWB-EJK: Mr. Hardy is facing violations of his supervised release relating to a urinalysis that was positive for cocaine. Counsel filed a notice of appearance on May 5, 2024. Counsel has reviewed the discovery in this case but has requested additional discovery that was not provided. Counsel is also in the process of hiring a toxicologist to assist in Mr. Hardy's case.
20. *United States v. Lonnie Robinson*, Case No. 6:06-cr-179-GAP-RMN: Mr. Robinson is facing violations of supervised release involving new criminal charges at the state level which alleged distribution of controlled substances resulting in death. Mr. Robinson is currently in state custody and undersigned counsel is currently responsible for filing month status reports in federal court.
21. *United States v. Sheldon Shaun Hibbert*, Case No. 6:23-cr-93-GAP-EJK: Mr. Hibbert is facing violations of his supervised release. His violations stem from state charges that are currently pending. Mr. Hibbert is out of custody. Counsel is responsible for filing monthly status reports with the Court.
22. *United States v. Nathaniel Green*: Case No. 6:08-cr-270-GAP-EJK: Our office was appointed to Mr. Green's case to assist him with terminating his term of Supervised Release early. However, Mr. Green was recently arrested on state charges for resisting law enforcement without violence. Given this pending state charge, it is likely that Mr. Green will be facing a violation of his supervised release in federal court. Counsel is in the process of gathering discovery materials, to include body cam video and reports from the arrest.
23. *United States v. Tramon Jamal Stewart*, Case No. 6:23-cr-232-PGB-RMN: Mr. Stewart's sentencing hearing was held on July 11, 2024. He was sentenced for conduct that involved possession of a firearm by a convicted felon. Mr. Stewart was sentenced to seven years

imprisonment. Counsel filed a notice of appeal and will be assisting on his appeal along with another attorney from the Federal Defender's Office.

### **Recently Closed Cases**

24. *United States v. Valerio Garcia-Galicia*, Case No. 6:24-cr-38-PGB-LHP: Mr. Valerio Garcia-Galicia was charged with illegal re-entering the United States. His sentencing hearing was held on July 9, 2024, and Mr. Garcia-Galicia received a time-served sentence. After the sentencing hearing, counsel advised Mr. Garcia-Galicia of his appellate rights. Mr. Garcia-Galicia does not wish to appeal his sentence. Therefore, this case has concluded and is closed.

25. *United States v. Lued Brown*, Case No. 6:23-cr-167-WWB-RMN: Mr. Brown's case alleged violations of supervised release that involving new law violations for possession of cocaine in the state. A sentencing hearing was held on July 10, 2024, in which Mr. Brown was sentenced to time served, ordered to complete 200 hours of community service, and remain on supervised release for another two years. After sentencing, counsel advised Mr. Brown of his appellate. Mr. Brown does not wish to appeal his case. Therefore, this case has concluded and is closed.

In addition to the cases noted above, counsel is responsible for the following cases in the Reentry Program, however all the cases above take priority to this program.

1. *United States v. Michael Bellini*: 2:16-cr-143
2. *United States v. Jorge Cedeno-Rosado*: 6:23-cr-130-RBD-RMN
3. *United States v. John James Ericson*: 2:12-cr-418-APG-VCF
4. *United States v. Rickey Durell Hudson*: 1:15-20279-JAL
5. *United States v. Christopher Irizarry*: 6:21-cr-66-WWB-EJK

6. *United States v. Allen Knight*: 6:22-cr-180
7. *United States v. Carlos Marin-Vega*: 6:09-cr-123-JA-DAB
8. *United States v. Victor Manuel Ortiz*: 4:04-cr-114-A

Through no fault of Appellant, undersigned counsel has been diligently working on Appellant's case in addition to other cases. Accordingly, an enlargement of time is necessary to allow undersigned counsel and Appellate to fully review all potential issues in Appellant's case, as well as give Appellant sufficient time to decide how he would like to proceed with his appeal.

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

Respectfully submitted,

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



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 24 July 2024.

Respectfully submitted,

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

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

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	ACM S32766
JQUAN T. RUSSELL, USAF,	)	
<i>Appellant.</i>	)	Before 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 25 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**

<b>UNITED STATES</b>	)	<b>MOTION FOR ENLARGEMENT OF TIME (SEVENTH)</b>
<i>Appellee</i>	)	
	)	
v.	)	Before Panel No. 3
	)	
Staff Sergeant (E-5)	)	No. ACM S32766
<b>JQUAN T. RUSSELL,</b>	)	
United States Air Force	)	23 August 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), (4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his seventh enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **2 October 2024**. The record of trial was docketed with this Court on 7 December 2023. From the date of docketing to the present date, 260 days have elapsed. On the date requested, 300 days will have elapsed.

