

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

<b>UNITED STATES</b>	)	<b>No. ACM _____</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	
<b>Olin C. SMITH</b>	)	<b>NOTICE OF</b>
<b>Staff Sergeant (E-5)</b>	)	<b>DOCKETING</b>
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	

On 16 December 2024, this court received a notice of direct appeal from Appellant in the above-styled case, pursuant to Article 66(b)(1)(A), Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 866(b)(1)(A).

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

Pursuant to Rule 18(d)(2) of the Joint Rules of Appellate Procedure for Courts of Criminal Appeals, “[a]s soon as practicable after the filing of a Notice of Appeal, the [G]overnment shall provide the Court a complete record, including a verbatim transcript, and provide a copy to the defense. An appellant’s brief shall be filed no later than 60 days thereafter.” JT. CT. CRIM. APP. R. 18(d)(2) (as amended 17 May 2024). “[T]he record shall be the contents described in [Rule for Courts-Martial (R.C.M.)] 1112(b) as certified under R.C.M. 1112(c), the attachments for appellate review described in R.C.M. 1112(f), and . . . documents germane to timeliness of the appeal under Article 66(c)(1), UCMJ.” JT. CT. CRIM. APP. R. 6(a)(1).

The court defers decision with regard to timeliness of Appellant’s appeal pending receipt of the record of trial. *See* Article 66(c), UCMJ.

Accordingly, it is by the court on this 31st day of December, 2024,

**ORDERED:**

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

**It is further ordered:**

The Government will forward a copy of the record of trial to Appellant and the court “as soon as practicable.” *See* JT. CT. CRIM. APP. R. 6(a)(1); 8(d)(2).



FOR THE COURT



OLGA STANFORD, Capt, USAF  
Chief Commissioner



**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 16 December 2024.

Respectfully submitted,

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Air Force Appellate Defense Division

[REDACTED]

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

UNITED STATES	)	No. ACM 25001
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Olin C. SMITH	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 1</b>

On 3 March 2025, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 days to submit Appellant’s assignments of error. The Government generally opposed 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 5th day of March, 2025,

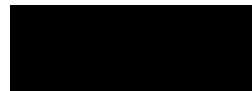
**ORDERED:**

Appellant’s Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **14 May 2025**.

Each request for an enlargement of time will be considered on its merits. Appellant’s counsel is advised that any subsequent motions for enlargement of time shall include, in addition to matters required under this court’s Rules of Practice and Procedure, statements as to: (1) whether Appellant was advised of Appellant’s right to a timely appeal, (2) whether Appellant was provided an update of the status of counsel’s progress on Appellant’s case, (3) whether Appellant was advised of the request for an enlargement of time, and (4) whether Appellant agrees with the request for an enlargement of time.



FOR THE COURT



CAROL K. JOYCE  
Clerk of the Court



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

Respectfully submitted,

A solid black rectangular redaction box covering the signature of the appellant.

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

A large, irregular black redaction box covering the contact information, including phone and email addresses.

**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 3 March 2025.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

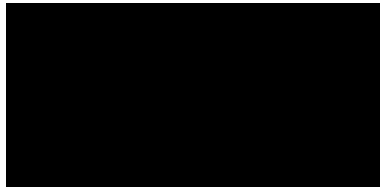
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	No. ACM 25001
OLIN C. SMITH, USAF,	)	
<i>Appellant.</i>	)	Before Panel No. 1

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

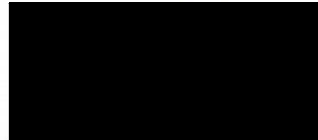


JOCELYN Q. WRIGHT, Maj, USAF  
Appellate Government Counsel



**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 4 March 2025.



JOCELYN Q. WRIGHT, Maj, USAF  
Appellate Government Counsel





R. at 47; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-3, \$500 pay per month for 4 months, and a total of 75 days' confinement. R. at 699. SSgt Smith received judicially ordered credit for two days of confinement and judicially ordered credit to E-4. EOJ; *see* R. at 699-700. The convening authority took no action on the findings and the sentence. Convening Authority Decision on Action.

The record of trial includes 20 prosecution exhibits, 13 defense exhibits, and 43 appellate exhibits. The transcript is 700 pages. SSgt Smith is not confined.

Through no fault of SSgt Smith, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SSgt Smith's case and advise him regarding potential errors. SSgt Smith was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

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

Respectfully submitted,



MEGAN R. CROUCH, Maj, 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 Appellate Government Division on 2 May 2025.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

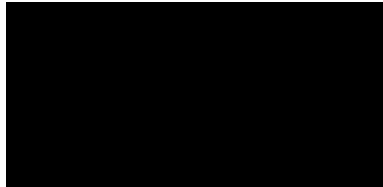
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
<b>OLIN C. SMITH,</b>	)	No. ACM 25001
United States Air Force,	)	
<i>Appellant.</i>	)	5 May 2025

**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.



JOCELYN Q. WRIGHT, 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 5 May 2025.



JOCELYN Q. WRIGHT, Maj, USAF  
Appellate Government Counsel



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

UNITED STATES	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME (THIRD)</b>
	)	
v.	)	Before Panel No. 1
	)	
Staff Sergeant (E-5)	)	No. ACM 25001
<b>OLIN C. SMITH,</b>	)	
United States Air Force	)	30 May 2025
<i>Appellant</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Staff Sergeant (SSgt) Olin C. Smith hereby moves for an enlargement of time (EOT) to file his assignments of error. SSgt Smith requests an enlargement for a period of 30 days, which will end on **13 July 2025**. SSgt Smith’s case was docketed with this Court on 31 December 2024, but this Court had not yet received the record of trial in his case. Notice of Docketing. On 14 January 2025, this Court received his record of trial, beginning the time-period for SSgt Smith to file his assignments of error. JT. CT. CRIM. APP. R. 18(d)(2). From the date this Court received SSgt Smith’s record of trial to the present date, 136 days have elapsed. From the date this Court received SSgt Smith’s record of trial to the date requested, 180 days will have elapsed.<sup>1</sup>



10 May 2024, a special court-martial composed of officer and enlisted members SSgt Smith, contrary to his pleas, of three specifications of wrongful use of a controlled substance, in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a.

**GRANTED**  
**2 JUN 2025**

<sup>1</sup> From the date of docketing to the present date, 150 days have elapsed. See A.F. CT. CRIM. APP. 23.3(m)(4). On the date requested, 194 days will have elapsed from the date of docketing. *Id.*

R. at 47; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-3, \$500 pay per month for 4 months, and a total of 75 days' confinement. R. at 699. SSgt Smith received judicially ordered credit for two days of confinement and judicially ordered credit to E-4. EOJ; *see* R. at 699-700. The convening authority took no action on the findings and the sentence. Convening Authority Decision on Action.

The record of trial includes 20 prosecution exhibits, 13 defense exhibits, and 43 appellate exhibits. The transcript is 700 pages. SSgt Smith is not confined.

Through no fault of SSgt Smith, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SSgt Smith's case and advise him regarding potential errors. SSgt Smith was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 26 clients and is presently assigned 19 cases pending initial brief before this Court. Ten cases currently have priority over the present case:

1. *United States v. Boren*, No. ACM 40296 (f rev) – The record of trial includes 10 prosecution exhibits, 28 defense exhibits, 46 appellate exhibits, and 1,034 transcript pages. The appellant's petition and supplement to the Court of Appeals of for the Armed Forces (CAAF) are due on 29 June 2025.
2. *United States v. Rocha*, USCA Dkt. No. 25-0157 – The record of trial includes 22 prosecution exhibits, 8 defense exhibits, 39 appellate exhibits, and 532 transcript

pages. The Government certified this case on 5 May 2025 and the case was docketed with the CAAF on 6 May 2025. The Government's brief is due on 11 June 2025. The appellee's brief is anticipated to be due on 9 July 2025. Undersigned counsel was not the original counsel for this appellee and therefore is currently reviewing the appellee's record of trial.

3. *United States v. Shirley*, No. ACM 40618 – Counsel was detailed to this case on 20 May 2025. The record of trial includes three prosecution exhibits, two defense exhibits, and eight appellate exhibits, and 153 transcript pages. The appellant's petition and supplement to the CAAF are due on 18 July 2025.
4. *United States v. Wilkerson*, No. ACM 40696 – The record of trial includes seven prosecution exhibits, nine defense exhibits, fifteen appellate exhibits, and 352 transcript pages. The appellant's case was docketed with this Court on 10 October 2024. Counsel filed the appellant's motion to withdraw from appellate review on 28 May 2025, which is pending this Court's decision.
5. *United States v. Carty*, No. ACM 40699 – The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, one court exhibit, and 187 transcript pages. The appellant's case was docketed with this Court on 21 October 2024. Counsel has not completed her review of the appellant's record of trial.
6. *United States v. Moore*, No. ACM S32798 – The record of trial includes two prosecution exhibits, eight defense exhibits, fourteen appellate exhibits, and one court exhibit. The transcript is 116 pages. The appellant's case was docketed with this Court on 28 October 2024. Counsel has not completed her review of the appellant's record of trial.

