

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

UNITED STATES	)	No. ACM 40819
<i>Appellee</i>)	
)	
v.)	
	)	NOTICE OF PANEL CHANGE
Hyojin KIM)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>)	

It is by the court on this 4th day of August, 2025,

ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from Panel 2 and referred to Panel 3 for appellate review.

This panel letter supersedes all previous panel assignments.



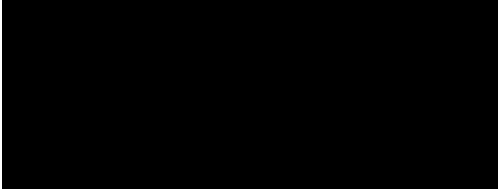
FOR THE COURT



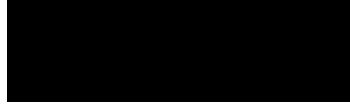
AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

WHEREFORE, Appellant respectfully requests that this Honorable Court grant this motion.

Respectfully submitted,



John M. Fredericks, Capt, USAF
Appellate Defense Counsel



Dwight H. Sullivan
Appellate Defense Counsel



Counsel for Appellant

CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 1 May 2026.

Respectfully submitted,



Dwight H. Sullivan
Appellate Defense Counsel



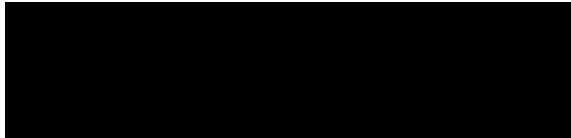
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' RESPONSE
<i>Appellee,</i>	)	TO APPELLANT'S MOTION
	)	TO EXAMINE SEALED
v.	)	MATERIAL
)	
Staff Sergeant (E-5)	)	Before Panel No. 2
HYOJIN KIM,)	
United States Air Force,	)	No. ACM 40819
<i>Appellant.</i>)	
	)	1 May 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 does not oppose Appellant's Motion to examine sealed material so long as both parties are permitted to examine the sealed material.

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



MARY ELLEN PAYNE
Associate Chief, Government Trial and



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 May 2026.



MARY ELLEN PAYNE
Associate Chief, Government Trial and



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES) **CONSENT MOTION TO SUSPEND**
Appellee) **RULE 23.3(m)(2)**
)
v.) Before Panel No. 3
)
Staff Sergeant (E-5)) No. ACM 40819
HYOJIN KIM)
United States Air Force) 21 August 2025
Appellant)

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

Pursuant to Rules 23 and 32 of the Joint Rules of Appellate Procedure for Courts of Criminal Appeals and Rules 23.3(r) and 32 of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves this Court to suspend that portion of Rule 23.3(m)(2) which provides that “[a]n appellant’s first motion for enlargement may be granted for up to 60 calendar days” and grant an enlargement of time for 120 days. A.F. CT. CRIM. APP. R. 23.3(m)(2). The requested enlargement for a period of 120 days will end on 30 December 2025. The Government consents to the requested suspension and the duration of the requested extension.

This case was docketed with this Court on 3 July 2025. From the date of docketing to the present date, forty-nine days have elapsed. On the date requested, 180 days will have elapsed.

On 19 December 2024, a general court-martial consisting of a military judge alone at Joint Base Pearl Harbor-Hickam, Hawaii, convicted Appellant, consistent with his pleas, of three specifications of possession and distribution of child pornography, and indecent conduct, in violation of Article 134, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 934 and one specification of attempting to distribute child pornography, in violation of Article 80, UCMJ,



DENIED
28 AUGUST 2025

10 U.S.C. § 880. Trial Tr. at 1, 6, 11, 24, 140; Electronic Record of Trial (eROT) Vol 1, *Entry of Judgment* (Jan. 29, 2025).

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for five years (served concurrently), and a dishonorable discharge. Trial Tr. at 169; eROT Vol 1, *Entry of Judgment* (Jan. 29, 2025). The convening authority took no action on the findings or sentence. eROT Vol 1, *Convening Authority Decision on Action* (Jan. 8, 2025).

Appellant's electronic record of trial is one volume consisting of seven prosecution exhibits, fourteen defense exhibits, and seven appellate exhibits. The transcript is 170 pages. In total, the electronic record of trial is 720 pages. Appellant is confined. Undersigned counsel is currently assigned to twelve cases; nine of those cases are pending briefing assignments of error before this Court. Eight cases currently have priority over the present case.