On 30 August 2023, a military judge sitting as a special court-martial at Dover Air Force Base, Delaware, found Appellant guilty, consistent with his pleas, of one charge and three specifications of wrongful possession, distribution, and use of controlled substances in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a. R. at 81; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 22 September 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for 50 days, and to be discharged from the service with a bad-conduct discharge. R. at 113; EOJ. The convening authority took no action on the findings, approved the sentence in its entirety, and deferred the reduction in rank and automatic forfeitures until the date the military judge signed the entry of

judgment. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Staff Sergeant JQuan T. Russell*, dated 13 September 2023.

The record of trial is three volumes consisting of three prosecution exhibits, 16 defense exhibits, and six appellate exhibits; the transcript is 115 pages. Appellant is not currently confined.

Undersigned counsel was detailed to this case on 8 April 2024. Since the Sixth Motion for Enlargement of Time, counsel has completed review of the record of trial, and discussed the case with Appellant. Counsel has conferred and advise Appellant on all potential issues. However, client requires additional time to decide whether he would like to have counsel file a brief on a *Grostefan* issue. Counsel has advised Appellant of his right to a timely appeal, as well as advised him of the requests for an enlargement of time. Appellant understands his rights and agrees with the request for an enlargement of time. Appellant is also aware that counsel works for the Office of the Federal Defender as a civilian and is assigned as a reservist to the Air Force Appellate Defense Division to handle his appeal.

Presently, this is the only case counsel has before the United States Air Force Court of Criminal Appeals. However, in addition to this case, counsel has twenty-eight cases before the United States District Court for the Middle District of Florida, in which she is the sole and primary trial counsel. Counsel has also been assigned as the Office of the Federal Defender representative to the Reentry Program, but recently has another attorney in the office assisting with the program as well. The Reentry Program assists former federal prisoners who have been placed on supervised release as part of their sentence and are reentering the community. Currently, there are eight clients in the Reentry Program that counsel is working along aside another attorney in the office to assist

with their integration in the community and to successfully participate in the program. The following is a list, in the order of priority, of all cases counsel is currently working on.

1. *United States v. Richard Mills*, Case No. 6:14-cr-97-PGB-LHP: Mr. Mills has two cases pending in federal court. This case involves violations of supervised release alleging failure to register electronic mail addresses as required by his sex offender registration requirements and unlawful use of a computer device. For his violations, Mr. Mills is facing a maximum of two years in addition to any punishment he may receive in his second case, which carries a minimum mandatory of ten years and a maximum sentence of life. The parties have resolved the restitution issues in this case. Counsel submitted the sentencing memorandum in this case on August 22, 2024. Mr. Mills is ready to be sentenced on August 28, 2024.
2. *United States v. Richard Mills*, Case No. 6:24-cr-72-PGB-LHP: On April 1, 2024, Mr. Mills pled by information to one count of possession of child pornography. Because this is his second federal case involving the possession of child pornography, he is facing a minimum mandatory of 10 years up to life. There are no provisions in the law applicable to Mr. Mills that will allow the court to sentence him to less than 10 years imprisonment. Counsel has submitted and resolved all objections to the Presentencing Report, to include restitution requests. Counsel filed a sentencing memorandum on both this case and the violation of supervised release. Mr. Mills is now ready to be sentenced on August 28, 2024. Mr. Mills is currently being held in pretrial custody.
3. *United States v. Augusto Reyes-Gonzalez*, Case No. 6:24-cr-30-WWB-RMN: Mr. Reyes-Gonzalez was indicted for conspiracy to distribute and possess controlled substances. Due to the quantity of the controlled substances involved, he is facing a minimum mandatory

of 10 years to life, if convicted. Mr. Reyes Gonzalez is one of three defendants charged in the indictment. The plea deadline for Mr. Reyes Gonzalez is September 10, 2024. Although a plea agreement has been received in this case, counsel anticipates that this case will proceed to trial. The Court is to set a trial date on September 10, 2024.