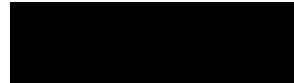
7. *United States v. Alesana*, No. ACM S32801 – The record of trial includes three prosecution exhibits, eight defense exhibits, four appellate exhibits, and 160 transcript pages. The appellant’s case was docketed with this Court on 14 November 2024. Counsel has not completed her review of the appellant’s record of trial.
8. *United States v. Hoffmann*, No. ACM 40716 – The record of trial includes three prosecution exhibits, one defense exhibit, nine appellate exhibits, and 99 transcript pages. The appellant’s case was docketed with this Court on 3 December 2024. Counsel has not completed her review of the appellant’s record of trial.
9. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant’s case was docketed with this Court on 16 December 2024. Counsel has not completed her review of the appellant’s record of trial.
10. *United States v. Doolin*, No. ACM 40745 – The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, five appellate exhibits, and 132 transcript pages. The appellant’s case was docketed with this Court on 23 December 2024. Counsel has not completed her review of the appellant’s record of trial.

Since requesting SSgt Smith’s previous enlargement of time, undersigned counsel completed and filed a brief on behalf of the appellee in *United States v. Moore* (USCA Dkt. No. 25-0110). On 5 May 2025, undersigned counsel was detailed to *United States v. Rocha* to take over as lead counsel due to the current appellate defense counsel separating from the Air Force. Undersigned counsel has since been reviewing the record of trial for *United States v. Rocha*, in preparation for the brief on behalf of the appellee. She also completed her review of the record of trial in *United States v.*

*Wilkerson* (No. ACM 40696) and filed the appellant's motion to withdraw from appellate review in the same case. She began preparing the petition and supplement to the CAAF for *United States v. Boren* (No. ACM 40296 (f rev)). Additionally, she prepared for and participated as a moot judge in two moot arguments. Lastly, undersigned counsel was on leave from 8-9 May 2025 and 19-22 May 2025, and out of the office on 23 May 2025 and 26 May 2025 for the family day and Memorial Day federal holiday.

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

Respectfully submitted,



MEGAN R. CROUCH, Maj, 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 Appellate Government Division on 30 May 2025.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

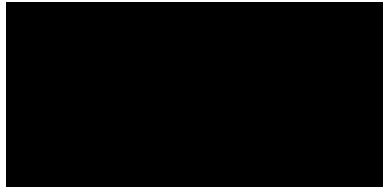
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
<b>OLIN C. SMITH,</b>	)	No. ACM 25001
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	2 June 2025

**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.



JOCELYN Q. WRIGHT, 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 2 June 2025.



JOCELYN Q. WRIGHT, Maj, USAF  
Appellate Government Counsel





R. at 47; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-3, \$500 pay per month for 4 months, and a total of 75 days' confinement. R. at 699. SSgt Smith received judicially ordered credit for two days of confinement and judicially ordered credit to E-4. EOJ; *see* R. at 699-700. The convening authority took no action on the findings and the sentence. Convening Authority Decision on Action.

The record of trial includes 20 prosecution exhibits, 13 defense exhibits, and 43 appellate exhibits. The transcript is 700 pages. SSgt Smith is not confined.

Through no fault of SSgt Smith, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SSgt Smith's case and advise him regarding potential errors. SSgt Smith was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 31 clients and is presently assigned 19 cases pending initial brief before this Court. Ten cases currently have priority over the present case:

1. *United States v. Clark*, No. ACM 40540 – Undersigned counsel was recently detailed to the appellant's case. The record of trial is comprised of 13 volumes containing 19 prosecution exhibits, 1 defense exhibits, 87 appellate exhibits, and 1,579 transcript pages. The appellant's petition and supplement to the Court of Appeals of for the Armed Forces (CAAF) are due on 7 July 2025.

2. *United States v. Boren*, USCA Dkt. No. 25-0195/AF – The record of trial includes 10 prosecution exhibits, 28 defense exhibits, 46 appellate exhibits, and 1,034 transcript pages. The appellant’s supplement to his petition for a grant of review to the CAAF is due on 14 July 2025.
3. *United States v. Rocha*, USCA Dkt. No. 25-0157/AF – The record of trial includes 22 prosecution exhibits, 8 defense exhibits, 39 appellate exhibits, and 532 transcript pages. The Government certified this case on 5 May 2025 and the case was docketed with the CAAF on 6 May 2025. The Government filed its brief on 11 June 2025. The appellee’s brief is due on 23 July 2025.
4. *United States v. Shirley*, No. ACM 40618 – The record of trial includes three prosecution exhibits, two defense exhibits, and eight appellate exhibits, and 153 transcript pages. The appellant’s petition and supplement to the CAAF are due on 18 July 2025.
5. *United States v. Carty*, No. ACM 40699 – The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, one court exhibit, and 187 transcript pages. The appellant’s case was docketed with this Court on 21 October 2024. Counsel has not completed her review of the appellant’s record of trial.
6. *United States v. Moore*, No. ACM S32798 – The record of trial includes two prosecution exhibits, eight defense exhibits, fourteen appellate exhibits, and one court exhibit. The transcript is 116 pages. The appellant’s case was docketed with this Court on 28 October 2024. Counsel has not completed her review of the appellant’s record of trial.
7. *United States v. Alesana*, No. ACM S32801 – The record of trial includes three prosecution exhibits, eight defense exhibits, four appellate exhibits, and 160 transcript

pages. The appellant's case was docketed with this Court on 14 November 2024. Counsel has not completed her review of the appellant's record of trial.

8. *United States v. Hoffmann*, No. ACM 40716 – The record of trial includes three prosecution exhibits, one defense exhibit, nine appellate exhibits, and 99 transcript pages. The appellant's case was docketed with this Court on 3 December 2024. Counsel has not completed her review of the appellant's record of trial.

9. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant's case was docketed with this Court on 16 December 2024. Counsel has not completed her review of the appellant's record of trial.

10. *United States v. Doolin* – No. ACM 40745 – The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. The appellant's case was docketed with this Court on 23 December 2024. Counsel has not completed her review of the appellant's record of trial.

Since requesting SSgt Smith's previous enlargement of time, undersigned counsel began preparing the petition and supplement to the CAAF for *United States v. Boren* (USCA Dkt. No. 25-0195/AF), and began drafting the appellee's brief for *United States v. Rocha* (USCA Dkt. No. 25-0157/AF). Additionally, undersigned counsel was out of the office on 6 June 2025, and 19-29 June 2025 for leave, the Juneteenth federal holiday, and a family day.

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

Respectfully submitted,

A solid black rectangular redaction box covering the signature of MEGAN R. CROUCH.

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

A large, irregular black redaction box covering the address and contact information of MEGAN R. CROUCH.

**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 3 July 2025.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

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

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
<b>OLIN C. SMITH,</b>	)	No. ACM 25001
United States Air Force,	)	
<i>Appellant.</i>	)	3 July 2025

**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.

[REDACTED]

KATE E. LEE, Maj, USAF  
Appellate Government Counsel

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

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 3 July 2025.



KATE E. LEE, Maj, USAF  
Appellate Government Counsel





R. at 47; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-3, \$500 pay per month for 4 months, and a total of 75 days' confinement. R. at 699. SSgt Smith received judicially ordered credit for two days of confinement and judicially ordered credit to E-4. EOJ; *see* R. at 699-700. The convening authority took no action on the findings and the sentence. Convening Authority Decision on Action.

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Undersigned counsel currently represents 28 clients and is presently assigned 18 cases pending initial brief before this Court. Ten cases currently have priority over the present case:

1. *United States v. Shirley*, No. ACM 40618 – The record of trial includes three prosecution exhibits, two defense exhibits, and eight appellate exhibits, and 153 transcript pages. The appellant's supplement to the petition for review to the Court of Appeals for the Armed Forces (CAAF) is due on 5 August 2025.
2. *United States v. Clark*, USCA Dkt. No. 25-0208/AF – The record of trial is comprised of 13 volumes containing 19 prosecution exhibits, 1 defense exhibits, 87 appellate exhibits,

and 1,579 transcript pages. The appellant's supplement to the petition for review to the CAAF is due on 12 August 2025.

3. *United States v. George*, USCA Dkt. No. 24-2406 – Counsel was recently detailed to represent the appellant. The appellant's petition for a writ of certiorari to the Supreme Court is due on 19 October 2025.
4. *United States v. Matthew*, USCA Dkt. No. 25-0083 – Counsel was recently detailed to represent the appellant. The appellant's petition for a writ of certiorari to the Supreme Court is due on 20 October 2025.
5. *United States v. Carty*, No. ACM 40699 – The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, and one court exhibit. The transcript is 187 pages. The appellant's case was docketed with this Court on 21 October 2024. Counsel has not completed her review of the appellant's record of trial.
6. *United States v. Moore*, No. ACM S32798 – The record of trial includes two prosecution exhibits, eight defense exhibits, fourteen appellate exhibits, and one court exhibit. The transcript is 116 pages. The appellant's case was docketed with this Court on 28 October 2024. Counsel has not completed her review of the appellant's record of trial.
7. *United States v. Alesana*, No. ACM S32801 – The record of trial includes three prosecution exhibits, eight defense exhibits, four appellate exhibits, and 160 transcript pages. The appellant's case was docketed with this Court on 14 November 2024. Counsel has not completed her review of the appellant's record of trial.
8. *United States v. Hoffmann*, No. ACM 40716 – The record of trial includes three prosecution exhibits, one defense exhibit, nine appellate exhibits, and 99 transcript pages.

