

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

<b>UNITED STATES</b>	)	<b>CONSENT MOTION TO SUSPEND</b>
<i>Appellee</i>	)	<b>RULE 23.3(m)(2)</b>
	)	
v.	)	Before Panel No. 2
	)	
Lieutenant Colonel (O-5)	)	No. ACM 40833
<b>BENJAMIN C. WEAVER,</b>	)	15 August 2025
United States Air Force	)	
<i>Appellant</i>	)	

**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, Lieutenant Colonel Benjamin C. Weaver, 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 **23 December 2025**. The Government consents to the requested suspension and the duration of the requested extension.

This case was docketed with this Court on 26 June 2025. From the date of docketing to the present date, fifty days have elapsed. On the date requested, 180 days will have elapsed.

On 10 February 2025, a general court-martial consisting of a military judge alone at Joint Base Langley-Eustis, Virginia, convicted Appellant, consistent with his pleas, of four specifications of absence without leave, in violation of Article 86, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 886; three specifications of willfully disobeying a superior commissioned officer, in

violation of Article 90, UCMJ, 10 U.S.C. § 890; two specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a; two specifications of domestic violence, in violation of Article 128b, UCMJ, 10 U.S.C. § 928b; one specification of conduct unbecoming an officer, in violation of Article 133, UCMJ, 10 U.S.C. § 933; and three specifications in violation of Article 134, UCMJ, 10 U.S.C. § 934.<sup>1</sup> R. at 134–35; Charge Sheet; Entry of Judgment (EOJ).

The military judge sentenced Appellant to a reprimand, a dismissal, and a total of sixteen months of confinement. R. at 152–153. The convening authority took no action on the findings, disapproved the adjudged reprimand, deferred automatic forfeitures 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 – *U.S. v. Lt Col Benjamin C. Weaver*.

Appellant's electronic record of trial is one volume consisting of three prosecution exhibits and six appellate exhibits. The transcript is 159 pages. In total, the electronic record of trial is 1,235 pages. Appellant is confined. Undersigned counsel is currently assigned fifteen cases; thirteen of those cases are pending briefing assignments of error before this Court. Eleven cases 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

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<sup>1</sup> Five additional specifications were withdrawn and dismissed pursuant to a pretrial agreement. R. at 154; EOJ.

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.

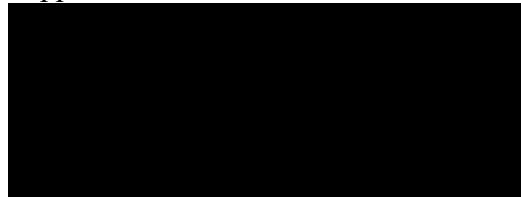
Appellant was advised of his right to a timely appeal, was provided an update of the status of counsel's progress on Appellant's case, was advised of this request for an enlargement of time, and expressed agreement with necessary requests for enlargements of time, to include this request.

**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,

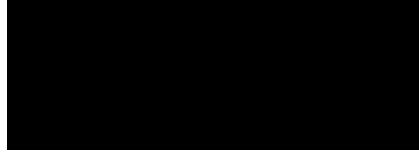


JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel

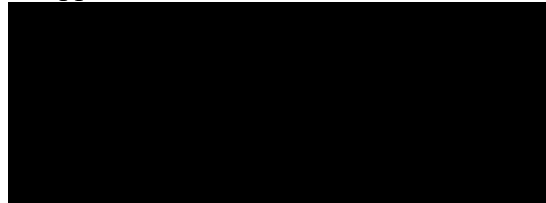


**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 15 August 2025.



JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel



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

<b>UNITED STATES</b>	)	<b>No. ACM 40833</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	<b>ORDER</b>
<b>Benjamin C. WEAVER</b>	)	
<b>Lieutenant Colonel (O-5)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	<b>Panel 2</b>

On 15 August 2025, counsel for Appellant submitted a Consent Motion to Suspend Rule 23.3(m)(2) of this court’s Rules of Practice and Procedure. Appellant requests this court use its authority under Rule 32 to grant an enlargement of 120 days in which to file his assignments of error, rather than the maximum of 60 days provided for in Rule 23.3(m)(2) for a first enlargement of time. Appellant states, “The Government consents to the requested suspension and the duration of the requested extension.”

In support of the motion, counsel for Appellant asserts that 11 other cases assigned to counsel have priority over Appellant’s case, although counsel does not identify those cases. Counsel for Appellant estimates preparing each motion for an enlargement of time requires approximately 30 minutes of work, and therefore granting the motion this court will enable counsel to devote an additional hour of work to this case or other cases. Counsel for Appellant further notes Appellant personally agrees to this request for an enlargement of time.

The court has considered Appellant’s motion, the Government’s position, case law, and this court’s Rules of Practice and Procedure. In considering this unusual motion, we particularly note: (1) Rule 32 authorizes this court, with one exception inapplicable here, to suspend the application of any other rule in a particular case at the request of a party or *sua sponte*; (2) this is a consent motion, and the Government not only does not oppose, but agrees to the request; (3) Appellant has been informed of his rights and of the status of this case, and personally agrees to the filing of this motion; and (4) this is Appellant’s first motion for an enlargement of time. Under the particular circumstances of this case, and without implying the outcome as to future motions of

this nature to suspend our rules in this or other cases, we find it appropriate to grant this motion.\*

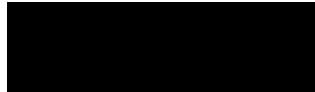
Accordingly, it is by the court on this 25th day of August, 2025,

**ORDERED:**

Appellant's Consent Motion to Suspend Rule 23.3(m)(2) is **GRANTED**. Appellant shall file any assignments of error not later than **23 December 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

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\* As stated above, counsel for Appellant does not identify the 11 other cases that he avers take priority over Appellant's case. The identity of these cases would be relevant information in assessing whether the requested suspension is warranted, and we expect any future such requests to include such particularity. Nevertheless, we find it appropriate to grant this motion despite the absence of such information.



in violation of Article 134, UCMJ, 10 U.S.C. § 934.<sup>1</sup> R. at 134–35; Charge Sheet; Entry of Judgment (EOJ).