4. *United States v. Staff Sergeant JQuan T. Russell*, No. ACM S32766, Air Force Court of Criminal Appeals Case: Counsel has completed review of the record of trial and discussed all potential issues in the case with Appellant. Counsel is conferring with Appellant on any *Grosteffan* issues he may want to raise on appeal.
5. *United States v. Henry Bernard*, Case No. 6:17-cr-272-CEM-LHP: Mr. Bernard's case is a complex case that involves charges from 2017 for Hobbs Act Robbery with a Firearm. Mr. Bernard has been declared incompetent to proceed and non-restorable by state authorities for the past five years for similar state charges. On January 4, 2024, Mr. Bernard was ordered to the custody of the Attorney General for a competency evaluation. On March 2, 2024, a report was received stating Mr. Bernard is incompetent to proceed. Since then, a hearing was held in March 2024, in which the court ordered restoration efforts in this case. Mr. Henry has been awaiting transportation to an appropriate facility to start the four-month restoration process. Given the extended delay in Mr. Henry's transport, counsel is drafting a motion to dismiss for violation of 18 U.S.C. § 4241(d) and the Due Process Clause of the Fifth Amendment.
6. *United States v. Douglas Barron*, Case No. 6:24-cr-112-WWB-DCI: Counsel filed a notice of appearance in Mr. Barron's case on May 6, 2024. Mr. Barron is charged with receipt and possession of child pornography. Counsel has conducted a bail hearing in this case and reviewed discovery at the FBI office on various occasions. Counsel hired an expert to

evaluate Mr. Barron for competency and received a written report on August 22, 2024, stating Mr. Barron is incompetent to proceed. Counsel is drafting a motion to conduct a competency hearing, where it is anticipated that the parties will agree to commit Mr. Barron to the custody of the attorney general for to determine competency and whether restoration efforts are available. Counsel reviewed over 900 pages of social security records that also support Mr. Barron has intellectual limitations and provided the relevant documents to the expert for his evaluation.

7. *United States v. Mark Donald Sotnick*, Case No. 6:24-cr-31-PGB-RMN: Mr. Sotnick's case involves alleges of enticement and extortion of a minor, production and distribution of child pornography among other charges. There is massive forensic discovery in this case that requires review at law enforcement offices. The discovery production and review process are on-going in this case. Of fourteen devices seized from Mr. Sotnick, only three devices have been reviewed by the FBI. At the last status conference on August 19, 2024, the Court gave the Government a deadline to make all discovery available for the defense. Mr. Sotnick is in pretrial custody. Counsel anticipates litigation over the lack of discovery disclosures and Mr. Sotnick's speedy trial rights. The next status conference is scheduled for September 16, 2024.
8. *United States v. Tonie Marriott*, Case No. 6:22-cr-158-PGB-LHP: Ms. Marriott is a resentencing case involving a motion for reduction of sentence due to substantial assistance to the government. Specifically, Ms. Marriott assist the government with their investigation against her co-defendant. For her cooperation, the government filed a motion to reduce her sentence by two levels. Counsel filed a motion requesting a hearing on the re-sentencing due to Ms. Marriott's cancer diagnose and need to present rehabilitative effort by Ms.



Marriott while imprisoned. Counsel anticipated the re-sentencing will be heard in September 2024.

9. *United States v. Cristian Ponce*, Case No. 6:23-cr-64-RBD-RMN: Mr. Ponce's sentencing hearing has been rescheduled to October 8, 2024, to give defense counsel more time to review 110 GB of newly produced discovery on June 18, 2024, related to sentencing enhancements for conduct resulting in death that the government is seeking, and for the parties to brief the Court on the sentencing enhancement in this case. Counsel's sentencing memorandum is due to the Court before October 1, 2024.
10. *United States v. Jamel Williams*, Case No. 6:24-cr-123-RBD-DCI: Counsel was assigned to Mr. Williams case on June 5, 2024. Mr. Williams is charged with mail theft and bank fraud. On July 8, 2024, a bail hearing was held requesting to release Mr. Williams. The Court denied his release and Mr. Williams is currently being held in custody. Counsel has completed review of the discovery and is in negotiations with the government regarding a plea agreement in this case. At the last status conference on August 16, 2024, the government requested one more month to give the parties sufficient time to resolve this case without a need for a trial. A plea deadline is set in this case for September 12, 2024.
11. *United States v. Stacye Bottoms*, Case No. 6:24-cr-133-WWB-EJK: A petition for violation of supervised release was filed alleging new criminal conduct by Ms. Bottoms involving theft of funds from her employer. The amount alleged is \$15,000. For this violation of supervised release, Ms. Bottoms is facing up to 10 years imprisonment due to her underlying offense conduct involving five counts of wire fraud involving a loss amount of over \$1.5 million dollars. Counsel was assigned to Ms. Bottom case on August 15, 2024, and has since conducted a bail hearing in which Ms. Bottoms was released on conditions

pending the resolution of her violation. Counsel has also requested medical records documenting her mental health history and consulted with an expert to assist in educating the Court regarding Ms. Bottom's offense conduct. Currently, a final revocation hearing is set for September 12, 2024, however counsel anticipates requesting three-months extension to allow sufficient time to receive records, and review records from the state case, as well as advise Ms. Bottoms regarding her rights and options in the instant case.