The appellant's case was docketed with this Court on 3 December 2024. Counsel has not completed her review of the appellant's record of trial.

9. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant's case was docketed with this Court on 16 December 2024. Counsel has not completed her review of the appellant's record of trial.

10. *United States v. Doolin* – No. ACM 40745 – The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. The appellant's case was docketed with this Court on 23 December 2024. Counsel has not completed her review of the appellant's record of trial.

Since requesting SSgt Smith's previous enlargement of time, undersigned counsel completed and filed the appellee's brief for *United States v. Rocha* (USCA Dkt. No. 25-0157/AF), completed and filed the supplement to the petition for *United States v. Boren* (USCA Dkt. No. 25-0195/AF), began drafting the supplement to the petition for *United States v. Shirley* (USCA Dkt. No. 25-0213/AF), and began drafting the supplement to the petition for *United States v. Clark*, (USCA Dkt. No. 25-0208/AF). Additionally, undersigned counsel was out of the office from 4-9 July 2025 for leave, the federal holiday, and a family day.

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

Respectfully submitted,

A solid black rectangular redaction box covering the signature of the appellant defense counsel.

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

A large, irregular black redaction box covering the address and contact information of the appellant 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 Appellate Government Division on 30 July 2025.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

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

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
<b>OLIN C. SMITH,</b>	)	No. ACM 25001
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	1 August 2025

**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.

[Redacted signature block]

KATE E. LEE, Maj, USAF  
Appellate Government Counsel

[Redacted contact information]

**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 1 August 2025.



KATE E. LEE, Maj, USAF  
Appellate Government Counsel



**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 (SIXTH)</b>
	)	
v.	)	Before Panel No. 1
	)	
Staff Sergeant (E-5)	)	No. ACM 25001
<b>OLIN C. SMITH,</b>	)	
United States Air Force	)	28 August 2025
<i>Appellant</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Staff Sergeant (SSgt) Olin C. Smith hereby moves for an enlargement of time (EOT) to file his assignments of error. SSgt Smith requests an enlargement for a period of 30 days, which will end on **11 October 2025**. SSgt Smith’s case was docketed with this Court on 31 December 2024, but this Court had not yet received the record of trial in his case. Notice of Docketing. On 14 January 2025, this Court received his record of trial, beginning the time-period for SSgt Smith to file his assignments of error. JT. CT. CRIM. APP. R. 18(d)(2). From the date this Court received SSgt Smith’s record of trial to the present date, 226 days have elapsed. From the date this Court received SSgt Smith’s record of trial to the date requested, 270 days will have elapsed.<sup>1</sup>

May 2024, a special court-martial composed of officer and enlisted members Smith, contrary to his pleas, of three specifications of wrongful use of a controlled substance, in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a.



**GRANTED**  
**3 SEP 2025**

<sup>1</sup> From the date of docketing to the present date, 240 days have elapsed. See A.F. CT. CRIM. APP. 23.3(m)(4). On the date requested, 284 days will have elapsed from the date of docketing. *Id.*

R. at 47; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-3, \$500 pay per month for 4 months, and a total of 75 days' confinement. R. at 699. SSgt Smith received judicially ordered credit for two days of confinement and judicially ordered credit to E-4. EOJ; *see* R. at 699-700. The convening authority took no action on the findings and the sentence. Convening Authority Decision on Action.

The record of trial includes 20 prosecution exhibits, 13 defense exhibits, and 43 appellate exhibits. The transcript is 700 pages. SSgt Smith is not confined.

Through no fault of SSgt Smith, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SSgt Smith's case and advise him regarding potential errors. SSgt Smith was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 21 clients and is presently assigned 12 cases pending initial brief before this Court. Six cases currently have priority over the present case:

1. *United States v. George*, USCA Dkt. No. 24-2406/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 19 October 2025. Counsel is currently working on the appellant's petition.
2. *United States v. Matthew*, USCA Dkt. No. 25-0083/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 20 October 2025. Counsel is currently working on the appellant's petition.

3. *United States v. Alesana*, No. ACM S32801 – The record of trial includes three prosecution exhibits, eight defense exhibits, four appellate exhibits, and 160 transcript pages. The appellant’s case was docketed with this Court on 14 November 2024. Counsel has completed her review of the appellant’s record of trial. The appellant filed a motion to withdraw from appellate review on 28 August 2025.
4. *United States v. Hoffmann*, No. ACM 40716 – The record of trial includes three prosecution exhibits, one defense exhibit, nine appellate exhibits, and 99 transcript pages. The appellant’s case was docketed with this Court on 3 December 2024. Counsel has not completed her review of the appellant’s record of trial.
5. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant’s case was docketed with this Court on 16 December 2024. Counsel has not completed her review of the appellant’s record of trial.
6. *United States v. Doolin* – No. ACM 40745 – The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. The appellant’s case was docketed with this Court on 23 December 2024. Counsel has not completed her review of the appellant’s record of trial.

Since requesting SSgt Smith’s previous enlargement of time, undersigned counsel completed and filed the supplement to the petition for *United States v. Shirley* (USCA Dkt. No. 25-0213/AF), completed and filed the supplement to the petition for *United States v. Clark*, (USCA Dkt. No. 25-0208/AF), and completed and filed the reply to the Government’s answer to the supplement to the petition for *United States v. Boren* (USCA Dkt. No. 25-0195/AF). Additionally, undersigned

counsel began reviewing the records of trial for *United States v. George* (USCA Dkt. No. 24-2406/AF) and *United States v. Matthew* (USCA Dkt. No. 25-0083/AF) in preparation for their petitions for writ of certiorari, and began drafting the petition for *George*. Undersigned counsel also reviewed the records, conducted legal research, advised the clients, and filed motions to withdraw from appellate review for both *United States v. Moore*, No. ACM S32798, and *United States v. Alesana*, No. ACM S32801. Finally, undersigned counsel was out of the office from 7-8 August for leave.

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

Respectfully submitted,



MEGAN R. CROUCH, Maj, 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 Appellate Government Division on 28 August 2025.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

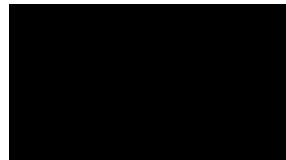
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
<b>OLIN C. SMITH,</b>	)	No. ACM 25001
United States Air Force,	)	
<i>Appellant.</i>	)	2 September 2025

**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 2 September 2025.



KATE E. LEE, Maj, USAF  
Appellate Government Counsel





R. at 47; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-3, \$500 pay per month for 4 months, and a total of 75 days' confinement. R. at 699. SSgt Smith received judicially ordered credit for two days of confinement and judicially ordered credit to E-4. EOJ; *see* R. at 699-700. The convening authority took no action on the findings and the sentence. Convening Authority Decision on Action.

The record of trial includes 20 prosecution exhibits, 13 defense exhibits, and 43 appellate exhibits. The transcript is 700 pages. SSgt Smith is not confined.

Through no fault of SSgt Smith, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SSgt Smith's case and advise him regarding potential errors. SSgt Smith was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 19 clients and is presently assigned 11 cases pending initial brief before this Court. Seven cases currently have priority over the present case:

1. *United States v. George*, USCA Dkt. No. 24-2406/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 19 October 2025. Counsel is currently working on the appellant's petition.
2. *United States v. Matthew*, USCA Dkt. No. 25-0083/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 19 December 2025. Counsel is currently working on the appellant's petition.

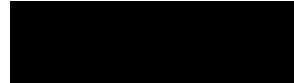
3. *United States v. McLeod*, USCA Dkt. No. 24-0189/AF – Undersigned counsel was recently detailed to represent the appellant. The appellant’s petition for a writ of certiorari to the Supreme Court is due on 8 November 2025.
4. *United States v. Clark*, USCA Dkt. No. 25-0208/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 21 December 2025.
5. *United States v. Hoffmann*, No. ACM 40716 – The record of trial includes three prosecution exhibits, one defense exhibit, nine appellate exhibits, and 99 transcript pages. The appellant’s case was docketed with this Court on 3 December 2024. Counsel has reviewed the appellant’s court-martial transcript but has not yet completed her review of the appellant’s record of trial.
6. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant’s case was docketed with this Court on 16 December 2024. Counsel has not completed her review of the appellant’s record of trial.
7. *United States v. Doolin* – No. ACM 40745 – The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. The appellant’s case was docketed with this Court on 23 December 2024. Counsel has not completed her review of the appellant’s record of trial.