The military judge sentenced Appellant to a reprimand, a dismissal, and 16 months of confinement. R. at 152–153. The convening authority took no action on the findings, disapproved the adjudged reprimand, deferred automatic forfeitures 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 – *U.S. v. Lt Col Benjamin C. Weaver*, dated April 1, 2025.

Appellant’s electronic record of trial is one volume consisting of 3 prosecution exhibits and 6 appellate exhibits; the transcript is 159 pages. Appellant is not confined.

Undersigned counsel is currently assigned twenty-four cases; nineteen of those cases are pending AOE’s before this Court. Nine cases have priority over the present case:

1. *United States v. Fischer*, ACM No. 40786 – The record of trial contains 14 volumes consisting of 16 prosecution exhibits, 16 defense exhibits, 7 appellate exhibits, and 1 court exhibit; the transcript is 353 pages. TSgt Fischer is confined.
2. *United States v. Bush*, ACM No. 40783 – The record of trial contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined.
3. *United States v. Jackson*, ACM No. S32819 – The record of trial contains 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,520 pages. A1C Jackson is not confined.

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<sup>1</sup> Five additional specifications were withdrawn and dismissed pursuant to a pretrial agreement. R. at 154; EOJ.

4. *United States v. Marquez*, ACM No. 40800 – The record of trial contains 7 volumes containing 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined.
5. *United States v. Cannon*, ACM No. 40841 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined.
6. *United States v. Horne*, ACM No. S32825 – The record of trial contains 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176. A1C Horne is not confined.
7. *United States v. Owens*, ACM No. 40833 – The record of trial contains 1 volume consisting of 4 prosecution exhibits, 1 defense exhibits, 4 appellate exhibits, and 1 court exhibit; the transcript is 135 pages. Amn Owens is confined.
8. *United States v. Flanagan*, ACM No. S32826 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 19 defense exhibits, 17 appellate exhibits, and 1 court exhibit; the transcript is 175 pages. A1C Flanagan is not confined.
9. *United States v. Northrup*, ACM No. 40854 – The record of trial contains 1 volume consisting of 5 prosecution exhibits, 7 defense exhibits, and 9 appellate exhibits; the transcript is 191 pages. SSgt Northrup is confined.

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

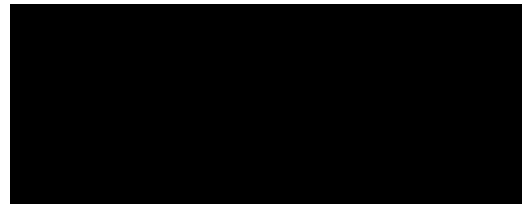
request for an enlargement of time, and expressed agreement with necessary requests for enlargements of time, to include this request.

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

Respectfully submitted,

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JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel

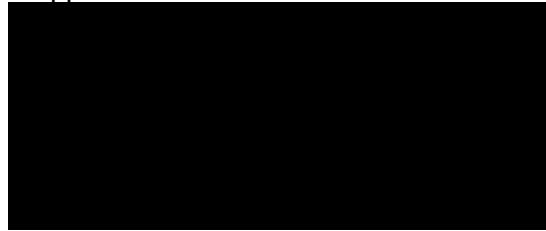
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**CERTIFICATE OF FILING AND SERVICE**

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 12 December 2025.



JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel



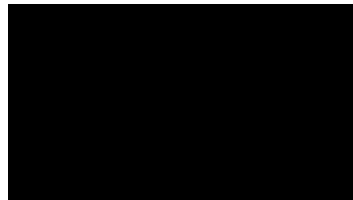
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Lieutenant Colonel (O-5)	)	Before Panel No. 1
<b>BENJAMIN C. WEAVER,</b>	)	
United States Air Force,	)	No. ACM 40843
<i>Appellant.</i>	)	
	)	16 December 2025
	)	

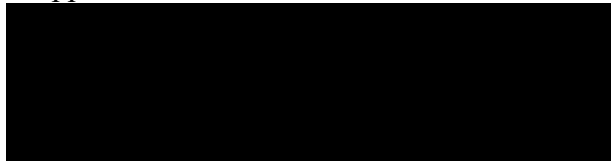
**TO THE HONORABLE, THE JUDGES OF  
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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.

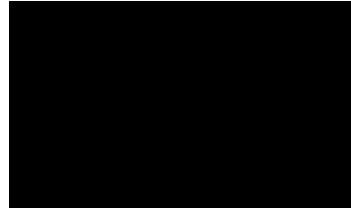


KATE E. LEE, Maj, USAF  
Appellate Government Counsel

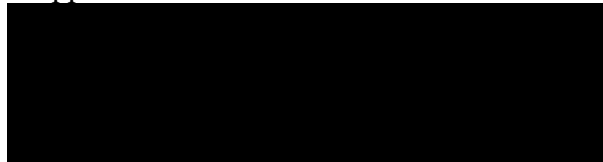


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 16 December 2025.



KATE E. LEE, Maj, USAF  
Appellate Government Counsel



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

<b>UNITED STATES</b>	)	<b>No. ACM 40843</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	<b>NOTICE OF PANEL</b>
<b>Benjamin C. WEAVER</b>	)	<b>CHANGE</b>
<b>Lieutenant Colonel (O-5)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	

It is by the court on this 16th day of December, 2025,

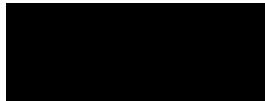
**ORDERED:**

That the Record of Trial in the above-styled matter is withdrawn from Panel 2 and referred to Panel 1 for appellate review.

This panel letter supersedes all previous panel assignments.



FOR THE COURT



TANICA S. BAGMON  
Appellate Court Paralegal

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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME (THIRD)</b>
	)	
	)	Before Panel No. 1
v.	)	
	)	No. ACM 40843
Lieutenant Colonel (O-5)	)	
<b>BENJAMIN C. WEAVER,</b>	)	12 January 2026
United States Air Force	)	
<i>Appellant</i>	)	

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

Pursuant to Rule 23.3(m)(1) and (3) of this Honorable Court’s Rules of Practice and Procedure, Appellant, hereby moves for an enlargement of time to file his Assignments of Error (AOEs). Appellant requests an enlargement for a period of 30 days, which will end on **21 February 2026**. Appellant’s case was docketed with this Court on 26 June 2025. From the date of docketing to the present date, 200 days have elapsed. One the date requested, 240 days will have elapsed.

