

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 11 June 2021.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Jenna M. Arroyo.

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

A large black rectangular redaction box covering the contact information of Jenna M. Arroyo.

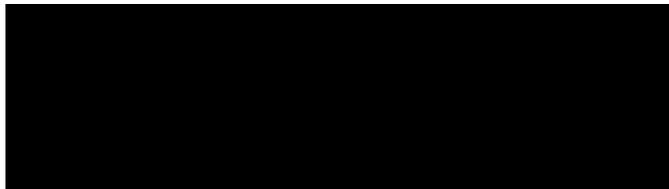
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32688
NESTOR J. GUERECA TORRES, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

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

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

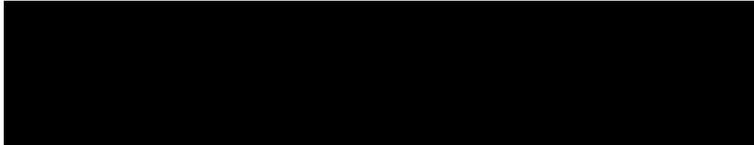


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 14 June 2021.



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



Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

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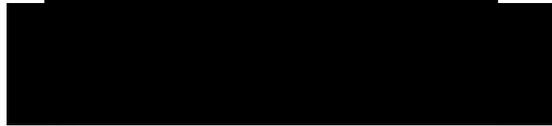
JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

A large black rectangular redaction box covering the contact information of the undersigned 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 11 August 2021.

Respectfully submitted,

A large black rectangular redaction box covering the signature of the Appellate Defense Counsel.

Appellate Defense Counsel
Air Force Appellate Defense Division

A large black rectangular redaction box covering the contact information of the Appellate Defense Counsel.

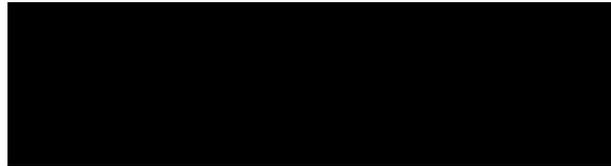
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32688
NESTOR J. GUERECA TORRES, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

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

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



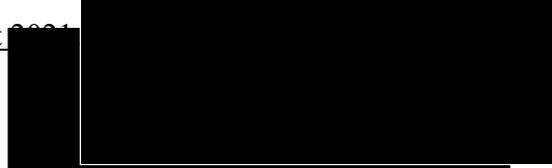
JOHN P. PATERA, Maj, USAF
Appellate Government Counsel, Government Trial
and Appellate Operations Division
Military Justice and Discipline
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force

Appellate Defense Division on 12 August 2001



JOHN P. PATERA, Maj, USAF
Appellate Government Counsel, Government Trial
and Appellate Operations Division
Military Justice and Discipline
United States Air Force



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME (THIRD)
)	
v.	)	Before Panel No. 3
)	
Airman First Class (E-3)	)	No. ACM S32688
NESTOR J. GUERECA TORRES)	
United States Air Force	)	10 September 2021
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **17 October 2021**. The record of trial was docketed with this Court on 20 April 2021. From the date of docketing to the present date, 143 days have elapsed. On the date requested, 180 days will have elapsed.

On 18 March 2021, consistent with his plea, Appellant was convicted at a special court-martial at Holloman Air Force Base (AFB), New Mexico, of one charge and one specification of desertion in violation of Article 85, Uniform Code of Military Justice (UCMJ). R. at 42. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit \$1,190 of his pay per month for two months, to be restricted to the limits of Holloman AFB for 30 days, to be confined for 37 days, and to be discharged from the service with a bad conduct discharge. R. at 73. The convening authority took no action on the findings or sentence. ROT, Vol. 1, Decision on Action, dated 30 March 2021.

The record consists of 2 prosecution exhibits, 7 defense exhibits, and 5 appellate exhibits; the brief is 73 pages. Appellant is not currently confined.



GRANTED
16 SEP 2021

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature of the undersigned counsel.

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

A large black rectangular redaction box covering the contact information of the undersigned 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 10 September 2021.