12. *United States v. Jose Luis Lugo*, Case No. 6:24-cr-138-PGB-EJK: Counsel was assigned to Mr. Lugo's case on June 7, 2024. Mr. Lugo is facing a one count indictment alleging possession of a firearm by a convicted felon. Counsel has review discovery in Mr. Lugo's and is currently advising Mr. Lugo with options in his case. Counsel anticipates this case will be resolved through plea negotiations. Mr. Lugo has a plea deadline of September 16, 2024, and is set on the October trial term. Counsel is currently negotiating a plea agreement on behalf of Mr. Lugo and gathering his prior criminal history to advise him of the sentencing guidelines in his case.

13. *United States v. Milton St. Patrick Wright*, Case No. 24-mj-1571: Mr. Wright is charged by criminal complaint alleging one count of sexual abuse occurring on a public nude beach. This case is in trial posture. Counsel has put together a trial team to assist in this case to include an investigator to assist with finding witnesses for trial. Over the last few weeks, counsel has engaged in plea negotiations with the government, as no formal charges have been filed in this case. The government must file an indictment in this case on or before September 30, 2024.

14. *United States v. Celeste Alcantara Reyes*, Case No. 6:23-cr-203-WWB-EJK: Counsel filed a notice of appearance in Ms. Alcantara Reyes' case on May 5, 2024. She is charged with

Social Security fraud. Counsel is in the process of reviewing the voluminous discovery in this case with Ms. Alcantara Reyes who is an elderly client that only speaks Spanish and lives out of State. These circumstances have required significant time devoted to explaining and translating the discovery in this case. The allegations in this case consist of Ms. Alcantara Reyes receiving disability benefits in the 1990s while also receiving widow's benefits from her marriage to her deceased husband in 1968. Counsel has requested records from Social Security Administration that date back to 1968, 1990, and 2013. These records typically take the agency anywhere between 2-3 weeks to process. Also, during the representation of Mr. Alcantara Reyes, counsel had to explore competency issues, but that is no longer a concern. The next status conference in this case is scheduled for October 8, 2024.

15. *United States v. Hashem Younis Hashem Hnaihen*, Case No. 6:24-cr-201-GAP-EJK: This is a newly assigned case involving a foreign national threatening to use an explosive at an energy facility. Mr. Hnaihen is an Arabic speaking client that will require the use of an interpreter for all communications. This case was assigned to counsel on August 23, 2024. Discovery has not yet been disclosed. Mr. Hnaihen is currently in pretrial custody.
16. *United States v. Nijah Mitchell*, Case No. 6:24-cr-104-JA-LHP: This is a newly assigned case involving four counts of Hobbs Act Robbery and four counts of using a firearm in furtherance of a crime of violence. Counsel received discovery on this case on August 21, 2024, consisting of 232 GB. The discovery consists of several hours of video evidence and cell phone records. The first status conference is set for September 12, 2024, in which counsel anticipates requesting at least three months to complete discovery review in this case.

17. *United States v. Devon Parnell*, Case No. 6:24-mj-1809: This is a newly assigned case in which Mr. Parnell is the subject of a federal investigation involving drug trafficking. Mr. Parnell has not been charged but has been appointed counsel to assist him through the pre-indictment stage of the proceedings.
18. *United States v. Shawndell Johnson*, Case No. 6:23-cr-231-WWB-EJK: On June 7, 2024, Mr. Johnson pled to a five-count indictment that charged him with distribution of controlled substances, possession of a firearm by a convicted felon and possession of a firearm in furtherance of a drug trafficking crime. Mr. Johnson is facing a mandatory minimum of ten years to life on the drug charges, as well as a minimum of five years imprisonment to life on one of the firearm charges. For all other charges, Mr. Johnson faces a maximum of twenty years imprisonment. Counsel is continuing to work on the sentencing phase of Mr. Johnson case. Mr. Johnson is being held in pretrial custody. Mr. Johnson is scheduled to be sentenced in October 2024. However, counsel has drafted a motion to advance Mr. Johnson's sentencing date to early September 2024. Mr. Johnson has a long history of mental health that the local county jail is not equipped to address and provide adequate treatment services. Accordingly, counsel is attempting to advance his sentencing date so that Mr. Johnson arrives sooner to the Bureau of Prisons, where he will receive proper mental health treatment.
19. *United States v. Jesus Gonzalez-Rivera*, Case No. 6:24-cr-85-WWB-DCI: On May 1, 2024, Mr. Gonzalez-Rivera pled guilty to possession with intent to distribute cocaine. For his conduct, he faces a minimum mandatory of 5 years up to 40 years imprisonment. Mr. Gonzalez-Rivera is out of custody. A sentencing hearing is set for October 9, 2024. Counsel has requested hospital and medical records for mitigation purposes to show Mr. Gonzalez-