On 10 February 2025, a general court-martial consisting of a military judge alone at Joint Base Langley-Eustis, Virginia, convicted Appellant, consistent with his pleas, of four specifications of absence without leave, in violation of Article 86, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 886; three specifications of willfully disobeying a superior commissioned officer, in violation of Article 90, UCMJ, 10 U.S.C. § 890; two specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a; two specifications of domestic violence, in violation of Article 128b, UCMJ, 10 U.S.C. § 928b; one specification of conduct unbecomg an officer, in violation of Article 133, UCMJ, 10 U.S.C. § 933; and three specifications



**GRANTED**  
**15 JAN 2026**

in violation of Article 134, UCMJ, 10 U.S.C. § 934.<sup>1</sup> R. at 134–35; Charge Sheet; Entry of Judgment (EOJ).

The military judge sentenced Appellant to a reprimand, a dismissal, and 16 months of confinement. R. at 152–153. The convening authority took no action on the findings, disapproved the adjudged reprimand, deferred automatic forfeitures 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 – *U.S. v. Lt Col Benjamin C. Weaver*, dated April 1, 2025.

Appellant’s electronic record of trial is one volume consisting of 3 prosecution exhibits and 6 appellate exhibits; the transcript is 159 pages. Appellant is not confined.

In accordance with Rule 23.3(m)(6) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel notes the following: undersigned counsel is currently assigned twenty-nine cases; twenty of those cases are pending AOE’s before this Court. Eight cases have priority over the present case:

1. *United States v. Johnson*, 25-0202/AF – Oral argument is scheduled to be held before the Court of Appeals for the Armed Forces on 14 January 2026. Undersigned military counsel is currently preparing to deliver oral argument on the appellant’s behalf.
2. *United States v. Bush*, ACM No. 40783 – The record of trial contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined.

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<sup>1</sup> Five additional specifications were withdrawn and dismissed pursuant to a pretrial agreement. R. at 154; EOJ.

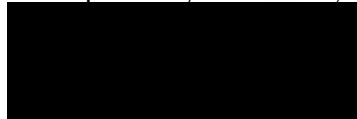
3. *United States v. Robinson*, ACM No. 24044 (f rev) – The record of trial contains 10 volumes consisting of 22 prosecution exhibits, 8 defense exhibits, and 58 appellate exhibits; the transcript is 1,112 pages. SSgt Robinson is not confined as the result of his court-martial conviction.
4. *United States v. Jackson*, ACM No. S32819 – The record of trial contains 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,520 pages. A1C Jackson is not confined.
5. *United States v. Marquez*, ACM No. 40800 – The record of trial contains 7 volumes containing 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined.
6. *United States v. Cannon*, ACM No. 40841 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined.
7. *United States v. Horne*, ACM No. S32825 – The record of trial contains 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176. A1C Horne is not confined.
8. *United States v. Flanagan*, ACM No. S32826 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 19 defense exhibits, 17 appellate exhibits, and 1 court exhibit; the transcript is 175 pages. A1C Flanagan is not confined.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant's Record of Trial or prepare a brief for Appellant's case due to his current workload. An enlargement of time is necessary to allow counsel to review Appellant's Record of Trial, advise Appellant of potential issues, and prepare a brief for Appellant's case. Appellant was advised of his

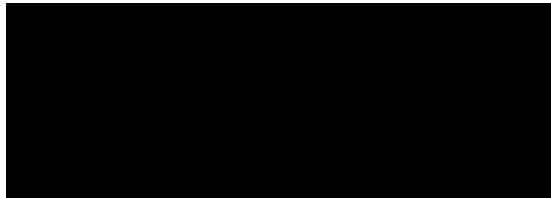
right to a timely appeal, was provided an update of the status of counsel's progress on Appellant's case, was advised of this request for an enlargement of time, and expressed agreement with necessary requests for enlargements of time, to include this request.

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

Respectfully submitted,

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JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel

A large black rectangular redaction box covering the contact information of Joshua L. Lopes.

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JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel



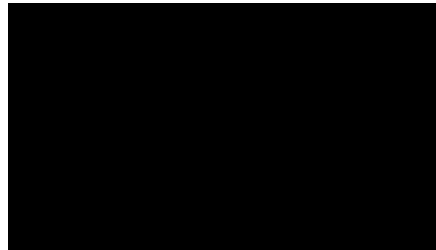
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Lieutenant Colonel (O-5)	)	Before Panel No. 1
<b>BENJAMIN C. WEAVER,</b>	)	
United States Air Force,	)	No. ACM 40843
<i>Appellant.</i>	)	
	)	14 January 2026
	)	

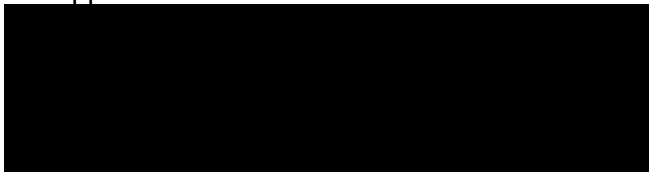
**TO THE HONORABLE, THE JUDGES OF  
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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.

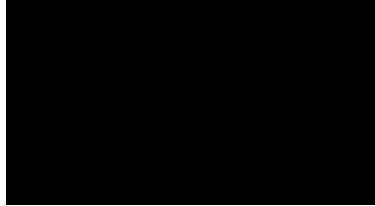


KATE E. LEE, Maj, USAF  
Appellate Government Counsel

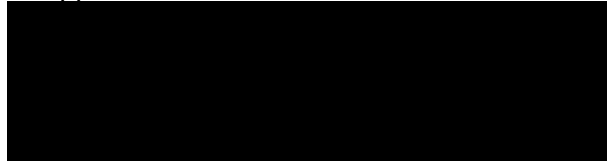


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 14 January 2026.



KATE E. LEE, Maj, USAF  
Appellate Government Counsel





in violation of Article 134, UCMJ, 10 U.S.C. § 934.<sup>1</sup> R. at 134–35; Charge Sheet; Entry of Judgment (EOJ).