Respectfully submitted,

[REDACTED]

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

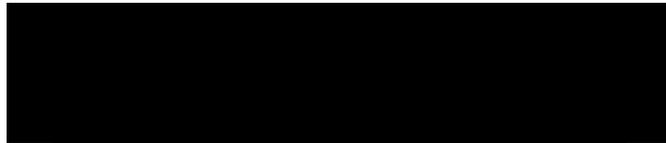
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32688
NESTOR J. GUERECA TORRES, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

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

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



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



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 14 September 2021.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME (FOURTH)
)	
v.	)	Before Panel No. 3
)	
Airman First Class (E-3)	)	No. ACM S32688
NESTOR J. GUERECA TORRES)	
United States Air Force	)	5 October 2021
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **16 November 2021**. The record of trial was docketed with this Court on 20 April 2021. From the date of docketing to the present date, 168 days have elapsed. On the date requested, 210 days will have elapsed.

On 18 March 2021, consistent with his plea, Appellant was convicted at a special court-martial at Holloman Air Force Base (AFB), New Mexico, of one charge and one specification of desertion in violation of Article 85, Uniform Code of Military Justice (UCMJ). R. at 42. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit \$1,190 of his pay per month for two months, to be restricted to the limits of Holloman AFB for 30 days, to be confined for 37 days, and to be discharged from the service with a bad conduct discharge. R. at 73. The convening authority took no action on the findings or

2. ROT, Vol. 1, Decision on Action, dated 30 March 2021.

record consists of 2 prosecution exhibits, 7 defense exhibits, and 5 appellate exhibits;

transcript is 73 pages. Appellant is not currently confined.



GRANTED
12 OCT 2021

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Appellant's military appellate counsel is currently assigned 27 cases; 10 cases are pending initial AOE's before this Court. This is military counsel's eighth priority case. The following cases have priority over the present case:

1. *United States v. Halter, Jr.*, ACM S32666 – The record of trial in this case has 3 volumes, and the trial transcript is 199 pages. There are 4 prosecution exhibits, 2 defense exhibits, and 8 appellate exhibits. Counsel has completed her review of Appellant's ROT and is drafting his Assignments of Error.

2. *United States v. Baines, Jr.*, ACM 39989 – The record of trial in this case has 4 volumes, and the trial transcript is 97 pages. There are 14 prosecution exhibits, 13 defense exhibits, and 7 appellate exhibits. Counsel has completed her review of Appellant's ROT to begin drafting this Assignments of Error.

3. *United States v. Caffrey*, ACM 39879 (f rev) – The record of trial in this case has 3 volumes, and the trial transcript is 96 pages. There are 3 prosecution exhibits, 19 defense exhibits, and 4 appellate exhibits. This case was re-docketed after being remanded to fix an issue with the convening authority's action. Counsel has completed her review of Appellant's ROT to begin drafting his Assignments of Error.

4. *United States v. Knodel*, ACM 40018 – The record of trial in this case has 7 volumes, and the trial transcript is 727 pages. There are 18 prosecution exhibits, 62 defense exhibits, and 29 appellate exhibits. Counsel has completed her review of Appellant's ROT and is consulting with Appellant's civilian defense counsel regarding issues to raise and further research to conduct in order to begin drafting Appellant's Assignments of Error. Furthermore, counsel submitted a

Motion to Compel Discovery in Appellant's case on 27 September 2021.

5. *United States v. Daniels III*, ACM 39407 (rem) - The record of trial in this case consists of 19 volumes and the transcript is 1123 pages. There are 25 prosecution exhibits, 23 defense exhibits, and 75 appellate exhibits. While reviewed by Appellant's previously detailed counsel, current detailed counsel has not yet had an opportunity to review Appellant's ROT.

6. *United States v. Greenfield*, ACM 40023 – The record of trial in this case consists of 5 volumes and the trial transcript is 147 pages. There are 3 prosecution exhibits, 4 defense exhibits, and 20 appellate exhibits. Counsel has not yet begun her review of Appellant's ROT.

7. *United States v. Carlile*, ACM 40053 – The record of trial in this case consists of 7 volumes and the trial transcript is 504 pages. There are 7 prosecution exhibits, 0 defense exhibits, and 8 appellate exhibits. Counsel has not yet begun her review of Appellant's ROT.

Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,


JENNA M. ARROYO, Maj, 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 5 October 2021.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Jenna M. Arroyo.

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

A large black rectangular redaction box covering the contact information of Jenna M. Arroyo.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32688
NESTOR J. GUERECA TORRES, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

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

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



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



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 7 October 2021.



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



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

UNITED STATES	)	No. ACM S32688
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Nestor J. GUEREC TORRES)	
Airman First Class (E-3))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 3

On 9 November 2021, counsel for Appellant submitted a Motion for Enlargement of Time (Fifth) requesting an additional 30 days to submit an assignment of error brief, which would set a new deadline of 16 December 2021, 240 days after Appellant’s case was docketed with the court. On 10 November 2021, the Government entered a general opposition to Appellant’s motion.