There is good cause to grant this motion in light of undersigned counsel's current workload and the time that may be invested into expediting appellate review of the merits of Appellant's case by granting this motion. Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Because the filing of each motion for an enlargement of time requires approximately thirty minutes of work, granting the requested motion will return a total of one hour to what will be used for review and brief cases, thereby accelerating review of Appellant's case.

Appellant was advised of his right to a timely appeal, was provided an update of the status of counsel's progress on Appellant's case, was advised of this request for an enlargement of time, and expressed agreement with necessary requests for enlargements of time, to include this request.

WHEREFORE, Appellant respectfully requests this Honorable Court, with consent of the Government, grant the requested suspension of the provision of Rule 23.3(m)(2) that caps an appellant's first motion for enlargement at sixty days, and grant an enlargement of 120 days. In the event this Court denies the Consent Motion to Suspend Rule 23.3(m)(2), Appellant respectfully requests this Honorable Court grant a first enlargement of time in accordance with the provisions of Rule 23.3(m)(2).

Respectfully submitted,

[Redacted signature]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

[Redacted contact information]

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 21 August 2025.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES <i>Appellee</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME (FIRST)
	)	(OUT OF TIME)
v.)	
	)	Before Panel No. 3
Staff Sergeant (E-5))	
HYOJIN KIM	)	No. ACM 40819
United States Air Force)	
<i>Appellant</i>	)	28 August 2025

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

Pursuant to Rules 18.5 and 23.3(m)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a first enlargement of time (EOT) to file assignments of error. Appellant requests an enlargement for a period of 60 days, which will end on **31 October 2025**. The record of trial was docketed with this Court on 3 July 2025. From the date of docketing to the present date, 56 days have elapsed. On the date requested, 120 days will have elapsed.

Appellant has good cause for filing this motion out of time. Today, 28 August 2025, this Honorable Court denied the Appellant’s Consent Motion to Suspend Rule 23.3(m)(2), filed on 21 August 2025. That denial encompassed the consent motion’s alternative request to grant a first enlargement of time in accordance with Rule 23.3(m)(2). Appellant’s Consent Motion at 3. Because this Court did not issue that denial until less than seven days before the current filing deadline for Appellant’s assignments of error, Appellant is submitting this motion out of time.

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 28 August 2025.

[REDACTED]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES <i>Appellee</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
	)	(SECOND)
v.)	
	)	Before Panel No. 3
Staff Sergeant (E-5))	
HYOJIN KIM	)	No. ACM 40819
United States Air Force)	
<i>Appellant</i>	)	21 October 2025

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

Pursuant to Rule 23.3(m)(1), (3)-(4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **30 November 2025**. The record of trial was docketed with this Court on 3 July 2025. From the date of docketing to the present date, 110 days have elapsed. On the date requested, 150 days will have elapsed.

On 19 December 2024, Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Pearl Harbor-Hickam, Hawaii. Trial Tr. 1, 11, 22-23. Appellant was found guilty, pursuant to his pleas, of one charge and three specifications of possessing child pornography, committing indecent conduct, and distributing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 934, and one charge and one specification of attempted distribution of child pornography in violation of Article 80, UCMJ, 18 U.S.C. § 880. Trial Tr. 24, 140; Electronic Record of Trial (eROT) Vol 1, *Entry of Judgment* (Jan. 29, 2025).

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1,

and confinement for five years (sentences served concurrently), and a dishonorable discharge. Trial



GRANTED
28 OCT 2025

Tr. 169; eROT Vol 1, *Entry of Judgment* (Mar. 27, 2025). The convening authority took no action on the findings, deferred the reduction in pay grade until the date the military judge signed the EOJ, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. eROT Vol 1, *Convening Authority Decision on Action* (Jan. 8, 2025).

The trial transcript is 170 pages long. The electronic record of trial contains seven Prosecution Exhibits, fourteen Defense Exhibits, and seven Appellate Exhibits. Appellant is currently confined.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

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

Respectfully submitted,

[Redacted signature]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

[Redacted contact information]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 21 October 2025.

[REDACTED]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[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.)	
)	
Staff Sergeant (E-5)	)	Before Panel No. 3
HYOJIN KIM,	)	No. ACM 40819
United States Air Force,)	
<i>Appellant.</i>	)	23 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.