The military judge sentenced Appellant to a reprimand, a dismissal, and 16 months of confinement. R. at 152–153. The convening authority took no action on the findings, disapproved the adjudged reprimand, deferred automatic forfeitures 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 – *U.S. v. Lt Col Benjamin C. Weaver*, dated April 1, 2025.

Appellant’s electronic record of trial is one volume consisting of 3 prosecution exhibits and 6 appellate exhibits; the transcript is 159 pages. Appellant is not confined.

In accordance with Rule 23.3(m)(6) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel notes the following: undersigned counsel is currently assigned thirty-eight cases; twenty-nine of those cases are pending initial briefs before this Court. Eleven cases have priority over the present case:

1. *United States v. Hennessy*, USCA Dkt. No. 25-0012/AF, ACM No. 40439 – The record of trial contains 9 volumes consisting of 7 prosecution exhibits, 11 defense exhibits, 54 appellate exhibits, and 3 court exhibits; the transcript is 1,190 pages. A1C Hennessy is not confined. Undersigned counsel is currently preparing a petition for reconsideration of the Court of Appeals for the Armed Forces (CAAF) 23 January 2026 decision. The petition is due 13 February 2026.

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<sup>1</sup> Five additional specifications were withdrawn and dismissed pursuant to a pretrial agreement. R. at 154; EOJ.

2. *United States v. Slayton*, USCA Dkt. No. 26-0077/AF, ACM No. 40583 – The record of trial contains 10 prosecution exhibits, 1 defense exhibit, 28 appellate exhibits, and 1 court exhibit; the transcript is 836 pages. TSgt Slayton is not confined. On 29 December 2025, Major General Mitchel Neurock certified three issues for the CAAF to review. The Government brief in support of the certified issues was filed on 9 February 2026. Undersigned counsel's answer is due 7 March 2026.
3. *United States v. Robinson*, ACM No. 24044 (f rev) – The record of trial contains 10 volumes consisting of 22 prosecution exhibits, 8 defense exhibits, and 58 appellate exhibits; the transcript is 1,112 pages. SSgt Robinson is not confined as the result of his court-martial conviction.
4. *United States v. Kelly*, ACM No. 40710 – The record of trial contains 9 volumes consisting of 6 prosecution exhibits, 8 defense exhibits, and 12 appellate exhibits; the transcript is 172 pages. TSgt Kelly is confined.
5. *United States v. Raines*, ACM No. 40765 – The record of trial contains 20 prosecution exhibits, 10 defense exhibits, and 143 appellate exhibits; the transcript is 2,444 pages. MSgt Raines is confined.
6. *United States v. Bush*, ACM No. 40783 – The record of trial contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined.
7. *United States v. Marquez*, ACM No. 40800 – The record of trial contains 7 volumes containing 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined.

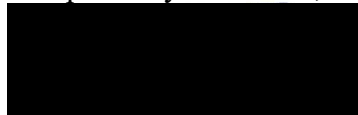
8. *United States v. Jackson*, ACM No. S32819 – The record of trial contains 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,520 pages. A1C Jackson is not confined.
9. *United States v. Cannon*, ACM No. 40841 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined.
10. *United States v. Horne*, ACM No. S32825 – The record of trial contains 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176. A1C Horne is not confined.
11. *United States v. Owens*, ACM No. 40833 – The record of trial contains 4 prosecution exhibits, 1 defense exhibit, 4 appellate exhibits, and 1 court exhibit; the transcript is 135 pages. Amn Owens is confined.

Since requesting Appellant's previous enlargement of time, undersigned counsel delivered an oral argument before the CAAF in *United States v. Johnson*, 25-0202/AF and prepared and filed a reply brief to the Government's Answer in *United States v. Fischer*, ACM No. 40786. Undersigned counsel also prepared for and participated as a moot judge in eight moot arguments (requiring more than 24 hours), and attended four 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. Mendard*, USCA Dkt. No. 25-0173/AF; *United States v. Brown*, USCA Dkt. No. 25-0181/AR.) Additionally, undersigned counsel has prepared and filed 22 motions for enlargements of time for the CAAF and this Court, which required approximately 11 hours of work to complete.

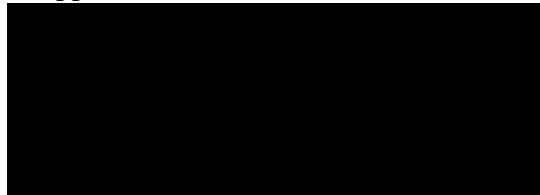
Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant's Record of Trial or prepare a brief for Appellant's case due to his current workload. Undersigned counsel has reviewed Appellant's EOJ, Charge Sheet, Statement of Trial Results, and exhibit lists, but has not completed a thorough review of the record. An enlargement of time is necessary to allow counsel to review Appellant's Record of Trial, advise Appellant of potential issues, and prepare a brief for 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 that this Honorable Court grant the requested fourth enlargement of time.

Respectfully submitted,



JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 12 February 2026.



JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel



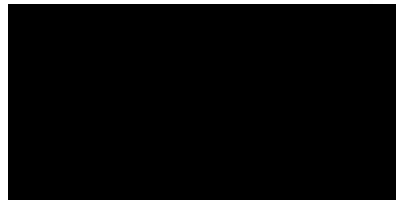
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Lieutenant Colonel (O-5)	)	Before Panel No. 1
<b>BENJAMIN C. WEAVER,</b>	)	
United States Air Force,	)	No. ACM 40843
<i>Appellant.</i>	)	
	)	17 February 2026
	)	

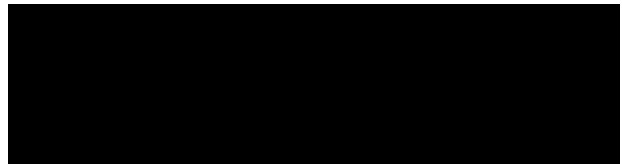
**TO THE HONORABLE, THE JUDGES OF  
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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.