According to Appellant’s motion, this is appellate defense counsel’s sixth priority case. Appellate defense counsel further states he has not yet completed a full review of the record of trial.

Accordingly, it is by the court on this 16th day of November, 2021,

ORDERED:

Appellant’s Motion for Enlargement of Time (Fifth) is **GRANTED**. Appellant’s brief will be due **16 December 2021**. Any subsequent motions for enlargement of time shall, in addition to the matters required under this court’s Rules of Practice and Procedure, include a statement as to: (1) whether Appellant was advised of his right to a timely appeal, (2) whether Appellant was advised of the request for an enlargement of time, and (3) whether Appellant agrees with the request for an enlargement of time.



FOR THE COURT



TANICA S. BAGMON
Appellate Court Paralegal

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME (FIFTH)
)	
v.	)	Before Panel No. 3
)	
Airman First Class (E-3)	)	No. ACM S32688
NESTOR J. GUERECA TORRES)	
United States Air Force	)	9 November 2021
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) and (m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **16 December 2021**. The record of trial was docketed with this Court on 20 April 2021. From the date of docketing to the present date, 203 days have elapsed. On the date requested, 240 days will have elapsed.

On 18 March 2021, consistent with his plea, Appellant was convicted at a special court-martial at Holloman Air Force Base (AFB), New Mexico, of one charge and one specification of desertion in violation of Article 85, Uniform Code of Military Justice (UCMJ). R. at 42. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit \$1,190 of his pay per month for two months, to be restricted to the limits of Holloman AFB for 30 days, to be confined for 37 days, and to be discharged from the service with a bad conduct discharge. R. at 73. The convening authority took no action on the findings or sentence. ROT, Vol. 1, Decision on Action, dated 30 March 2021.

The record consists of 2 prosecution exhibits, 7 defense exhibits, and 5 appellate exhibits; the transcript is 73 pages. Appellant is not currently confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Appellant's military appellate counsel is currently assigned 28 cases; 9 cases are pending initial AOE's before this Court. This is military counsel's sixth priority case. The following cases have priority over the present case:

1. *United States v. Caffrey*, ACM 39879 (f rev) – The record of trial in this case has 3 volumes, and the trial transcript is 96 pages. There are 3 prosecution exhibits, 19 defense exhibits, and 4 appellate exhibits. This case was re-docketed after being remanded to fix an issue with the convening authority's action. Counsel is drafting Appellant's Assignments of Error.

2. *United States v. Knodel*, ACM 40018 – The record of trial in this case has 7 volumes, and the trial transcript is 727 pages. There are 18 prosecution exhibits, 62 defense exhibits, and 29 appellate exhibits. Counsel has completed her review of Appellant's ROT and is consulting with Appellant's civilian defense counsel regarding issues to raise and further research to conduct, and has begun drafting Appellant's Assignments of Error. Undersigned counsel are currently working on an extraordinary writ to the Court of Appeals for the Armed Forces following this Court's denial of Appellant's two motions to compel post-trial discovery and his motion to attach.

3. *United States v. Daniels III*, ACM 39407 (rem) - The record of trial in this case consists of 19 volumes and the transcript is 1123 pages. There are 25 prosecution exhibits, 23 defense exhibits, and 75 appellate exhibits. While reviewed by Appellant's previously detailed counsel, current detailed counsel is currently reviewing Appellant's ROT, and has reviewed approximately 400 pages of the transcript.

4. *United States v. Greenfield*, ACM 40023 – The record of trial in this case consists of 5 volumes and the trial transcript is 147 pages. There are 3 prosecution exhibits, 4 defense exhibits, and 20 appellate exhibits. Counsel has not yet begun her review of Appellant’s ROT.

5. *United States v. Carlile*, ACM 40053 – The record of trial in this case consists of 7 volumes and the trial transcript is 504 pages. There are 7 prosecution exhibits, 0 defense exhibits, and 8 appellate exhibits. Counsel has not yet begun her review of Appellant’s ROT.

Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant’s case and advise Appellant regarding potential errors.

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

Respectfully submitted,

[REDACTED]

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[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 Appellate Government Division on 9 November 2021.

Respectfully submitted,

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JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

A large black rectangular redaction box covering the contact information.

