

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

v.

Airman (E-2)

DAMIAN DIAZ,

United States Air Force

Appellant

) **APPELLANT’S MOTION FOR**
) **ENLARGEMENT OF TIME (FIRST)**

)
) Before Panel No. 2

)
) No. ACM 40917

)
) 6 February 2026

)

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

Pursuant to Rules 23.3(m)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Airman Damian Diaz, Appellant, hereby moves for an enlargement of time (EOT) to file his Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **17 April 2026**. The record of trial was docketed with this Court on 18 December 2026. From the date of docketing to the present date, 50 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,

[Redacted Signature]

JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel

[Redacted Address Line 1]

[Redacted Address Line 2]

[Redacted Address Line 3]

[Redacted Address Line 4]

[Redacted Address Line 5]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 6 February 2026.



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



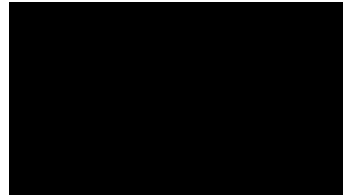
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman (E-2)	)	Before Panel No. 2
DAMIAN DIAZ,)	
United States Air Force,	)	No. ACM 40917
<i>Appellant.</i>)	
	)	10 February 2026
)	

**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.

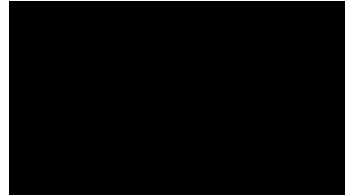


KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 10 February 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



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

UNITED STATES	)	No. ACM 40917
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Damian DIAZ)	
Airman (E-2))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 6 February 2026, Appellant’s counsel submitted a motion for an Enlargement of Time (First) requesting an additional 60 days to submit Appellant’s assignments of error. The Government opposed the motion. The record of trial was docketed with this Court on 18 December 2025*.

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 12th day of February, 2026,

ORDERED:

Appellant’s Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **17 April 2026**.

It is further ordered:

Each request for an enlargement of time will be considered on its merits. Appellant’s counsel is advised that any subsequent motions for enlargement of time shall include, in addition to matters required under this court’s Rules of Practice and Procedure, statements as to: (1) whether Appellant was advised of Appellant’s right to a timely appeal, (2) whether Appellant was provided an update of the status of counsel’s progress on Appellant’s case, (3) whether

* Appellant’s motion contained a scrivener’s error as it indicated the record of trial was docketed with this court on 18 December 2026 vice 2025.

Appellant was advised of the request for an enlargement of time, and
(4) whether Appellant agrees with the request for an enlargement of time.



FOR THE COURT



AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION TO WITHDRAW FROM
<i>Appellee,</i>	)	APPELLATE REVIEW AND
	)	ATTACH
v.)	
	)	Before Panel No. 2
Airman (E-2))	
DAMIAN DIAZ,	)	No. ACM 40917
United States Air Force)	
<i>Appellant.</i>	)	7 April 2026

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

Pursuant to Rule 16 of this Honorable Court’s Rules of Practice and Procedure, Airman Damian Diaz (Appellant) moves to withdraw his case from appellate review. Appellant has fully consulted with Captain Joshua Lopes, his appellate defense counsel, regarding this motion and his decision 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, Appellant asks this Court to attach the two-page document appended to this pleading to the record of this proceeding. The appended document is Appellant’s signed Department of Defense Form 2330, *Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals*. The appended document is necessary to comply with R.C.M. 1115(d), R.C.M. 1115(e), and Rule 16.1 of this Court’s Rules of Practice and Procedure.

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,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



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 Government Trial and Appellate Operations Division on 7 April 2026.

Respectfully Submitted,

[REDACTED]

JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]