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

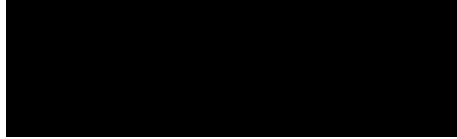
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VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[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 23 October 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



Tr. 169; eROT Vol 1, *Entry of Judgment* (Mar. 27, 2025). The convening authority took no action on the findings, deferred the reduction in pay grade until the date the military judge signed the EOJ, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. eROT Vol 1, *Convening Authority Decision on Action* (Jan. 8, 2025).

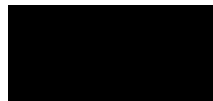
The trial transcript is 170 pages long. The electronic record of trial contains seven Prosecution Exhibits, fourteen Defense Exhibits, and seven Appellate Exhibits. Appellant is currently confined.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 20 November 2025.

[REDACTED]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[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. 3
Staff Sergeant (E-5))	
HYOJIN KIM,	)	No. ACM 40819
United States Air Force,)	
<i>Appellant.</i>	)	24 November 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.

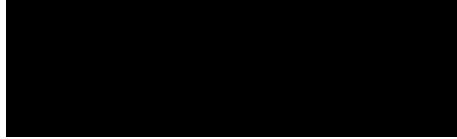
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VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[Redacted signature block]

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 24 November 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



violation of Article 80, UCMJ, 18 U.S.C. § 880. Trial Tr. 24, 140; Electronic Record of Trial (eROT) Vol 1, *Entry of Judgment* (Jan. 29, 2025).

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for five years (sentences served concurrently), and a dishonorable discharge. Trial Tr. 169; eROT Vol 1, *Entry of Judgment* (Mar. 27, 2025). The convening authority took no action on the findings, deferred the reduction in pay grade until the date the military judge signed the EOJ, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. eROT Vol 1, *Convening Authority Decision on Action* (Jan. 8, 2025).

The trial transcript is 170 pages long. The electronic record of trial contains seven Prosecution Exhibits, fourteen Defense Exhibits, and seven Appellate Exhibits. Appellant is currently confined.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-three cases; twenty-seven cases are pending before this Court (twenty-five cases are pending AOE's), one case pending before the Court of Appeals of the Armed Forces,

and fourteen cases pending before the United States Supreme Court (for petition for writ of certiorari). To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Rafajko*, ACM 40821 – The record of trial is one electronic volume consisting of six prosecution exhibits, ten defense exhibits, and fifty-two appellate exhibits; the transcript is 303 pages. Undersigned counsel is presently conducting a review of the record of trial.

2. *United States v. Armour*, Misc. Dkt. No. 2025-10 – The record of trial is five volumes consisting of twenty-one appellate exhibits; the transcript is 118 pages. Undersigned counsel has completed a review of the record of trial. The appellant’s petition to the Court of Appeals of the Armed Forces, if any, is due on 3 February 2026.

3. *United States v. Montgomery*, ACM 40824 – The record of trial is four volumes consisting of six prosecution exhibits, three defense exhibits, and nine appellate exhibits; the transcript is 246 pages. Undersigned counsel has not yet completed review of the record of trial.

4. *United States v. Gill*, ACM S32822 – The record of trial is three electronic volumes consisting of five prosecution exhibits, nineteen defense exhibits, and eight appellate exhibits; the transcript is 256 pages. Undersigned counsel has not yet completed review of the record of trial.

5. *United States v. Ledford*, ACM 40832 – The record of trial is one electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and

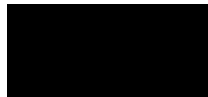
twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

6. *United States v. Stoiber*, ACM 40841 – The record of trial is one electronic volume consisting of five prosecution exhibits, one defense exhibit, and four appellate exhibits; the trial transcript is 253 pages. Undersigned counsel has not yet completed review of the record of trial.

Through no fault of Appellant, undersigned counsel has been unable to complete their review of Appellant’s case. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise him regarding potential errors.

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 18 December 2025.

[REDACTED]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 2
Staff Sergeant (E-5))	
KYOJIN KIM,	)	No. ACM 40819
United States Air Force.)	
<i>Appellant</i>	)	22 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 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.