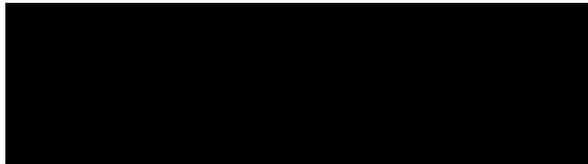
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32688
NESTOR J. GUERECA TORRES, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

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

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

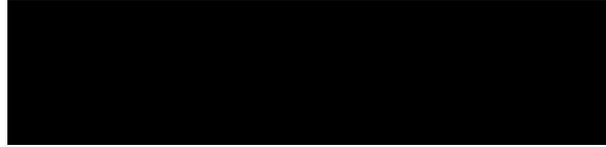


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 10 November 2021.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME (SIXTH)
)	
v.	)	Before Panel No. 3
)	
Airman First Class (E-3)	)	No. ACM S32688
NESTOR J. GUEREC A TORRES)	
United States Air Force	)	8 December 2021
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) and (m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **15 January 2022**. The record of trial was docketed with this Court on 20 April 2021. From the date of docketing to the present date, 232 days have elapsed. On the date requested, 270 days will have elapsed.

On 18 March 2021, consistent with his plea, Appellant was convicted at a special court-martial at Holloman Air Force Base (AFB), New Mexico, of one charge and one specification of desertion in violation of Article 85, Uniform Code of Military Justice (UCMJ). R. at 42. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit \$1,190 of his pay per month for two months, to be restricted to the limits of Holloman AFB for 30 days, to be confined for 37 days, and to be discharged from the service with a bad conduct discharge. R. at 73. The convening authority took no action on the findings or

OT, Vol. 1, Decision on Action, dated 30 March 2021.



GRANTED

13 DECEMBER 2021

The record consists of 2 prosecution exhibits, 7 defense exhibits, and 5 appellate exhibits; the transcript is 73 pages. Appellant is not currently confined, is aware of his appellate rights, and has consented to necessary requests for extensions of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Appellant's military appellate counsel is currently assigned 28 cases; 9 cases are pending initial AOE's before this Court. This is military counsel's sixth priority case. The following cases have priority over the present case:

1. *United States v. Martinez*, ACM 39903 (f rev) – Counsel is preparing for oral argument in Appellant's case, which is scheduled for 10 December 2021. This Court granted two of Appellant's requested issues, and specified an additional two issues for briefing during oral arguments.

2. *United States v. Knodel*, ACM 40018 – The record of trial in this case has 7 volumes, and the trial transcript is 727 pages. There are 18 prosecution exhibits, 62 defense exhibits, and 29 appellate exhibits. Counsel has completed her review of Appellant's ROT and is consulting with Appellant's civilian appellate defense counsel regarding issues to raise and further research to conduct, and has begun drafting Appellant's Assignments of Error. Undersigned counsel submitted an extraordinary writ to the Court of Appeals for the Armed Forces (CAAF) on 17 November 2021, in which they requested that a *DuBay* hearing be ordered. Counsel also submitted two additional motions to the CAAF: a motion to supplement the record and a motion to stay proceedings. While awaiting the CAAF's decision on Appellant's extraordinary writ and two motions, Appellant's military and civilian appellate defense counsel continue to work on drafting Appellant's Assignments of Error, and are gathering affidavits to support an ineffective assistance of counsel claim.

3. *United States v. Daniels III*, ACM 39407 (rem) - The record of trial in this case consists of 19 volumes and the transcript is 1123 pages. There are 25 prosecution exhibits, 23 defense exhibits, and 75 appellate exhibits. While reviewed by Appellant's previously detailed counsel, current detailed counsel is currently reviewing Appellant's ROT, and has reviewed approximately 500 pages of the transcript.

4. *United States v. Greenfield*, ACM 40023 – The record of trial in this case consists of 5 volumes and the trial transcript is 147 pages. There are 3 prosecution exhibits, 4 defense exhibits, and 20 appellate exhibits. Counsel has begun her review of Appellant's ROT.

5. *United States v. Carlile*, ACM 40053 – The record of trial in this case consists of 7 volumes and the trial transcript is 504 pages. There are 7 prosecution exhibits, 0 defense exhibits, and 8 appellate exhibits. Counsel has not yet begun her review of Appellant's ROT.

Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,



JENNA M. ARROYO, Maj, 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 8 December 2021.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Jenna M. Arroyo.