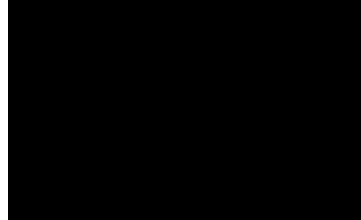


KATE E. LEE, Maj, USAF  
Appellate Government Counsel

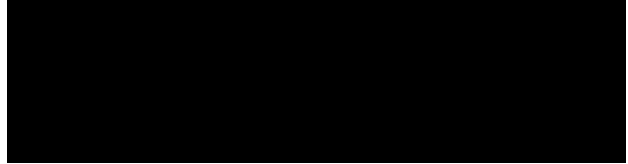


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 17 February 2026.



KATE E. LEE, Maj, USAF  
Appellate Government Counsel





in violation of Article 134, UCMJ, 10 U.S.C. § 934.<sup>1</sup> R. at 134–35; Charge Sheet; Entry of Judgment (EOJ).

The military judge sentenced Appellant to a reprimand, a dismissal, and 16 months of confinement. R. at 152–153. The convening authority took no action on the findings, disapproved the adjudged reprimand, deferred automatic forfeitures 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 – *U.S. v. Lt Col Benjamin C. Weaver*, dated April 1, 2025.

Appellant’s electronic record of trial is one volume consisting of 3 prosecution exhibits and 6 appellate exhibits; the transcript is 159 pages. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned thirty-four cases, twenty-five of these cases are pending initial briefs before this Court. Nine cases have priority over the present case:

1. *United States v. Slayton*, USCA Dkt. No. 26-0077/AF, ACM No. 40583. On 9 March 2026, the undersigned counsel made three filings in Slayton: Appellee’s answer brief, a motion to dismiss for lack of jurisdiction, and a motion to submit documents in support of the motion to dismiss. Under C.A.A.F. R. 30(b), the Government may file an answer to each of the two motions no later than 16 March 2026. Once the Government files each answer, Appellee will have three days to file a reply.

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<sup>1</sup> Five additional specifications were withdrawn and dismissed pursuant to a pretrial agreement. R. at 154; EOJ.

2. *United States v. Robinson*, ACM No. 24044 (f rev) – The record of trial contains 10 volumes consisting of 22 prosecution exhibits, 8 defense exhibits, and 58 appellate exhibits; the transcript is 1112 pages. SrA Robinson is not confined as a result of his court-martial convictions. An initial brief has been prepared but additional time is needed for attorney-client communications to complete additional filings that will accompany the Assignments of Error.
3. *United States v. Kelly*, ACM No. 40710 – The record of trial contains 9 volumes consisting of 6 prosecution exhibits, 8 defense exhibits, and 12 appellate exhibits; the transcript is 172 pages. TSgt Kelly is confined. Undersigned military counsel was detailed to this case after the twelfth motion for enlargement of time was granted and has prioritized reviewing TSgt Kelly's record of trial to reduce the need for further enlargements of time.
4. *United States v. Raines*, ACM No. 40765 – The record of trial contains 22 prosecution exhibits, 10 defense exhibits, 143 appellate exhibits, and 1 court exhibit; the transcript is 2,444 pages. MSgt Raines is confined.
5. *United States v. Bush*, ACM No. 40783 – The record of trial contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined.
6. *United States v. Marquez*, ACM No. 40800 – The record of trial contains 7 volumes containing 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined.

7. *United States v. Jackson*, ACM No. S32819 – The record of trial contains 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,520 pages. A1C Jackson is not confined.
8. *United States v. Cannon*, ACM No. 40841 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined.
9. *United States v. Horne*, ACM No. S32825 – The record of trial contains 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176 pages. A1C Horne is not confined.

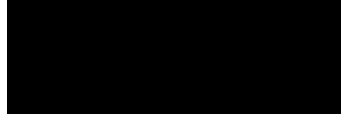
Since requesting Appellant's previous enlargement of time, undersigned counsel prepared and filed a petition for reconsideration in *United States v. Hennessy*, a reply to the Government's motion for reconsideration in *United States v. Marschalek*, ACM No. S32776, a consent motion to examine sealed materials in *United States v. Kelly*, and three filings for *United States v. Slayton* (an answer brief, a motion to dismiss, and a motion to attach). Undersigned counsel also prepared for and participated as a moot judge in eight moot arguments and attended three oral arguments at the CAAF, requiring approximately thirty hours of work. Additionally, undersigned counsel has prepared and filed twenty motions for enlargements of time for the CAAF and this Court in other cases, requiring approximately ten hours of work.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant's Record of Trial or prepare a brief for Appellant's case due to his current workload. Undersigned counsel has reviewed Appellant's EOJ, Charge Sheet, Statement of Trial Results, and exhibit lists, but has not completed a thorough review of the record. An enlargement of time is necessary to allow counsel to review Appellant's Record of Trial, advise Appellant of potential

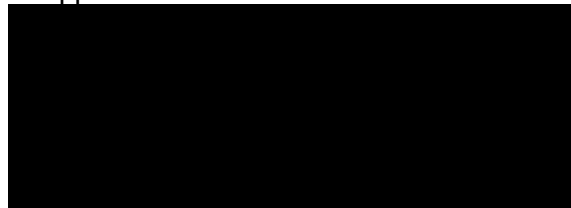
issues, and prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal, was provided an update of the status of counsel's progress on Appellant's case, was advised of this request for an enlargement of time, and expressed agreement with necessary requests for enlargements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

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

Respectfully submitted,



JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel

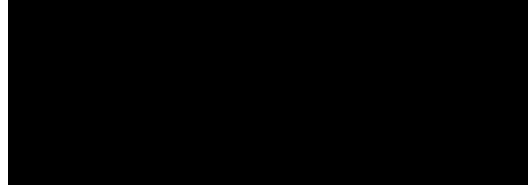


**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 13 March 2026.



JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel



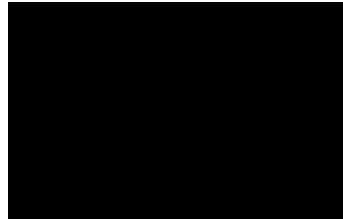
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Lieutenant Colonel (O-5)	)	Before Panel No. 1
<b>BENJAMIN C. WEAVER,</b>	)	
United States Air Force,	)	No. ACM 40843
<i>Appellant.</i>	)	
	)	17 March 2026
	)	

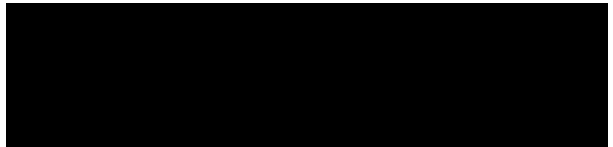
**TO THE HONORABLE, THE JUDGES OF  
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its 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.