Since requesting SSgt Smith’s previous enlargement of time, undersigned counsel reviewed the transcript for *United States v. Hoffmann* (No. ACM 40716). She also continued drafting the petitions for writ of certiorari for *United States v. George* (USCA Dkt. No. 24-2406) and *United States v. Matthew* (USCA Dkt. No. 25-0083). Finally, undersigned counsel was out of the office

from 29 August – 7 September 2025 for leave and the federal holiday and attended the Joint Appellate Advocacy Training from 25 – 26 September 2025.

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

Respectfully submitted,



MEGAN R. CROUCH, Maj, 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 Appellate Government Division on 29 September 2025.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

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

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
<b>OLIN C. SMITH,</b>	)	No. ACM 25001
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	1 October 2025

**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.

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 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 statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this stage of the appellate process.

**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 1 October 2025.



KATE E. LEE, Maj, USAF  
Appellate Government Counsel





R. at 47; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-3, \$500 pay per month for 4 months, and a total of 75 days' confinement. R. at 699. SSgt Smith received judicially ordered credit for two days of confinement and judicially ordered credit to E-4. EOJ; *see* R. at 699-700. The convening authority took no action on the findings and the sentence. Convening Authority Decision on Action.

The record of trial includes 20 prosecution exhibits, 13 defense exhibits, and 43 appellate exhibits. The transcript is 700 pages. SSgt Smith is not confined.

Through no fault of SSgt Smith, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SSgt Smith's case and advise him regarding potential errors. SSgt Smith was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 20 clients and is presently assigned 11 cases pending initial brief before this Court. Seven cases currently have priority over the present case:

1. *United States v. McLeod*, USCA Dkt. No. 24-0189/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 8 November 2025. Counsel is currently working on the appellant's petition.
2. *United States v. George*, USCA Dkt. No. 24-2406/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 19 October 2025. Counsel is currently working on the appellant's petition.

3. *United States v. Matthew*, USCA Dkt. No. 25-0083/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 19 December 2025. Counsel is currently working on the appellant’s petition.
4. *United States v. Clark*, USCA Dkt. No. 25-0208/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 21 December 2025.
5. *United States v. Hoffmann*, No. ACM 40716 – The record of trial includes three prosecution exhibits, one defense exhibit, nine appellate exhibits, and 99 transcript pages. The appellant’s case was docketed with this Court on 3 December 2024. Counsel has reviewed the appellant’s court-martial transcript but has not yet completed her review of the appellant’s record of trial.
6. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant’s case was docketed with this Court on 16 December 2024. Counsel has not completed her review of the appellant’s record of trial.
7. *United States v. Doolin* – No. ACM 40745 – The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. The appellant’s case was docketed with this Court on 23 December 2024. Counsel has not completed her review of the appellant’s record of trial.

Since requesting SSgt Smith’s previous enlargement of time, undersigned counsel prepared for, and participated in, two oral arguments before the Court of Appeals for the Armed Forces (CAAF)—*United States v. Moore* (USCA Dkt. No. 25-0110/AF), certified by the Government, heard by the CAAF on 21 October 2025, and *United States v. Rocha* (USCA Dkt. No. 25-0157/AF)

certified by the Government, heard by the CAAF on 22 October 2025. As part of her preparation, undersigned counsel prepared for, and participated in, nine moot oral arguments (three for each case). Finally, undersigned counsel participated as a judge for four moot oral arguments (*United States v. Braum* (USCA Dkt No. 25-0046/AF), *United States v. Serjak*, certified by the Government to the CAAF (USCA Dkt No. 25-0120/AF), *United States v. Marschalek* (No. ACM S32776), and *United States v. Hennessy*, certified by the Government to the CAAF (USCA Dkt No. 25-0112/AF)).

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

Respectfully submitted,



MEGAN R. CROUCH, Maj, 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 Appellate Government Division on 27 October 2025.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

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

<b>UNITED STATES,</b>	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
<b>OLIN C. SMITH,</b>	)	
United States Air Force,	)	No. ACM 25001
<i>Appellant.</i>	)	
	)	29 October 2025
	)	

**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 330 days in length. Appellant's nearly 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 7 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record at this late stage in the process.

**WHEREFORE**, the United States respectfully requests that this Court deny Appellant's enlargement motion.

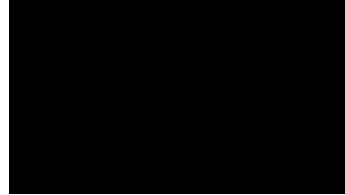


KATE E. LEE, Maj, USAF  
Appellate Government Counsel



**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 29 October 2025.



KATE E. LEE, Maj, USAF  
Appellate Government Counsel





R. at 47; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-3, \$500 pay per month for 4 months, and a total of 75 days' confinement. R. at 699. SSgt Smith received judicially ordered credit for two days of confinement and judicially ordered credit to E-4. EOJ; *see* R. at 699-700. The convening authority took no action on the findings and the sentence. Convening Authority Decision on Action.

The record of trial includes 20 prosecution exhibits, 13 defense exhibits, and 43 appellate exhibits. The transcript is 700 pages. SSgt Smith is not confined.

Through no fault of SSgt Smith, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SSgt Smith's case and advise him regarding potential errors. SSgt Smith was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 19 clients and is presently assigned 10 cases pending initial brief before this Court. Four cases currently have priority over the present case:

1. *United States v. Clark*, USCA Dkt. No. 25-0208/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 19 February 2026.
2. *United States v. Howard*, No. ACM 40478 (f rev) – The appellant's petition for review and supplement to the petition for review is due to the Court of Appeals for the Armed Forces (CAAF) on 20 January 2026.

3. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant’s case was docketed with this Court on 16 December 2024. Counsel has not completed her review of the appellant’s record of trial.
4. *United States v. Doolin* – No. ACM 40745 – The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. The appellant’s case was docketed with this Court on 23 December 2024. Counsel has not completed her review of the appellant’s record of trial, however a reservist appellate defense counsel has been detailed to represent the client and the reservist counsel has completed his review of the appellant’s record of trial.

Since requesting SSgt Smith’s previous enlargement of time, undersigned counsel completed and filed the petition for a writ of certiorari for *United States v. McLeod* (USCA Dkt. No. 24-0189/AF). She also completed the petitions for a writ of certiorari for *United States v. George* (USCA Dkt. No. 24-2406/AF) and *United States v. Matthew* (USCA Dkt. No. 25-0083/AF). Undersigned counsel completed her reviewing the record of trial for *United States v. Hoffmann* (No. ACM 40176) and filed a motion for withdrawal from appellate review in the same case. Finally, undersigned counsel was out of the office and on leave from 10-21 November 2025.

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

Respectfully submitted,

A solid black rectangular redaction box covering the signature of the appellant defense counsel.

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

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**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 26 November 2025.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

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

<b>UNITED STATES,</b>	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
<b>OLIN C. SMITH,</b>	)	No. ACM 25001
United States Air Force.	)	
<i>Appellant</i>	)	2 December 2025

**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 360 days in length. Appellant’s nearly 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 6 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant’s counsel has not completed review of the record of trial at this late stage of the appellate process.

**WHEREFORE**, the United States respectfully requests that this Court deny Appellant's enlargement motion.

[REDACTED]

VANESSA BAIROS, Maj, USAF  
Appellate Government Counsel

[REDACTED]

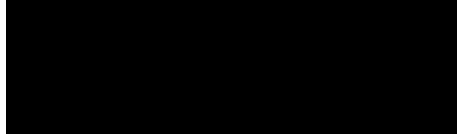
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[REDACTED]

[REDACTED]

**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 2 December 2025.



VANESSA BAIROS, Maj, USAF  
Appellate Government Counsel



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

UNITED STATES	)	No. ACM 25001
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Olin C. SMITH	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 1</b>

On 29 December 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Tenth) 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 6th day of January, 2026,

**ORDERED:**

Appellant’s Motion for Enlargement of Time (Tenth) is **GRANTED**. Appellant shall file any assignments of error not later than **8 February 2026**.

Appellant’s counsel is advised that given the number of enlargements granted thus far, any further requests for an enlargement of time may necessitate a status conference.



FOR THE COURT

[Redacted signature]

JACOB B. HOEFERKAMP, Capt, USAF  
Chief Commissioner



R. at 47; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-3, \$500 pay per month for 4 months, and a total of 75 days' confinement. R. at 699. SSgt Smith received judicially ordered credit for two days of confinement and judicially ordered credit to E-4. EOJ; *see* R. at 699-700. The convening authority took no action on the findings and the sentence. Convening Authority Decision on Action.

The record of trial includes 20 prosecution exhibits, 13 defense exhibits, and 43 appellate exhibits. The transcript is 700 pages. SSgt Smith is not confined.

Through no fault of SSgt Smith, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SSgt Smith's case and advise him regarding potential errors. SSgt Smith was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 18 clients and is presently assigned 10 cases pending initial brief before this Court. Four cases currently have priority over the present case:

1. *United States v. Clark*, USCA Dkt. No. 25-0208/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 19 February 2026.
2. *United States v. Howard*, No. ACM 40478 (f rev) – The appellant's petition for review and supplement to the petition for review is due to the Court of Appeals for the Armed Forces (CAAF) on 20 January 2026.

3. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant’s case was docketed with this Court on 16 December 2024. Counsel has completed her review of the appellant’s record of trial.
4. *United States v. Doolin* – No. ACM 40745 – The five-volume record of trial includes seven prosecution exhibits, eight defense exhibits, and five appellate exhibits. The transcript is 132 pages. The appellant’s case was docketed with this Court on 23 December 2024. Counsel has not completed her review of the appellant’s record of trial, however a reservist appellate defense counsel has been detailed to represent the client and the reservist counsel has completed his review of the appellant’s record of trial.

Since requesting SSgt Smith’s previous enlargement of time, undersigned counsel filed the petition for a writ of certiorari for *United States v. Matthew* (USCA Dkt No. 25-0083/AF) and completed her review of the record of trial for *United States v. Shimooka* (No. ACM 40736). She also continued drafting the petition for a writ of certiorari to the United States Supreme Court for *United States v. Clark* (USCA Dkt. No. 25-0208/AF) and began drafting the supplement to the petition for a grant of review to the CAAF for *United States v. Howard* (No. ACM 40478 (f rev)). Counsel prepared for and participated as a moot judge in three moot arguments (equaling more than nine hours). Finally, undersigned counsel was out of the office from 27-28 November 2025 and 24-26 December 2026 for the federal holidays and family days.

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

Respectfully submitted,

A solid black rectangular redaction box covering the signature of the appellant defense counsel.

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

A large, irregular black redaction box covering the address and contact information of the appellant 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 Appellate Government Division on 29 December 2025.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

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

<b>UNITED STATES,</b>	)	UNITED STATES’
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT’S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
<b>OLIN C. SMITH,</b>	)	
United States Air Force,	)	No. ACM 25001
<i>Appellant.</i>	)	
	)	31 December 2025
	)	

**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 over 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 390 days in length. Appellant’s over 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 more than two thirds of the 18 month standard for this Court to issue a decision, which only leaves about 5 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant’s counsel has not completed review of the record of trial at this late stage of the appellate process.

**WHEREFORE**, the United States respectfully requests that this Court deny Appellant's enlargement motion.

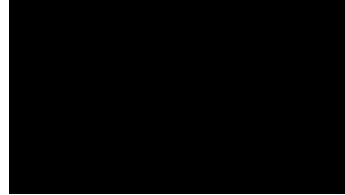


KATE E. LEE, Maj, USAF  
Appellate Government Counsel



**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 31 December 2025.



KATE E. LEE, Maj, USAF  
Appellate Government Counsel





R. at 47; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-3, \$500 pay per month for 4 months, and a total of 75 days' confinement. R. at 699. SSgt Smith received judicially ordered credit for two days of confinement and judicially ordered credit to E-4. EOJ; *see* R. at 699-700. The convening authority took no action on the findings and the sentence. Convening Authority Decision on Action.

The record of trial includes 20 prosecution exhibits, 13 defense exhibits, and 43 appellate exhibits. The transcript is 700 pages. SSgt Smith is not confined.

Through no fault of SSgt Smith, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SSgt Smith's case and advise him regarding potential errors. SSgt Smith was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 14 clients and is presently assigned 9 cases pending initial brief before this Court. Two cases currently have priority over the present case:

1. *United States v. Clark*, USCA Dkt. No. 25-0208/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 19 February 2026.
2. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant's case was docketed with this Court on

16 December 2024. Counsel has completed her review of the appellant's record of trial and identified potential issues in the appellant's case.

Since requesting SSgt Smith's previous enlargement of time, undersigned counsel completed and filed the petition for a grant of review and the supplement to the petition for review at the United States Court of Appeals for the Armed Forces (CAAF) for *United States v. Howard* (No. ACM 40478 (f rev)). She also continued working on the petition for a writ of certiorari for *United States v. Clark* (USCA Dkt. No. 25-0208/AF) and identified potential issues for the assignments of error brief for *United States v. Shimooka* (No. ACM 40736). Counsel prepared for and participated as a moot judge in three moot arguments (equaling more than twelve hours), and she attended three oral arguments at the CAAF (*United States v. Kershaw*, USCA Dkt. No. 25-0177/AF; *United States v. Bass*, USCA Dkt. No. 25-0149/MC; *United States v. Johnson*, USCA Dkt. No. 25-0202/AF). Finally, undersigned counsel was out of the office from 1-2 January 2026 and 16-19 January 2026 for the federal holidays and family days.

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

Respectfully submitted,



MEGAN R. CROUCH, Maj, 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 Appellate Government Division on 29 January 2026.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

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

<b>UNITED STATES,</b>	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
<b>OLIN C. SMITH,</b>	)	No. ACM 25001
United States Air Force.	)	
<i>Appellant</i>	)	2 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 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 over 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 420 days in length. Appellant’s over 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 more than two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 4 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant’s counsel has not completed review of the record of trial at this late stage of the appellate process.

**WHEREFORE**, the United States respectfully requests that this Court deny Appellant's enlargement motion.

[REDACTED]

VANESSA BAIROS, Maj, USAF  
Appellate Government Counsel

[REDACTED]

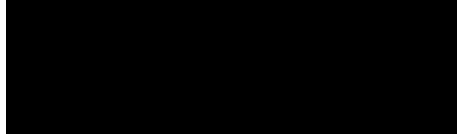
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[REDACTED]

[REDACTED]

**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 2 February 2026.



VANESSA BAIROS, Maj, USAF  
Appellate Government Counsel





R. at 47; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-3, \$500 pay per month for 4 months, and a total of 75 days' confinement. R. at 699. SSgt Smith received judicially ordered credit for two days of confinement and judicially ordered credit to E-4. EOJ; *see* R. at 699-700. The convening authority took no action on the findings and the sentence. Convening Authority Decision on Action.

The record of trial includes 20 prosecution exhibits, 13 defense exhibits, and 43 appellate exhibits. The transcript is 700 pages. SSgt Smith is not confined.

Undersigned counsel currently represents 14 clients and is presently assigned 9 cases pending initial brief before this Court. One case currently has priority over the present case:

1. *United States v. Shimooka*, No. ACM 40736 – The record of trial includes two prosecution exhibits, nineteen defense exhibits, eighteen appellate exhibits, one court exhibit, and 814 transcript pages. The appellant's case was docketed with this Court on 16 December 2024. Counsel has completed her review of the appellant's record of trial, identified potential issues in the appellant's case, conducted case law research, and identified portions of the record in support of a potential assignment of error.

Since requesting SSgt Smith's previous enlargement of time, undersigned counsel began reviewing the transcript for SSgt Smith's court-martial and identified numerous errors in the transcript. She filed a motion for leave to file a motion for remand on 5 February 2026 and a motion to amend the pleading (highlighting additional errors) on 6 February 2026. While waiting for this Court to act on the motions, undersigned counsel reviewed the remaining documents within SSgt Smith's record of trial to ensure no pages were missing and the record contained all the required documents in accordance with Rule for Courts-Martial 1112.

On 24 February 2026, this Court denied SSgt Smith's motion for remand. Therefore, undersigned counsel anticipates it will take significantly longer for her to review this case because she must listen to the audio recording of the proceedings while simultaneously reviewing the transcript and then transcribe the audio recording any time there is a conflict between the audio recording and the transcript. So far, counsel has identified at least twelve errors and incorrect transcription between the audio recording and the transcript.

Since requesting SSgt Smith's previous enlargement of time, undersigned counsel also completed and filed the petition for a writ of certiorari for *United States v. Clark* (USCA Dkt. No. 25-0208/AF). She conducted case law research for potential issues identified for *United States v. Shimooka* (No. ACM 40736) and identified portions of the record in support of a potential assignment of error for the same case. Undersigned counsel continued her review of the record of trial for *United States v. Smith* (No. ACM 40761), verifying all exhibits were contained within the record of trial and the discs contained within the record of trial worked. However, due to discs not working in undersigned counsel's copy of the record of trial, she then scheduled a time and visited this Court to verify whether the discs worked in the Court's copy of the record of trial. On 20 February 2026, she filed a motion to view sealed materials for *United States v. Smith* (No. ACM 40761).

Finally, undersigned counsel prepared for and participated as a moot judge in seven moot arguments (equaling more than twenty-one hours), and she attended three oral arguments at the United States Court of Appeals for the Armed Forces (*United States v. Menard*, USCA Dkt. No. 25-0173/AF; *United States v. Marin Perez*, USCA Dkt. No. 25-0238/AF; *United States v. Hunt*, USCA Dkt. No. 25-0257/AF). Finally, undersigned counsel was out of the office from 13-16 February 2026 for the federal holiday and family day.

Through no fault of SSgt Smith, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. Although there is one case ahead of SSgt Smith's in undersigned counsel's priority, she is simultaneously working on both cases. This enlargement of time is necessary to allow undersigned counsel to finish reviewing SSgt Smith's case and advise him regarding potential errors. During this next enlargement of time, and barring any unforeseen circumstances, undersigned counsel anticipates completing her review of SSgt Smith's transcript, identifying any potential issues and discussing them with SSgt Smith, and conducting any necessary case law in support of any potential issues.