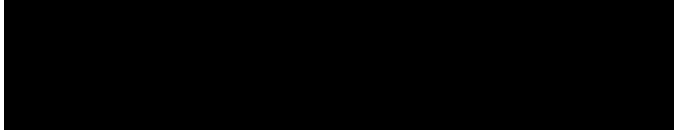
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VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[Redacted Address Block]

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 22 December 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(FIFTH)
v.)	
	)	Before Panel No. 2
Staff Sergeant (E-5))	
HYOJIN KIM	)	No. ACM 40819
United States Air Force)	
<i>Appellant</i>	)	20 January 2026

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **28 February 2026**. The record of trial was docketed with this Court on 3 July 2025. From the date of docketing to the present date, 201 days have elapsed. On the date requested, 240 days will have elapsed.

On 20 August 2024 and 19 December 2024, Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Pearl Harbor-Hickam, Hawaii. Trial Tr. 1, 11, 22-23. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one charge and one specification of possessing child pornography, one specification of committing indecent conduct, and one specification of distributing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 934; and one charge and one

on of attempted distribution of child pornography in violation of Article 80,



GRANTED
23 JAN 2026

UCMJ, 18 U.S.C. § 880. Trial Tr. 24, 140; Electronic Record of Trial (eROT) Vol 1, *Entry of Judgment* (Jan. 29, 2025); App. Ex. V.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for five years (sentences served concurrently), and a dishonorable discharge. Trial Tr. 169; eROT Vol 1, *Entry of Judgment* (Mar. 27, 2025). The convening authority took no action on the findings, deferred the reduction in pay grade until the date the military judge signed the EOJ, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. eROT Vol 1, *Convening Authority Decision on Action* (Jan. 8, 2025).

The trial transcript is 170 pages long. The electronic record of trial contains seven Prosecution Exhibits, fourteen Defense Exhibits, and seven Appellate Exhibits. Appellant is currently confined.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned thirty-seven cases; thirty-five cases are pending before this Court (thirty-three cases are pending

AOEs) and two cases are pending before the Court of Appeals for the Armed Forces. To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Menard*, No. 25-0173/AF – Undersigned counsel is preparing and providing oral argument before the Court of Appeals of the Armed Forces on 27 January 2026.

2. *United States v. Rafajko*, ACM 40821 – The record of trial is one electronic volume consisting of six prosecution exhibits, ten defense exhibits, and fifty-two appellate exhibits; the transcript is 303 pages. Undersigned counsel is presently conducting a review of the record of trial.

3. *United States v. Armour*, Misc. Dkt. No. 2025-10 – The record of trial is five volumes consisting of twenty-one appellate exhibits; the transcript is 118 pages. Undersigned counsel has completed a review of the record of trial. The appellant's petition to the Court of Appeals of the Armed Forces, if any, is due on 3 February 2026.

4. *United States v. Lucas*, ACM 40702 – The record of trial is five electronic volumes consisting of eleven prosecution exhibits, three defense exhibits, and sixteen appellate exhibits; the transcript is 187 pages. Undersigned counsel has not yet completed review of the record of trial.

5. *United States v. Lumm*, ACM 40748 – The record of trial is one electronic volume consisting of four prosecution exhibits, fourteen defense exhibits, seven appellate exhibits, and one court exhibit; the transcript is 111 pages. Undersigned counsel has not yet completed review of the record of trial.

6. *United States v. Montgomery*, ACM 40824 – The record of trial is four electronic volumes consisting of six prosecution exhibits, three defense exhibits, and nine appellate exhibits; the transcript is 246 pages. Undersigned counsel has not yet completed review of the record of trial.

7. *United States v. Gill*, ACM S32822 – The record of trial is three electronic volumes consisting of five prosecution exhibits, nineteen defense exhibits, and eight appellate exhibits; the transcript is 256 pages. Undersigned counsel has not yet completed review of the record of trial.

8. *United States v. Ledford*, ACM 40832 – The record of trial is one electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

9. *United States v. Stoiber*, ACM 40841 – The record of trial is one electronic volume consisting of five prosecution exhibits, one defense exhibit, and four appellate exhibits; the trial transcript is 253 pages. Undersigned counsel has not yet completed review of the record of trial.