Rivera was involved in a horrific motorcycle accident a year before his involvement in the instant offense. The accident left Mr. Gonzalez-Rivera unable to walk for months and created a dependency on painkillers. Counsel is also working to gather letters of support from family, friends, and his employer to present as part of his sentencing memorandum for the Court's consideration in sentencing.

20. *United States v. Kevin Thompson*, Case No. 6:24-cr-13-PGB-DCI: Mr. Thompson was indicted on possession and receiving child pornography charges. He is facing a minimum mandatory of five years imprisonment and a maximum term of 20 years imprisonment. Counsel has received and reviewed Social Security records and foster care records showing Mr. Thompson was abused as a child and spent most of his life in foster care. On July 22, 2024, a change of plea hearing was held where Mr. Thompson pled guilty to one count of receipt of child pornography. Mr. Thompson is scheduled to be sentenced on October 16, 2024. Counsel is gathering letters of support and other documents for mitigation purposes and consideration by the Court in sentencing Mr. Thompson.

21. *United States v. Jonathan Maroney*, Case No. 6-22-mj-1614: Mr. Maroney's case involves allegations of a \$17 million dollar Ponzi scheme, with over 150 victims. He has a companion SEC civil case. He is in the pre-Indictment stage of the proceedings and the discovery process is massive and currently on-going. Counsel anticipates that Mr. Maroney will be indicted in the next few weeks.

22. *United States v. Ronnie L. Hardy*, Case No. 6:21-cr-55-WWB-EJK: Mr. Hardy is facing violations of his supervised release relating to a urinalysis that was positive for cocaine. Counsel filed a notice of appearance on May 5, 2024. Counsel has reviewed the initial discovery in this case and recently received the litigation packages for each urinalysis at

issue. Counsel hired a toxicologist to assist in Mr. Hardy's case and requested funds to obtain hair and nail testing to further assist in his defense. It is anticipated that this case will be contested, and a violation of supervised release hearing will be scheduled for October 2024.

23. *United States v. Nathaniel Green*: Case No. 6:08-cr-270-GAP-EJK: Our office was appointed to Mr. Green's case to assist him with terminating his term of Supervised Release early. However, Mr. Green was recently arrested on state charges for resisting law enforcement without violence. At this time, Mr. Green is facing state charge, however a violation of his supervised release has not been filed in federal court. Counsel is working with the State public defender officer in hopes that the state case gets dismissed.

24. *United States v. Benjamin Garmon, Jr.*, Case No. 6:24-cr-21-WWB-RMN: Mr. Garmon appeared for his initial appearance on January 22, 2024. He was brought in on a criminal complaint alleging the possession of a firearm by a convicted felon and his involvement in the murder of a woman who was shot 12 times in front of her children. He was subsequently indicted on January 24, 2024. Mr. Garmon pled to one count of possession of a firearm by a convicted felon. Through efforts of counsel, it was discovered that the firearm in the instant case was not involved in the alleged death. Currently, Mr. Garmon is set for sentencing in November 2024. Counsel is awaiting the presentencing report to submit objections and is working on the sentencing phase of the case.

25. *United States v. Lonnie Robinson*, Case No. 6:06-cr-179-GAP-RMN: Mr. Robinson is facing violations of supervised release involving new criminal charges at the state level which alleged distribution of controlled substances resulting in death. Mr. Robinson is

currently in state custody and undersigned counsel is currently responsible for filing month status reports in federal court. The last report was filed on August 15, 2024.