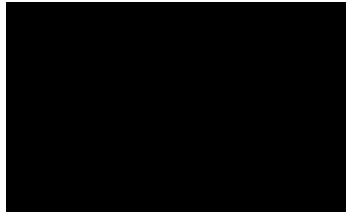


KATE E. LEE, Maj, USAF  
Appellate Government Counsel

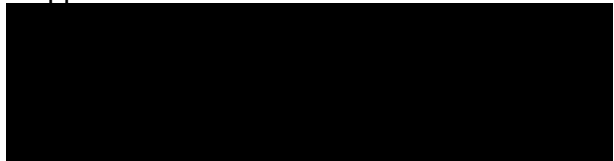


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 17 March 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**  
*Appellee,* ) **ENLARGEMENT OF TIME (SIXTH)**  
)  
) Before Panel No. 1  
v. )  
) No. ACM 40843  
Lieutenant Colonel (O-5) )  
**BENJAMIN C. WEAVER,** ) 13 April 2026  
United States Air Force )  
*Appellant.* )

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

Pursuant to Rule 23.3(m)(1), (3), and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant, hereby moves for an enlargement of time to file his assignments of error. Appellant requests an enlargement for a period of 30 days, which will end on **22 May 2026**. Appellant’s case was docketed with this Court on 26 June 2025. From the date of docketing to the present date, 291 days have elapsed. One the date requested, 330 days will have elapsed.

On 10 February 2025, a general court-martial consisting of a military judge alone at Joint Base Langley-Eustis, Virginia, convicted Appellant, consistent with his pleas, of four specifications of absence without leave, in violation of Article 86, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 886; three specifications of willfully disobeying a superior commissioned officer, in violation of Article 90, UCMJ, 10 U.S.C. § 890; two specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a; two specifications of domestic violence, in violation of Article 128b, UCMJ, 10 U.S.C. § 928b; one specification of conduct unbecomingly a superior officer, in violation of Article 133, UCMJ, 10 U.S.C. § 933; and three specifications



**GRANTED**  
**14 APR 2026**

in violation of Article 134, UCMJ, 10 U.S.C. § 934.<sup>1</sup> R. at 134–35; Charge Sheet; Entry of Judgment (EOJ).

The military judge sentenced Appellant to a reprimand, a dismissal, and 16 months of confinement. R. at 152–153. The convening authority took no action on the findings, disapproved the adjudged reprimand, deferred automatic forfeitures 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 – *U.S. v. Lt Col Benjamin C. Weaver*, dated April 1, 2025.

Appellant’s electronic record of trial is one volume consisting of 3 prosecution exhibits and 6 appellate exhibits; the transcript is 159 pages. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned thirty-four cases; twenty-six of these cases are pending briefs before this Court. Ten cases have priority over the present case:

1. *United States v. Slayton*, Dkt. No. 26-0077/AF, ACM No. 40583 – This case is pending before the Court of Appeals for the Armed Forces (CAAF). Oral argument was scheduled for 29 April 2026. On 2 April 2026 the CAAF informed undersigned counsel that the CAAF would not be holding oral argument on 29 April 2026 and has not indicated whether oral argument would be rescheduled for a new date.
2. *United States v. Robinson*, ACM No. 24044 (f rev) – The record of trial contains 10 volumes consisting of 22 prosecution exhibits, 8 defense exhibits, and 58 appellate

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<sup>1</sup> Five additional specifications were withdrawn and dismissed pursuant to a pretrial agreement. R. at 154; EOJ.

exhibits; the transcript is 1,112 pages. SSgt Robinson is not confined as the result of his court-martial conviction.

3. *United States v. Kelly*, ACM No. 40710 – The record of trial contains 6 volumes consisting of 19 prosecution exhibits, 20 defense exhibits, and 30 appellate exhibits; the transcript is 657 pages. TSgt Kelly is not confined.
4. *United States v. Raines*, ACM No. 40765 – The record of trial contains 20 prosecution exhibits, 10 defense exhibits, and 143 appellate exhibits; the transcript is 2,444 pages. MSgt Raines is confined.
5. *United States v. Hennessy*, ACM No. 40439 (rem) – The record of trial was returned to this Court and docketed on 24 March 2026. This Court authorized counsel to submit briefs not later than 23 May 2026. A1C Hennessy is not confined.
6. *United States v. Bush*, ACM No. 40783 – The record of trial contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined.
7. *United States v. Marquez*, ACM No. 40800 – The record of trial contains 7 volumes consisting of 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined.
8. *United States v. Jackson*, ACM No. S32819 – The record of trial is 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,529 pages. A1C Jackson is not confined.
9. *United States v. Cannon*, ACM No. 40841 – The record of trial is 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined.

10. *United States v. Horne*, ACM No. S32825 – The record of trial is 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176. A1C Horne is not confined.