Through no fault of Appellant, undersigned counsel has been unable to complete their review of Appellant's case. Undersigned counsel has completed a review of the Entry of Judgment and a review of Guilty Plea Inquiry in the transcript. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

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

Respectfully submitted,

[REDACTED]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

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

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 20 January 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



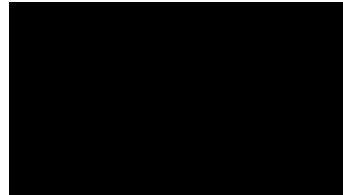
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Staff Sergeant (E-5)	)	Before Panel No. 2
KYOJIN KIM,)	
United States Air Force,	)	No. ACM 40819
<i>Appellant.</i>	)	22 January 2026
)	

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

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

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

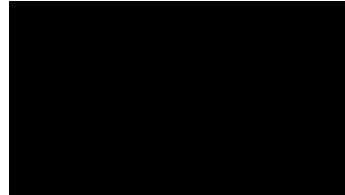


KATE E. LEE, Maj, USAF
Appellate Government Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 22 January 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(SIXTH)
v.)	
	)	Before Panel No. 2
Staff Sergeant (E-5))	
HYOJIN KIM	)	No. ACM 40819
United States Air Force)	
<i>Appellant</i>	)	18 February 2026

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **30 March 2026**. The record of trial was docketed with this Court on 3 July 2025. From the date of docketing to the present date, 230 days have elapsed. On the date requested, 270 days will have elapsed.

On 20 August 2024 and 19 December 2024, Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Pearl Harbor-Hickam, Hawaii. Trial Tr. 1, 11, 22-23. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one charge and one specification of possessing child pornography, one specification of committing indecent conduct, and one specification of distributing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 934; and one charge and one

specification of attempted distribution of child pornography in violation of Article 80,



GRANTED
23 FEB 2026

UCMJ, 18 U.S.C. § 880. Trial Tr. 24, 140; Electronic Record of Trial (eROT) Vol 1, *Entry of Judgment* (Jan. 29, 2025); App. Ex. V.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for five years (sentences served concurrently), and a dishonorable discharge. Trial Tr. 169; eROT Vol 1, *Entry of Judgment* (Mar. 27, 2025). The convening authority took no action on the findings, deferred the reduction in pay grade until the date the military judge signed the EOJ, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. eROT Vol 1, *Convening Authority Decision on Action* (Jan. 8, 2025).

The trial transcript is 170 pages long. The electronic record of trial contains seven Prosecution Exhibits, fourteen Defense Exhibits, and seven Appellate Exhibits. Appellant is currently confined.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-four cases; forty-two cases are pending before this Court (thirty-seven cases are pending AOE's) and two cases are pending before the Court of Appeals for the Armed Forces.

Additionally, undersigned counsel is attending Squadron Officer School from 23 February 2026 to 27 March 2026. To date, undersigned counsel has the following cases prioritized over the present case:

1. *In re LB*, Misc. Dkt. 2026-03 – The Petition under Article 6b for Relief in the form of a Writ of Mandamus is 533 pages long and identifies three assignments of error. On 6 February 2026, this Court granted the Real Party in Interest, undersigned counsel’s client, leave to file an answer to the Petition, due not later than 27 February 2026.

2. *United States v. Armour*, Misc. Dkt. No. 2025-10 – The record of trial is five volumes consisting of twenty-one appellate exhibits; the transcript is 118 pages. Undersigned counsel has submitted a petition to the Court of Appeals of the Armed Forces following an appeal by the United States under Article 62, UCMJ, 10 U.S.C. § 862. Undersigned counsel must file any reply by 24 February 2026.

3. *United States v. Rafajko*, ACM 40821 – The record of trial is one electronic volume consisting of six prosecution exhibits, ten defense exhibits, and fifty-two appellate exhibits; the transcript is 303 pages. Undersigned counsel has filed the Brief on Behalf of Appellant, which is currently awaiting an answer, due on 26 February 2026; therefore, Appellant’s case is presently prioritized over this case. However, undersigned counsel adds this case for the Court’s awareness of other upcoming deadlines that may take priority.

4. *United States v. Lucas*, ACM 40702 – The record of trial is five electronic volumes consisting of eleven prosecution exhibits, three defense exhibits, and sixteen

appellate exhibits; the transcript is 187 pages. Undersigned counsel has completed review of the record of trial and is actively drafting an assignment of errors brief.

5. *United States v. Lumm*, ACM 40748 – The record of trial is one electronic volume consisting of four prosecution exhibits, fourteen defense exhibits, seven appellate exhibits, and one court exhibit; the transcript is 111 pages. Undersigned counsel has not yet completed review of the record of trial.