26. *United States v. Sheldon Shaun Hibbert*, Case No. 6:23-cr-93-GAP-EJK: Mr. Hibbert is facing violations of his supervised release. His violations stem from state charges that are currently pending. Mr. Hibbert is out of custody. Counsel is responsible for filing monthly status reports with the Court. The last report was filed on August 22, 2024.

27. *United States v. Tramon Jamal Stewart*, Case No. 6:23-cr-232-PGB-RMN: Mr. Stewart's sentencing hearing was held on July 11, 2024. He was sentenced for conduct that involved possession of a firearm by a convicted felon. Mr. Stewart was sentenced to seven years imprisonment. Counsel filed a notice of appeal and will be assisting on his appeal along with another attorney from the Federal Defender's Office.

28. *United States v. Carlos Ferrer*, Case No. 6:22-cr-116-WWB-EJK: Mr. Ferrer pled guilty to charges of mortgage bank fraud. The sentencing hearing occurred on August 13, 2024, in which the Court ruled in favor of the defense as to the loss calculations and sentenced Mr. Ferrer to four months imprisonment. Counsel has advised Mr. Ferrer of his rights to appeal and will file a notice to appeal his sentence upon the publishing of the judgment.

In addition to the cases noted above, counsel is responsible for the following cases in the Reentry Program, however all the cases above take priority to this program.

1. *United States v. Michael Bellini*: 2:16-cr-143
2. *United States v. Jorge Cedeno-Rosado*: 6:23-cr-130-RBD-RMN
3. *United States v. John James Ericson*: 2:12-cr-418-APG-VCF
4. *United States v. Rickey Durell Hudson*: 1:15-20279-JAL
5. *United States v. Christopher Irizarry*: 6:21-cr-66-WWB-EJK

6. *United States v. Allen Knight*: 6:22-cr-180
7. *United States v. Carlos Marin-Vega*: 6:09-cr-123-JA-DAB
8. *United States v. Victor Manuel Ortiz*: 4:04-cr-114-A

Through no fault of Appellant, undersigned counsel has been diligently working on Appellant's case in addition to other cases. Accordingly, an enlargement of time is necessary to allow undersigned counsel and Appellate to fully review all potential issues in Appellant's case, as well as give Appellant sufficient time to decide how he would like to proceed with his appeal.

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

Respectfully submitted,

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



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 23 August 2024.

Respectfully submitted,

NICOLE MOUAKAR, Maj, USAF  
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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’
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT’S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	ACM S32766
JQUAN T. RUSSELL, USAF,	)	
<i>Appellant.</i>	)	Before 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 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 a 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.

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 27 August 2024.

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

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

<b>UNITED STATES,</b>	) <b>MOTION FOR WITHDRAWAL</b>
<i>Appellee,</i>	) <b>OF APPELLATE</b>
	) <b>DEFENSE COUNSEL</b>
v.	)
	) Before Panel No. 3
Staff Sergeant (E-5)	)
<b>JQUAN T. RUSSELL,</b>	) No. ACM S32766
United States Air Force,	)
<i>Appellant.</i>	) 26 March 2024

**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 due to a concurrent conflict of interest that appeared upon initial review of this case and another case. *See* Air Force Instruction (AFI) 51-110, *Professional Responsibility Program, Attachment 2*, Rule 1.7(a) (11 Dec. 2018). Major Frederick Johnson 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 was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 26 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**

<b>UNITED STATES</b>	)	<b>MOTION TO WITHDRAW FROM</b>
<i>Appellee,</i>	)	<b>APPELLATE REVIEW AND ATTACH</b>
	)	
v.	)	Before Panel No. 3
	)	
Staff Sergeant (E-5)	)	No. ACM S32766
<b>JQUAN T. RUSSELL,</b>	)	
United States Air Force	)	27 September 2024
<i>Appellant</i>	)	

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

Pursuant to Rule 16 and 23.3(i) of this Honorable Court’s Rules of Practice and Procedure and Rule for Courts-Martial (R.C.M.) 1115, Staff Sergeant J’Quan T. Russell, Appellant, moves to withdraw his case from appellate review. Appellant has fully consulted with Major Nicole Mouakar, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promises of clemency, or otherwise, to withdraw his case from appellate review. Further, pursuant to Rules 23(b) and 23.3(b) of this Honorable Court’s Rules of Practice and Procedure, the undersigned counsel asks this Court to attach the two-page document appended to this pleading to the record of this proceeding. The appended document is necessary to comply with R.C.M. 1115(d) and R.C.M. 1115(e).



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

Respectfully submitted,

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

**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 27 September 2024.

Respectfully submitted,

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