Since requesting Appellant's previous enlargement of time, undersigned counsel prepared two filings in *United States v. Slayton* (Motion to Amend Answer Brief and a Motion to Withdraw Motions to Dismiss and to Submit Documents); viewed the sealed materials in *United States v. Kelly* and prepared and filed a motion to remand in Kelly; prepared and filed a motion to withdraw from appellate review in *United States v. Diaz*, ACM No. 40917, performed a peer review in *United States v. Chatman*, ACM No. 40779, participated as a moot judge in one moot argument, requiring approximately three hours of work, and was preparing to deliver the oral argument on behalf of the Appellee in *Slayton* prior to it being cancelled. Additionally, undersigned counsel has prepared and filed fifteen motions for enlargements of time for the CAAF and this Court in other cases, requiring approximately eight hours of work.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant's Record of Trial or prepare a brief for Appellant's case due to his current workload. Undersigned counsel has reviewed Appellant's EOJ, Charge Sheet, Statement of Trial Results, and exhibit lists, but has not completed a thorough review of the record. An enlargement of time is necessary to allow counsel to review Appellant's Record of Trial, advise Appellant of potential issues, and prepare a brief for 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 that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

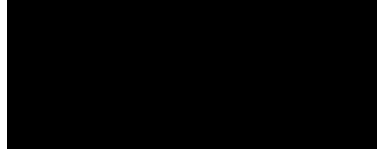


JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel

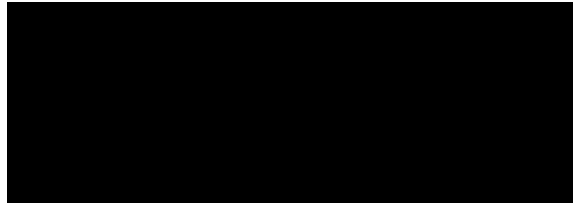


**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 13 April 2026.



JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel



**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
v.	)	OF TIME
	)	
Lieutenant Colonel (O-5)	)	Before Panel No. 1
<b>BENJAMIN C. WEAVER,</b>	)	
United States Air Force,	)	No. ACM 40843
<i>Appellant.</i>	)	
	)	14 April 2026
	)	

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

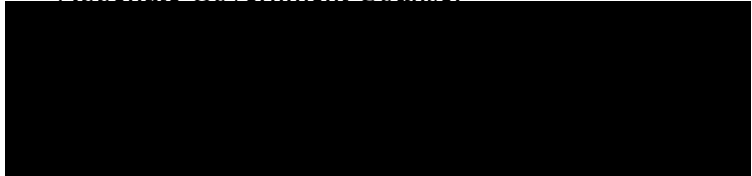
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant 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 330 days in length. Appellant's almost 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 nearly 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 a 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

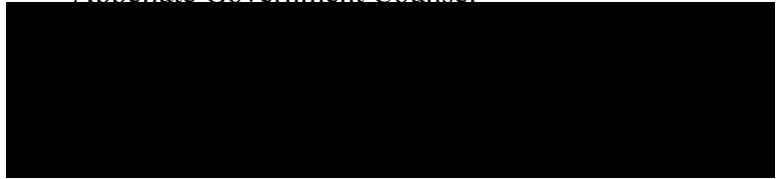


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 14 April 2026.



VANESSA BAIROS, 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</b>
	)	<b>(SEVENTH)</b>
	)	
v.	)	Before Panel No. 1
	)	
Lieutenant Colonel (O-5)	)	No. ACM 40843
<b>BENJAMIN C. WEAVER,</b>	)	
United States Air Force	)	15 May 2026
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(1), (3), and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant, hereby moves for an enlargement of time (EOT) to file his assignments of error (AOE) brief. Appellant requests an enlargement for a period of thirty days, which will end on **21 June 2026**. Appellant’s case was docketed with this Court on 26 June 2025. From the date of docketing to the present date, 323 days have elapsed. One the date requested, 360 days will have elapsed.

On 10 February 2025, a general court-martial consisting of a military judge alone at Joint Base Langley-Eustis, Virginia, convicted Appellant, consistent with his pleas, of four specifications of absence without leave, in violation of Article 86, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 886; three specifications of willfully disobeying a superior commissioned officer, in violation of Article 90, UCMJ, 10 U.S.C. § 890; two specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a; two specifications of domestic violence, in violation of Article 128b, UCMJ, 10 U.S.C. § 928b; one specification of conduct unbecoming an officer, in violation of Article 133, UCMJ, 10 U.S.C. § 933; and three specifications



**GRANTED**  
**18 MAY 2026**

in violation of Article 134, UCMJ, 10 U.S.C. § 934.<sup>1</sup> R. at 134–35; Charge Sheet; Entry of Judgment (EOJ).

The military judge sentenced Appellant to a reprimand, a dismissal, and 16 months of confinement. R. at 152–153. The convening authority took no action on the findings, disapproved the adjudged reprimand, deferred automatic forfeitures 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 – *U.S. v. Lt Col Benjamin C. Weaver*, dated April 1, 2025.

Appellant’s electronic record of trial is 1 volume consisting of 3 prosecution exhibits and 6 appellate exhibits; the transcript is 159 pages. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned thirty-eight cases; twenty-six of these cases are pending briefs before this Court. Eight cases have priority over the present case:

1. *United States v. Kelly*, ACM No. 40710 – The ROT contains 6 volumes consisting of 19 prosecution exhibits, 20 defense exhibits, and 30 appellate exhibits; the transcript is 657 pages. TSgt Kelly is not confined. Undersigned counsel has fully reviewed TSgt Kelly’s ROT and is drafting the AOE brief.
2. *United States v. Raines*, ACM No. 40765 – The ROT contains 20 prosecution exhibits, 10 defense exhibits, and 143 appellate exhibits; the transcript is 2,444 pages. MSgt Raines is confined. Undersigned counsel has fully reviewed MSgt Raines’ ROT and is drafting the AOE brief.

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<sup>1</sup> Five additional specifications were withdrawn and dismissed pursuant to a pretrial agreement. R. at 154; EOJ.

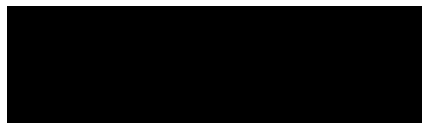
3. *United States v. Hennessy*, ACM No. 40439 (rem) – The ROT was returned to this Court and docketed on 24 March 2026. This Court authorized counsel to submit briefs not later than 23 May 2026. A1C Hennessy is not confined. Undersigned counsel has fully reviewed A1C Hennessy’s ROT and is drafting the brief on the specified issue.
4. *United States v. Bush*, ACM No. 40783 – The ROT contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined. Undersigned counsel has fully reviewed SrA Bush’s ROT and has identified multiple potential AOE’s.
5. *United States v. Marquez*, ACM No. 40800 – The ROT contains 7 volumes consisting of 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined.
6. *United States v. Jackson*, ACM No. S32819 – The ROT is 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,529 pages. A1C Jackson is not confined.
7. *United States v. Cannon*, ACM No. 40841 – The ROT is 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined.
8. *United States v. Horne*, ACM No. S32825 – The ROT is 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176. A1C Horne is not confined.