6. *United States v. Montgomery*, ACM 40824 – The record of trial is four electronic volumes consisting of six prosecution exhibits, three defense exhibits, and nine appellate exhibits; the transcript is 246 pages. Undersigned counsel has not yet completed review of the record of trial.

7. *United States v. Gill*, ACM S32822 – The record of trial is three electronic volumes consisting of five prosecution exhibits, nineteen defense exhibits, and eight appellate exhibits; the transcript is 256 pages. Undersigned counsel has not yet completed review of the record of trial.

8. *United States v. Ledford*, ACM 40832 – The record of trial is one electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

9. *United States v. Stoiber*, ACM 40841 – The record of trial is one electronic volume consisting of five prosecution exhibits, one defense exhibit, and four appellate exhibits; the trial transcript is 253 pages. Undersigned counsel has not yet completed review of the record of trial.

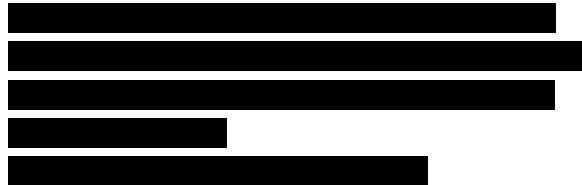
Through no fault of Appellant, undersigned counsel has been unable to complete their review of Appellant's case. Undersigned counsel has completed a review of the Entry of Judgment and a review of Guilty Plea Inquiry in the transcript. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 18 February 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



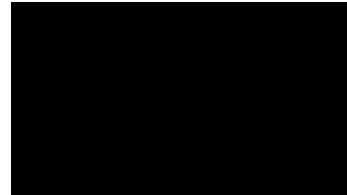
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Staff Sergeant (E-5)	)	Before Panel No. 2
HYOJIN KIM,)	
United States Air Force,	)	No. ACM 40819
<i>Appellant.</i>	)	20 February 2026
)	

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

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

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



KATE E. LEE, Maj, USAF
Appellate Government Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 20 February 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(SEVENTH)
v.)	
	)	Before Panel No. 2
Staff Sergeant (E-5))	
HYOJIN KIM	)	No. ACM 40819
United States Air Force)	
<i>Appellant</i>	)	20 March 2026

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **29 April 2026**. The record of trial was docketed with this Court on 3 July 2025. From the date of docketing to the present date, 260 days have elapsed. On the date requested, 300 days will have elapsed.

On 20 August 2024 and 19 December 2024, Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Pearl Harbor-Hickam, Hawaii. Trial Tr. 1, 11, 22-23. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one charge and one specification of possessing child pornography, one specification of committing indecent conduct, and one specification of distributing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 934; and one charge and one



GRANTED
25 MAR 2026

specification of attempted distribution of child pornography in violation of Article 80, UCMJ, 18 U.S.C. § 880. Trial Tr. 24, 140; Entry of J.; Appellate Ex. V.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for five years (sentences served concurrently), and a dishonorable discharge. Trial Tr. 169; Entry of J. The convening authority took no action on the findings, deferred the reduction in pay grade until the date the military judge signed the EOJ, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The trial transcript is 170 pages long. The electronic record of trial contains seven Prosecution Exhibits, fourteen Defense Exhibits, and seven Appellate Exhibits. Appellant is currently confined.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty cases; thirty-eight cases are pending before this Court (thirty-two cases are pending assignments of error) and two cases are pending before the Court of Appeals for the Armed Forces. Additionally, undersigned counsel is attending Squadron Officer

School from 23 February 2026 to 27 March 2026. To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Lumm*, ACM 40748 – The record of trial is one electronic volume consisting of four prosecution exhibits, fourteen defense exhibits, seven appellate exhibits, and one court exhibit; the transcript is 111 pages. Undersigned counsel has not yet completed review of the record of trial.

2. *United States v. Stewart*, ACM 40898 – The record of trial is nineteen volumes consisting of twenty-one prosecution exhibits, three defense exhibits, 150 appellate exhibits, and one court exhibits; the transcript is 1,644 pages. Undersigned counsel has not yet completed review of the record of trial.

3. *United States v. Montgomery*, ACM 40824 – The record of trial is four volumes consisting of six prosecution exhibits, three defense exhibits, and nine appellate exhibits; the transcript is 246 pages. Undersigned counsel has not yet completed review of the record of trial.