SSgt Smith was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

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

Respectfully submitted,

  
MEGAN R. CROUCH, Maj, 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 Appellate Government Division on 27 February 2026.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

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

<b>UNITED STATES,</b>	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
<b>OLIN C. SMITH,</b>	)	No. ACM 25001
United States Air Force.	)	
<i>Appellant</i>	)	2 March 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 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 over 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 450 days in length. Appellant’s over 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 more than two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 3 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant’s counsel has not completed review of the record of trial at this late stage of the appellate process.

**WHEREFORE**, the United States respectfully requests that this Court deny Appellant's enlargement motion.

[REDACTED]

VANESSA BAIROS, Maj, USAF  
Appellate Government Counsel

[REDACTED]

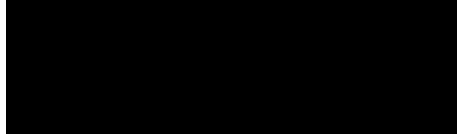
[REDACTED]

[REDACTED]

[REDACTED]

**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 2 March 2026.



VANESSA BAIROS, Maj, USAF  
Appellate Government Counsel



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

<b>UNITED STATES</b>	)	<b>MOTION FOR LEAVE TO FILE</b>
<i>Appellee,</i>	)	<b>AND MOTION FOR REMAND</b>
	)	
v.	)	Before Panel No. 1
	)	
Staff Sergeant (E-5)	)	No. ACM 25001
<b>OLIN C. SMITH,</b>	)	
United States Air Force	)	5 February 2026
<i>Appellant</i>	)	

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

Pursuant to Rule 6(c), 23(d), and 23.3 of this Honorable Court’s Rules of Practice and Procedure, Appellant, Staff Sergeant (SSgt) Olin C. Smith, hereby moves this Court for leave to file a motion for remand to correct omissions in the record. Pursuant to Rule 23(d), the motion for leave to file the pleading, along with the pleading itself, are combined herein.

SSgt Smith’s special court-martial transcription is incomplete and not verbatim. *See* Motion *infra*. Addressing the incompleteness of the Record of Trial now as opposed to in SSgt Smith’s assignments of error avoids piecemeal review of SSgt Smith’s court-martial and allows this Court and undersigned counsel to meaningfully fulfill their individual roles under Articles 66 and 70, Uniform Code of Military Justice (UCMJ), 10 U.S.C. §§ 866, 870.

**WHEREFORE**, SSgt Smith respectfully requests this Honorable Court grant his motion for leave to file and consider the motion for remand included below.

## MOTION

### **Facts**

On 10 May 2024, a special court-martial composed of officer and enlisted members convicted SSgt Smith, contrary to his pleas, of three specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. R. at 47; Charge Sheet; Entry of Judgment (EOJ), dated 24 June 2024. The military judge sentenced him to a reduction to the grade of E-3, \$500 pay per month for 4 months, and a total of 75 days' confinement. R. at 699. SSgt Smith received judicially ordered credit for two days of confinement and judicially ordered credit to E-4. EOJ; *see* R. at 699-700. The convening authority took no action on the findings and the sentence. Convening Authority Decision on Action, dated 30 May 2024.

SSgt Smith filed a notice of direct appeal with this Court on 16 December 2024. *United States v. Smith*, Notice of Docketing, dated 31 December 2024. On 31 December 2024, this Court docketed SSgt Smith's case and ordered the Government to "forward a copy of the record of trial to [SSgt Smith] and the court 'as soon as practicable.'" *Id.* This Court explained that pursuant to Rule 18(d)(2) of the Joint Rules of Appellate Procedure for Courts of Criminal Appeals, the Government "shall provide the Court a complete record, *including a verbatim transcript*, and provide a copy to the defense." *Id.* (emphasis added). Furthermore, this Court stated, "[T]he record shall be the contents described in [Rule for Courts-Martial (R.C.M.)] 1112(b) as certified under R.C.M. 1112(c), the attachments for appellate review described in R.C.M. 1112(f), and . . . documents germane to timeliness of the appeal under Article 66(c)(1), UCMJ." *Id.* (citing JT. CT. CRIM. APP. R. 6(a)(1)).

On 4 February 2026, undersigned counsel began reviewing the transcript of SSgt Smith's court-martial contained in the electronic record of trial. On 5 February 2026, after noticing some

confusing parts of the transcript, undersigned counsel began comparing the audio recording of SSgt Smith's court-marital with the transcript contained in the electronic record of trial. Below are comparisons of the audio recording and the transcript involving a portion of the Government's general voir dire questions to the panel members:

**1. Audio Recording US v. O. Smith Day 3 Reformatted<sup>1</sup>, 1:35:20 compared with R. at 133, lines 20-21.**

- a. Audio – TC: “Do you believe you can tell if someone uses illegal drugs simply by the way they look?”
- b. Transcript – TC: “Do you believe that you can be held if someone uses illegal drugs simply by the way they look?”

**2. Audio Recording US v. O. Smith Day 3 Reformatted, 1:35:45-1:36:34 compared with R. at 134, lines 4-15.**

- a. Audio:

TC: “Have you or someone close to you ever submitted a urine sample for drug testing that was positive for the presence of a substance?”

TC: “That was a negat-”

MBR: “I have a clarifying question. While in the military or prior to the military?”

TC: “I’ll, I’ll rephrase the question.”

MJ: “The question was from Senior Master Sergeant Eckley.”

TC: “Have you or someone close to you ever submitted a urine sample for drug testing that was positive for the presence of a substance?”

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<sup>1</sup> This title is based on the Adobe Acrobat PDF version of the electronic record of trial. The bookmarked page is titled “01.c.Audio Recording US v. O. Smith Day 3 Reformatted” and it is the third page after page five of the original Statement of Trial Results contained in electronic record. There are no words on the page; it only contains the mp3 file embedded into the page. Of note, when undersigned counsel saved this audio file from the PDF to an mp3 file, the file name that populated was “01.c. Audio Recording US v. O. Smith Day 2 Reformatted.”

TC: “An affirmative response from Senior Master Sergeant Eckley and a negative response from all other members.”

b. Transcript:

Have you or someone close to you ever submitted a urine sample for drug testing that was positive for the presence of a substance?

That is a negative response from all members.

Do you believe that you can be held if someone uses illegal drugs simply by the way they look?

That is a negative response from all members.

Do you believe that you can tell if someone uses illegal drugs by the way that someone acts?

That is a negative response from all members.

An affirmative response from Senior Master Sergeant Eckley and a negative response from all other members.

**3. Audio Recording US v. O. Smith Day 3 Reformatted, 1:38:50 compared with R. at 134, line 17.**

a. Audio – TC: “Do you hold a negative view of the Air Force urinalysis system?”

b. Transcript – TC: “Do you hold a negative view of the Air Force drug testing system?”

**4. Audio Recording US v. O. Smith Day 3 Reformatted, 1:40:00 compared with R. at 136 (lines 10-21)-R. at 137 (lines 1-9).**

a. Audio:

TC: “You may get an instruction from a military judge on how to handle a situation when it comes to evidence. The instruction, which is called circumstantial evidence, reads as follows: “Evidence may be direct or circumstantial. Direct evidence is evidence which tends to directly prove or disprove a fact and issue. If a fact and issue was whether it rained during the evening, testimony by a witness that he or she saw it rain would be direct evidence that it rained. On the other hand, circumstantial evidence is evidence

that tends to prove some other fact from which, either alone or together with some other fact or circumstances, you may reasonably infer the existence or non-existence of a fact and issue. If there was evidence the street was wet in the morning, that would be circumstantial evidence from which you might reasonably infer it rained during the night.” Do you agree that it is possible to determine the truth of a matter using circumstantial evidence?”

MBR [COL MINK]: “Can you rephrase the last part of that?”

MJ: “That was Colonel Mink.”

TC: “Is it possible to determine truth of a matter using circumstantial evidence?”

TC: “That’s an affirmative response from all members.”

b. Transcript:

You may get an instruction from a military judge on how to handle a situation when it comes to evidence. The instruction, which is called circumstantial evidence, reads as follows: “Evidence may be direct or circumstantial. Direct evidence is evidence which tends to directly prove or disprove a fact and issue. If a fact and issue was whether it rained during the evening, testimony by a witness that he or she saw it rain would be direct evidence that it rained. On the other hand, circumstantial evidence is evidence that tends to prove some other fact from which, either alone or together with some other fact or circumstances, you may reasonably infer the existence or non-existence of a fact and issue. If there was evidence the street was wet in the morning, that would be circumstantial evidence from which you might reasonably infer it rained during the night.” Do you agree that it is possible to determine the truth of a matter using circumstantial evidence?

That is an affirmative response from all members.

Do you agree that it is possible to determine the truth of a matter using circumstantial evidence?

MBR [COL MINK]: Can you rephrase the last part of that?

MJ: That was Colonel Mink.