Since requesting Appellant’s previous EOT, undersigned counsel assisted with preparing and filing the reply brief in *United States v. Anderson*, ACM No. 40654, prepared and filed a motion to withdraw from appellate review in *United States v. Fa*, ACM No. S32839, and prepared an AOE

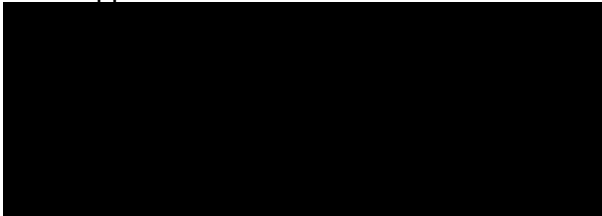
brief and petition for new trial in *United States v. Robinson*, ACM No. 24044. Undersigned counsel also participated as a moot judge for nine moot arguments, and attended three oral arguments, requiring approximately thirty-six hours of work. Additionally, undersigned counsel has prepared and filed seventeen motions for EOTs for the CAAF and this Court in other cases, requiring approximately nine hours of work. Lastly, undersigned counsel attended the Advanced Justice Course at the Army Judge Advocate General's Legal Center and School from 4-8 May 2026 and the CAAF 2026 CLE and Training Program from 13-14 May 2026.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has been unable to complete his review of Appellant's case. This EOT is necessary to allow undersigned counsel to fully review Appellant's ROT and advise Appellant of potential issues. Appellant was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, (3) advised of undersigned counsel's request for an EOT, and (4) agrees to necessary requests for EOT, to include this request.

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

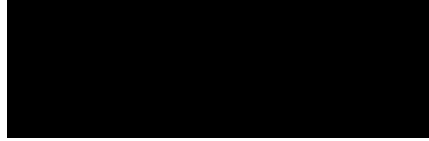


JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel

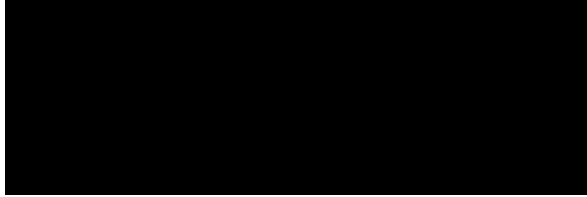


**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 15 May 2026.



JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel



**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
	)	
Lieutenant Colonel (O-5)	)	Before Panel No. 1
<b>BENJAMIN C. WEAVER,</b>	)	
United States Air Force,	)	No. ACM 40843
<i>Appellant.</i>	)	
	)	18 May 2026
	)	

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

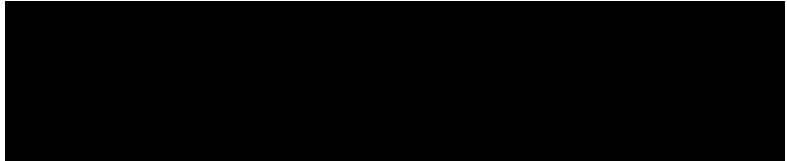
Pursuant to Rule 23.2 of this Court’s Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant’s Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant almost a year to submit an assignment of error to this Court. Further, despite taking nearly a year and Appellant’s small record of trial, Appellant’s counsel has not completed a review of the record of trial at this late stage of the appellate process. If Appellant’s new delay request is granted, the defense delay in this case will be 360 days in length. Appellant’s almost 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 nearly 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.

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

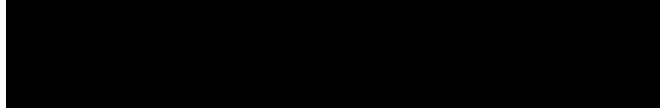


HEATHER R. BEZOLD, Maj, USAF  
Appellate Government Counsel

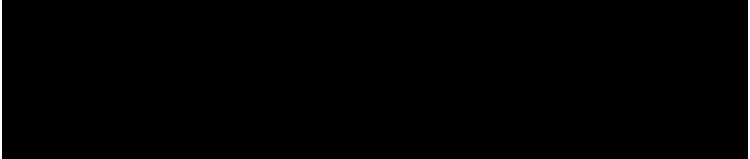


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 18 May 2026.



HEATHER R. BEZOLD, Maj, USAF  
Appellate Government Counsel



**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
	)	
Lieutenant Colonel (O-5)	)	No. ACM 40843
<b>BENJAMIN C. WEAVER,</b>	)	
United States Air Force	)	23 June 2026
<i>Appellant.</i>	)	

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

Pursuant to Rule 16 of the Joint Rules of Appellate Practice for Courts of Criminal Appeals (JRAP) and Rule for Courts-Martial (R.C.M.) 1115, Manual for Courts-Martial, United States (2024 ed.), Appellant, Lieutenant Colonel Benjamin C. Weaver, moves to withdraw his case from appellate review. Appellant has consulted fully with Capt Joshua L. Lopes, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promise of clemency, or otherwise, to withdraw his case from appellate review.

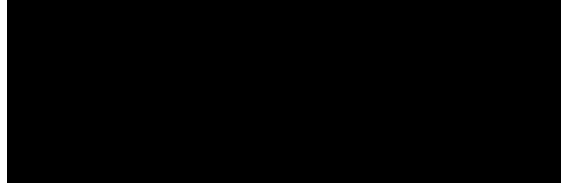
Further, pursuant to Rule 23(b) of the JRAP and Rule 23.3(b) of this Court's Rules of Practice and Procedure, undersigned counsel asks this Court to attach the document appended to this motion to the record of this proceeding. The appended document, Appellant's completed DD Form 2330, Waiver/Withdrawal 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,

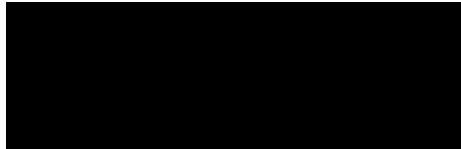


JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 23 June 2026.



JOSHUA L. LOPES, Capt, USAF  
Appellate Defense Counsel