4. *United States v. Ledford*, ACM 40832 – The record of trial is one electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

5. *United States v. Stoiber*, ACM 40841 – The record of trial is one electronic volume consisting of five prosecution exhibits, one defense exhibit, and four appellate exhibits; the trial transcript is 253 pages. Undersigned counsel has not yet completed review of the record of trial.

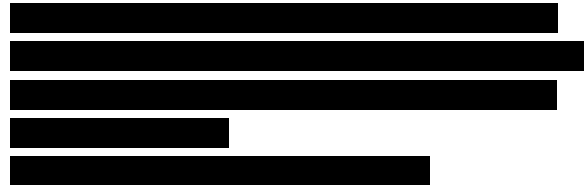
Through no fault of Appellant, undersigned counsel has been unable to complete their review of Appellant's case. Undersigned counsel has completed a review of the Entry of Judgment and a review of Guilty Plea Inquiry in the transcript. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 20 March 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

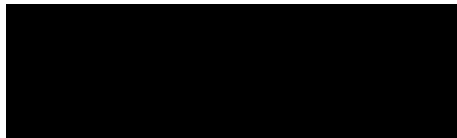
UNITED STATES,	)	UNITED STATES’
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT’S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Staff Sergeant (E-5)	)	Before Panel No. 2
HYOJIN KIM,)	
United States Air Force,	)	No. ACM 40819
<i>Appellant.</i>)	
	)	24 March 2026
)	

**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 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 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.

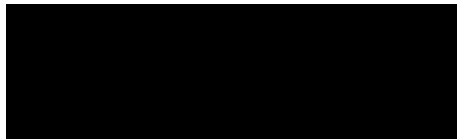


VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



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 24 March 2026.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



specification of attempted distribution of child pornography in violation of Article 80, UCMJ, 18 U.S.C. § 880. Trial Tr. 24, 140; Entry of J.; Appellate Ex. V.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for five years (sentences served concurrently), and a dishonorable discharge. Trial Tr. 169; Entry of J. The convening authority took no action on the findings, deferred the reduction in pay grade until the date the military judge signed the EOJ, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The trial transcript is 170 pages long. The electronic record of trial contains seven Prosecution Exhibits, fourteen Defense Exhibits, and seven Appellate Exhibits. Appellant is currently confined.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned thirty-eight cases; thirty-four cases are pending before this Court (thirty cases are pending assignments of error) and four cases are pending before the Court of Appeals for the

Armed Forces. To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Armour*, No. 26-0116/AF – Undersigned counsel is preparing and providing oral argument before the Court of Appeals for the Armed Forces on 28 April 2026.

2. *United States v. Campbell*, ACM 40652 – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 10 May 2026.

3. *United States v. Lumm*, ACM 40748 – The record of trial is one electronic volume consisting of four prosecution exhibits, fourteen defense exhibits, seven appellate exhibits, and one court exhibit; the transcript is 111 pages. Undersigned counsel has completed review of the record of trial.

4. *United States v. Stewart*, ACM 40898 – The record of trial is nineteen volumes consisting of twenty-one prosecution exhibits, three defense exhibits, 150 appellate exhibits, and one court exhibits; the transcript is 1,644 pages. Undersigned counsel has not yet completed review of the record of trial.

5. *United States v. Montgomery*, ACM 40824 – The record of trial is four volumes consisting of six prosecution exhibits, three defense exhibits, and nine appellate exhibits; the transcript is 246 pages. Undersigned counsel has not yet completed review of the record of trial.

6. *United States v. Ledford*, ACM 40832 – The record of trial is one electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and

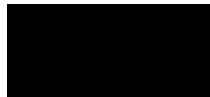
twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

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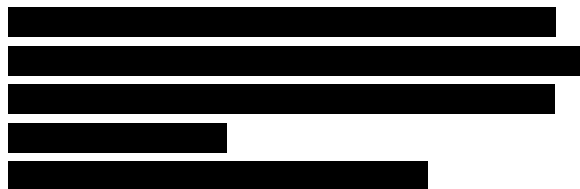
Through no fault of Appellant, undersigned counsel has been unable to complete their review of Appellant’s case. Undersigned counsel has completed a review of the Entry of Judgment and a review of Guilty Plea Inquiry in the transcript. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise him regarding potential errors.