ATC: Is it possible to determine truth of a matter using circumstantial evidence?

That’s an affirmative response from all members.

After identifying these inconsistencies in the record of trial, undersigned counsel immediately prepared this motion.

## Law

Article 54(a), UCMJ, requires each general or special court-martial “shall keep a separate record of the proceedings in each case brought before it” and this record “shall be certified by a court-reporter.” 10 U.S.C. § 854(a). “A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as it is certified.” 10 U.S.C. § 854(d). Rule for Courts-Martial (R.C.M.) 1112(b) states the record of trial must contain “[a] substantially verbatim recording of the court-martial proceedings.” If the record of trial forwarded to appellate defense counsel does not include a written transcript of the proceedings, “the Government shall provide appellate defense counsel with appropriate equipment for playback of the recording and with either (i) the means to transform the recording into a text format through voice recognition software or similar means; or (ii) a transcription of the record in either printed or digital format.” R.C.M. 1116(b)(1)(A).<sup>2</sup>

A substantial omission renders a record of trial incomplete. *United States v. Henry*, 53 M.J. 108, 111 (C.A.A.F. 2000) (citations omitted). An incomplete record may be returned to the military judge for correction. R.C.M. 1112(d)(2) (“A superior competent authority may return a [ROT] to the military judge for correction under this rule. The military judge shall give notice of the proposed correction to all parties and permit them to examine and respond to the proposed correction.”).

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<sup>2</sup> Per R.C.M. 1116(b)(2), for those cases eligible for direct appeal by an accused, “The Judge Advocate General shall forward a copy of the record of trial and attachments required under R.C.M. 1112(f) to an appellate defense counsel who shall be detailed to review the case, and upon request of the accused, to represent the accused before the Court of Criminal Appeals.” R.C.M. 1116(b)(2)(A). Additionally, “[t]he record of trial and attachments required under R.C.M. 1112(f) shall be forwarded in accordance with the procedures set forth in subparagraphs (b)(1)(A)-(C) of this rule.” R.C.M. 1116(b)(2)(B).

This Court may grant relief “on the basis of the entire record” of trial. Article 66, UCMJ, 10 U.S.C. § 866. Appellate defense counsel so detailed by the Judge Advocate General shall represent accused servicemembers before this Court. Article 70, UCMJ, 10 U.S.C. § 870. This Court’s “broad mandate to review the record unconstrained by appellant’s assignments of error” does not reduce “the importance of adequate representation” by counsel; “independent review is not the same as competent appellate representation.” *United States v. May*, 47 M.J. 478, 481 (C.A.A.F. 1998).

Air Force regulations governing professional duties and conduct of appellate defense counsel impose upon counsel, *inter alia*, a duty to provide “competent representation,”<sup>3</sup> perform “reasonable diligence,”<sup>4</sup> and to “give a client his or her best professional evaluation of the questions that might be presented on appeal . . . [to] consider all issues that might affect the validity of the judgment of conviction and sentence . . . [to] advise on the probable outcome of a challenge to the conviction or sentence. . . . [and to] endeavor to persuade the client to abandon a wholly frivolous appeal or to eliminate contentions lacking in substance.”<sup>5</sup>

### **Analysis**

This Court ordered the Government to provide to the Court and appellate defense counsel a complete record, including a verbatim transcript, of SSgt Smith’s court-martial. *United States v. Smith*, Notice of Docketing, dated 31 December 2024. The record was to include the contents described in R.C.M. 1112(b) as certified under R.C.M. 1112(c). *Id.* Per this Court’s order, and R.C.M. 1112(b), the Government is required to produce “[a] substantially verbatim

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<sup>3</sup> Air Force Instruction (AFI) 51-110, *Professional Responsibility Program*, Attachment 2: Air Force Rules of Professional Conduct, Rule 1.1 (11 Dec. 2018).

<sup>4</sup> *Id.* at Rule 1.3.

<sup>5</sup> AFI 51-110, Attachment 7: Air Force Standards for Criminal Justice, Standard 4-8.3(b).

recording of [SSgt Smith's] court-martial proceedings.” See R.C.M. 1112(b). If a record of trial does not include a written transcript of the proceedings, the Government must provide defense counsel with the means to transform the recording into a text format through voice recognition software (without any cost to the appellant or his defense counsel), or a transcription of the record in either printed or digital format. R.C.M. 1116(b)(1)(A).

SSgt Smith's general court-martial transcription is incomplete and not verbatim. The transcript is missing statements made by panel members during the general voir dire process. See *supra* 3-5. The transcript also includes statements made by the parties or members that are not contained in the audio (and therefore were likely never said during the proceedings), or the words from the audio have been changed in the transcript. *Id.* While some of these errors, individually, may seem small, taken together they are much more serious. Although undersigned counsel has identified multiple errors, counsel cannot be certain that all errors or missing portions of the record have been identified. Undersigned counsel can no longer be certain that any part of the transcript is correct without a complete comparison to the audio recordings of the proceedings.

It is necessary for SSgt Smith's counsel to review a complete record to competently conduct a professional evaluation of SSgt Smith's case and to uncover all issues which might afford him relief. The failure to include “[a] substantially verbatim recording of the court-martial proceedings” is a prejudicial omission from the record. SSgt Smith requests this Court issue an order to correct the court-martial proceeding transcription by completing a new, verbatim transcript, from start to finish, and remand this case for the record to be completed in accordance with R.C.M. 1112(d)(2).

**WHEREFORE**, SSgt Smith respectfully requests this Honorable Court grant this motion and return this case to the Chief Trial Judge, Air Force Trial Judiciary, for correction under R.C.M. 1112(d).

Respectfully submitted,



MEGAN R. CROUCH, Maj, 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 Appellate Government Division on 5 February 2026.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

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

UNITED STATES, <i>Appellee,</i>	)	UNITED STATES’ OPPOSITION TO MOTION FOR REMAND
	)	
v.	)	Before Panel No. 1
	)	
Staff Sergeant (E-5)	)	No. ACM 25001
<b>OLIN C. SMITH</b>	)	
United States Air Force	)	11 February 2026
<i>Appellant.</i>	)	

**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 opposes Appellant’s motion for remand in this because the record of trial and the transcript are substantially verbatim in compliance with Article 54, UCMJ, R.C.M. 1112 and 1114. Although the United States recognizes there are several errors in the trial transcript and has brought the matter to the attention of the Air Force Trial Judiciary, Appellant still has access to a verbatim record of the proceedings. Should this Court find remand is appropriate the United States proposes the following standard to aid this Court in reaching that decision in both this case and future cases. Remand to fix transcription errors may be warranted:

**If there are an extensive number of errors between the substantially verbatim audio and the transcript, beyond minor typographical errors, which reasonably cause the Court to question the correctness of pivotal portions of the transcript such as objections, rulings, or witness testimony and which substantially inhibit the parties and the Court from fulfilling their duties under Articles 66 and 70, UCMJ. This is not heightening the requirement for a *substantially* verbatim audio and transcript nor requiring literal compliance with the requirement for a verbatim transcript which CAAF has recognized is “impossible.” Lashley, 14 M.J. 7, 8 (C.M.A. 1982)**

The United States maintains that Appellant’s record of trial is complete pursuant to Article 54, UCMJ, and R.C.M. 1112. To be complete, a record of trial must comply with Article 54(c)(2), UCMJ, and the rules prescribed by the President. Article 54(c)(2) does not mandate a perfect transcription of the proceeding. It only requires a “complete record” of proceedings and testimony. The President promulgated R.C.M. 1112 and specifically directed that a “record of trial is complete if it complies with the requirements of R.C.M. 1112(b). (R.C.M. 1112(d)(2)). R.C.M. 1112(b) only requires a “*substantially verbatim recording*” of the court-martial – not a transcript.<sup>1</sup> A substantially verbatim audio recording of the proceedings and testimony is in the record of trial and that is how Appellant identified the errors in the transcript. Therefore, the record of trial is complete in accordance with Article 54, UCMJ, and R.C.M. 1112.

The United States acknowledges that R.C.M. 1114 requires that a verbatim transcript be attached to Appellant’s record of trial. But a *perfect* transcript is not required. Although, “verbatim means: Word for word; in the same words[.]” the CMA has “from the beginning recognized that literal compliance with this requirement is impossible. Accordingly, [the Court] ha[s] interpreted Article 54(a) to require that such records be substantially verbatim.” United States v. Lashley, 14 M.J. 7, 8 (C.M.A. 1982) (quotation and citation omitted). The transcript is substantially verbatim and so the requirements of R.C.M. 1114 have been met.

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<sup>1</sup> Further supporting that a verbatim transcript is not considered part of the contents of the record of trial which could render it incomplete pursuant to R.C.M. 1112 is the change in the rules for courts-martial that occurred between the 2016 M.C.M. and the 2019 M.C.M. Before 2019, R.C.M. 1103(b)(2)(B), titled *Verbatim transcript required*, directed that “the record of trial shall include a verbatim transcript...” The rule changed in the 2019 M.C.M., and all later versions, and the relevant authority, R.C.M. 1112, now only requires a “substantially verbatim recording” rather than a transcript. (R.C.M. 1112(b)(1)). A verbatim transcript is now merely considered an attachment to the record of trial pursuant to R.C.M. 1114 rather than part of the record of trial.