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 17 April 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Staff Sergeant (E-5)	)	Before Panel No. 2
HYOJIN KIM,)	
United States Air Force,	)	No. ACM 40819
<i>Appellant.</i>)	
	)	17 April 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 nearly a year to submit an assignment of error to this Court. Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process despite receiving seven enlargements of time during the 288 days since docketing. 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.

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

[REDACTED]

HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel

[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 17 April 2026.

[REDACTED]

HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel

[REDACTED]

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

UNITED STATES	)	No. ACM 40819
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Hyojin KIM)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 1 May 2026, counsel for Appellant submitted a Motion to Examine Sealed Materials. Specifically, counsel seeks to examine Prosecution Exhibits 2–4. The Government does not oppose the motion so long as both parties are permitted to examine the sealed materials.

Appellate counsel may examine sealed materials released to counsel at trial “upon a colorable showing . . . that examination is reasonably necessary to a proper fulfillment of the appellate counsel’s responsibilities.” R.C.M. 1113(b)(3)(B)(i), *Manual for Courts-Martial, United States* (2024 ed.).

The court has considered Appellant’s motion, the Government’s response, case law, and this court’s Rules of Practice and Procedure. The court finds Appellant’s counsel has made a colorable showing that review of the sealed material is necessary to fulfill counsel’s duties of representation to Appellant.

Accordingly, it is by the court on this 6th day of May, 2026,

ORDERED:

Appellant’s Motion to Examine Sealed Materials is **GRANTED**.

Appellate defense counsel and appellate government counsel may view **Prosecution Exhibits 2–4** subject to the following conditions:

To view the sealed materials, counsel will coordinate with the court.

No counsel granted access to the materials may photocopy, photograph, reproduce, disclose, or make available the content to any other individual without the court's prior written authorization.



FOR THE COURT

[REDACTED]
AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION TO
<i>Appellee</i>	)	WITHDRAW FROM
	)	APPELLATE REVIEW AND
v.	)	ATTACH
)	
Staf Sergeant (E-5)	)	Before Panel No. 2
HYOJIN KIM)	
United States Air Force	)	No. ACM 40819
<i>Appellant</i>)	
	)	8 May 2026

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

Pursuant to Rule 16 of this Court’s Rules of Practice and Procedure and Rule for Courts-Martial (R.C.M.) 1115, Appellant moves to withdraw their case from appellate review. Appellant has fully consulted with Mr. Dwight Sullivan and Capt John Fredericks, their appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promises of clemency, or otherwise, to withdraw their case from appellate review.

Further, pursuant to Rules 23(b) and 23.3(b) of this Court’s Rules of Practice and Procedure, undersigned counsel asks this Court to attach the two-page document appended to this pleading to the record of this proceeding. The appended document, Appellant’s completed DD Form 2330, Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals, is necessary to comply with R.C.M. 1115(d) and Rule 16.1 of this Court’s Rules of Practice and Procedure.

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

Respectfully submitted,

[Redacted signature]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

[Redacted address lines]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 8 May 2026.

[REDACTED]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

UNITED STATES	)	No. ACM 40819
<i>Appellee</i>)	
)	
v.)	
)	
Hyojin KIM	)	NOTICE OF PANEL
Staff Sergeant (E-5)	)	CHANGE
U.S. Air Force)	
<i>Appellant</i>)	

It is by the court on this 15th day of December, 2025,

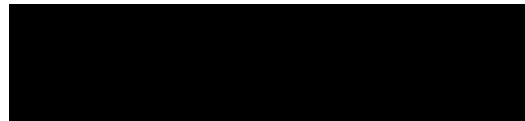
ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from Panel 3 and referred to Panel 2 for appellate review.

This panel letter supersedes all previous panel assignments.



FOR THE COURT



Chief Commissioner

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

UNITED STATES	)	No. ACM 40819
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Hyojin KIM)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 3

On 28 August 2025, counsel for Appellant submitted a Motion for Enlargement of Time (First) Out of Time, requesting an additional 60 days in which to file Appellant’s assignments of error. The Government consented to the Enlargement of Time in a previous filing.

The court has considered Appellant’s motion, the case law, and this court’s Rules of Practice and Procedure. Accordingly, it is by the court on this 28th day of August, 2025,

ORDERED:

Appellant’s Motion for Enlargement of Time (First) Out of Time is **GRANTED**. Appellant shall file any assignments of error not later than **31 October 2025**.

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