Because the Government has complied with Article 54, and R.C.M. 1112 and 1114, remand is unnecessary. While the United States acknowledges that there are numerous errors in the trial transcript, the government does not believe that either of the parties or the Court is substantially inhibited from performing their duties under Article 66 and 70, UCMJ. If this Court disagrees and decides that remand is warranted, the United States requests that this Court adopt the standard detailed above to ensure uniform application of remand procedures and avoid unnecessary motions for remand for mundane errors in transcription.

WHEREFORE, the United States requests that this Court deny Appellant's motion for remand but if this Court disagrees, to implement the above proposed standard for remands due to errors in the transcript.

[REDACTED]

HEATHER R. BEZOLD, Capt, USAF  
Appellate Government Counsel

[REDACTED]

[REDACTED]

MARY ELLEN PAYNE  
Associate Chief

[REDACTED]

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and the Air Force  
Appellate Defense Division on 11 February 2026.



HEATHER R. BEZOLD, Capt, USAF  
Appellate Government Counsel



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

UNITED STATES	)	No. ACM 25001
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Olin C. SMITH	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 1</b>

On 3 February 2026, this court granted Appellant’s eleventh request for enlargement of time to file his assignments of error brief.

On 5 February 2026, counsel for Appellant moved this court for leave to file a Motion for Remand Appellant’s case to correct omissions in the record. The next day, on 6 February 2026, counsel for Appellant submitted a Motion to Amend the Pleading; specifically, Appellant identified eight additional errors in the record of trial that were not originally provided in his 5 February 2026 motion.

On 11 February 2026, the Government opposed Appellant’s motions stating that while it “acknowledges that there are numerous errors in the trial transcript, the [G]overnment does not believe that either the parties or the [c]ourt is substantially inhibited from performing their [Articles 66 and 70, UCMJ,] duties.” If the court were to grant Appellant’s request for remand, the Government asks this court to consider implementing a proposed standard for remands due to errors in the transcript.

While counsel for Appellant is correct in that there are a lot of errors in the transcript, the court does not believe such errors will inhibit its Article 66, UCMJ, duties.

The court has considered Appellant’s motions, the Government’s opposition, case law, and this court’s Rules of Practice and Procedure.

Accordingly, it is by the court on this 24th day of February, 2026,

**ORDERED:**

Appellant’s Motion for Leave to File a Motion for Remand is **GRANTED**.

Appellant’s Motion to Amend Pleading is **GRANTED**.

Appellant's Motion for Remand is **DENIED**.

FOR THE COURT



CAROL K. JOYCE  
Clerk of the Court



b. Transcript:

Has anyone been involved in anti-drug programs like D.A.R.E. or any similar program?

And that is a positive response from Lieutenant Colonel Roney, Lieutenant Colonel Schneider, and Lieutenant Colonel Glass. And that is a negative response from all other members.”

**2. Audio Recording US v. O. Smith Day 3 Reformatted, 2:00:20-2:00:43 compared with R. at 147, lines 5-8.**

a. Audio:

DC: “Without being provided any supporting evidence, do you implicitly trust the accuracy of the drug testing procedures?”

DC: “And that is a negative response from Lieutenant Colonel Chaney, and a positive response from all other members.”

b. Transcript:

Without being provided any supporting evidence, do you implicitly trust the accuracy of the drug testing procedures?

And that is a negative response from Lieutenant Colonel Roney, and a positive response from all other members.

**3. Audio Recording US v. O. Smith Day 3 Reformatted, 2:00:48-2:01:03 compared with R. at 147, lines 9-11.**

a. Audio:

DC: “And would you all agree that human error is possible during the drug testing process?”

DC: “And that is a positive response from all other members.”

b. Transcript:

And do you all agree that human error is possible during the drug testing process?

And that is a negative response from Lieutenant Colonel Schneider, Lieutenant Colonel Glass. And that is a positive response from all members.

4. **Audio Recording US v. O. Smith Day 3 Reformatted, 2:06:08-2:06:12 compared with R. at 150, line 9.**
  - a. Audio – MJ: “Trial counsel.”
  - b. Transcript<sup>1</sup> – MJ:
  
5. **Audio Recording US v. O. Smith Day 3 Reformatted, 2:10:45-2:10:52 compared with R. at 152, lines 1-2.**
  - a. Audio – DC: “Your Honor, it would be our preference to take lunch now and come back and start questioning in about an hour or so.”
  - b. Transcript – TC: Your Honor, it would be our preference to take lunch now and come back and start questioning in about an hour or so.
  
6. **Audio Recording US v. O. Smith Day 3 Reformatted, 2:27:20-2:27:25 compared with R. at 160, line 15.**
  - a. Audio – DC: “Are you ever notified of positive urinalysis results as they come out?”
  - b. Transcript – Q. Are you ever notified of positive webinar analysis results as they come out?
  
7. **Audio Recording US v. O. Smith Day 3 Reformatted, 2:30:03-2:30:08 compared with R. at 162, line 1.**
  - a. Audio – DC: “Do you know of any positive urinalysis when you were an observer?”
  - b. Transcript – Q. Do you know of any positive amount when you’re in that type of server?
  
8. **Audio Recording US v. O. Smith Day 3 Reformatted, 2:32:06-2:32:13 compared with R. at 162, line 22.**
  - a. Audio – MJ: “Looks like Col Roney has a question.”
  - b. Transcript – MJ: Looks like we’ve already answered the question.

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<sup>1</sup> This is intentionally left blank because in the transcript, it is left blank.

The errors above further illustrate that SSgt Smith's general court-martial transcription is incomplete and not verbatim. In errors one and two listed above, the transcript states that Lt Col Roney (one of the proposed panel members) gives either an affirmative or negative response to the question, but the audio shows that it is Lt Col Chaney who gives an affirmative and negative response to the two questions. This is problematic because according to the transcript, defense counsel challenged Lt Col Roney for cause, and the military judge denied the defense's challenge. R. at 297, 300.<sup>2</sup> The grave error of switching up proposed panel members' names is now causing undersigned counsel to go line by line through the transcript and compare it with the audio, since she can no longer rely on the accuracy of the transcript.

In the third error, the transcript lists two members are providing a negative response to a question asked by defense counsel. However, in listening to the audio recording, all members provide a positive response to the question. This highlights the inaccuracy of the transcript.

In the fourth and fifth errors, the transcript does not include the words the military judge spoke in the audio (the transcript is left blank), and the transcript incorrectly asserts trial counsel made a statement, when it was actually the defense counsel.

In the sixth, seventh, and eighth errors, the transcript incorrectly states the questions that are asked by defense counsel and the statement made by the military judge.

At this point, undersigned counsel has identified twelve errors and inconsistencies between the transcript and the audio recording of SSgt Smith's court-martial proceedings. As evidenced by counsel's review of the transcript over two days, she continues to find significant errors, illustrating that the transcript is not verbatim and cannot be relied upon by any of the

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<sup>2</sup> Undersigned counsel has not yet had the opportunity to compare these pages in the transcript with the audio recording and is relying solely on the transcript.

parties or this Court. Nor can undersigned counsel be certain that all errors or missing portions of the record have been identified.

It is necessary for SSgt Smith's counsel to review a complete record to competently conduct a professional evaluation of SSgt Smith's case and to uncover all issues which might afford him relief. The failure to include "[a] substantially verbatim recording of the court-martial proceedings" is a prejudicial omission from the record. SSgt Smith requests this Court issue an order to correct the court-martial proceeding transcription by completing a new, verbatim transcript, from start to finish, and remand this case for the record to be completed in accordance with R.C.M. 1112(d)(2).

If this Court believes remanding this case for the record to be completed is not appropriate, SSgt Smith requests a status conference.

**WHEREFORE**, SSgt Smith respectfully requests this Honorable Court grant this motion to amend.

Respectfully submitted,



MEGAN R. CROUCH, Maj, 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 Appellate Government Division on 6 February 2026.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]

**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</b>
	)	<b>ATTACH</b>
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
<b>OLIN C. SMITH,</b>	)	No. ACM 25001
United States Air Force	)	
<i>Appellant</i>	)	26 March 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 and Rule for Courts-Martial (R.C.M.) 1115, Staff Sergeant (SSgt) Olin C. Smith, Appellant, moves to withdraw his case from appellate review. SSgt Smith has fully consulted with undersigned counsel, his appellate defense counsel, regarding this motion and his decision to withdraw. No person has compelled, coerced or induced SSgt Smith 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).

SSgt Smith 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,

A solid black rectangular redaction box covering the signature of MEGAN R. CROUCH.

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

A large, irregular black redaction box covering the address and contact information of MEGAN R. CROUCH.

**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 26 March 2026.

[REDACTED]

MEGAN R. CROUCH, Maj, USAF  
Appellate Defense Counsel

[REDACTED]