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

A large black rectangular redaction box covering the contact information of Jenna M. Arroyo.

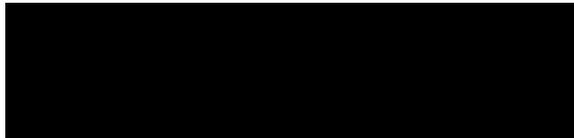
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32688
NESTOR J. GUERECA TORRES, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

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

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



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



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 10 December 2021.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME (SEVENTH)
)	
v.	)	Before Panel No. 3
)	
Airman First Class (E-3)	)	No. ACM S32688
NESTOR J. GUEREC A TORRES)	
United States Air Force	)	7 January 2022
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) and (m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **14 February 2022**. The record of trial was docketed with this Court on 20 April 2021. From the date of docketing to the present date, 262 days have elapsed. On the date requested, 300 days will have elapsed.

On 18 March 2021, consistent with his plea, Appellant was convicted at a special court-martial at Holloman Air Force Base (AFB), New Mexico, of one charge and one specification of desertion in violation of Article 85, Uniform Code of Military Justice (UCMJ). R. at 42. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit \$1,190 of his pay per month for two months, to be restricted to the limits of Holloman AFB for 30 days, to be confined for 37 days, and to be discharged from the service with a bad conduct discharge. R. at 73. The convening authority took no action on the findings or sent ROT, Vol. 1, Decision on Action, dated 30 March 2021.



GRANTED
11 JAN 2022

The record consists of 2 prosecution exhibits, 7 defense exhibits, and 5 appellate exhibits; the transcript is 73 pages. Appellant is not currently confined, is aware of his appellate rights, and has consented to necessary requests for extensions of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Appellant's military appellate counsel is currently assigned 28 cases; 9 cases are pending initial AOE's before this Court. This is military counsel's fifth priority case. The following cases¹ have priority over the present case:

1. *United States v. Knodel*, ACM 40018 – The record of trial in this case has 7 volumes, and the trial transcript is 727 pages. There are 18 prosecution exhibits, 62 defense exhibits, and 29 appellate exhibits. Undersigned counsel submitted an extraordinary writ to the Court of Appeals for the Armed Forces (CAAF) on 17 November 2021, in which they requested that a *DuBay* hearing be ordered. Counsel also submitted two additional motions to the CAAF: a motion to supplement the record and a motion to stay proceedings. The CAAF denied Appellant's petition for an extraordinary writ and two motions on 10 December 2021. Currently, counsel are gathering affidavits to support an ineffective assistance of counsel claim, conducting research, and drafting Appellant's Assignments of Error. Counsel do not expect to file any further EOTs in this case absent extraordinary circumstances.

2. *United States v. Daniels III*, ACM 39407 (rem) - The record of trial in this case consists of 19 volumes and the transcript is 1123 pages. There are 25 prosecution exhibits, 23 defense exhibits, and 75 appellate exhibits. While reviewed by Appellant's previously detailed counsel,

¹ Since the filing of counsel's last EOT, military counsel presented oral argument before a panel of this Court, and filed a Supplement to Petition for Grant of Review at the Court of Appeals for the Armed Forces on 5 January 2022. Military counsel was also on approved leave outside the local area for the holidays from 20 December 2021 through 30 December 2021. Military counsel was off on 31 December 2021 and 3 January 2022 for the holiday and family day.

current detailed counsel is currently reviewing Appellant's ROT, and has reviewed approximately 700 pages of the transcript. Counsel has also requested to view the sealed classified materials in this case. Counsel do not expect to file any further EOTs in this case absent extraordinary circumstances.

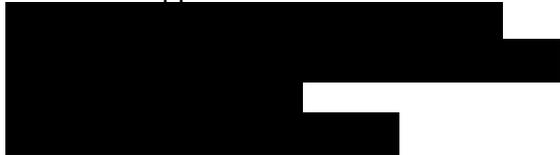
3. *United States v. Greenfield*, ACM 40023 – The record of trial in this case consists of 5 volumes and the trial transcript is 147 pages. There are 3 prosecution exhibits, 4 defense exhibits, and 20 appellate exhibits. Counsel has begun her review of Appellant's ROT.

4. *United States v. Carlile*, ACM 40053 – The record of trial in this case consists of 7 volumes and the trial transcript is 504 pages. There are 7 prosecution exhibits, 0 defense exhibits, and 8 appellate exhibits. Counsel has not yet begun her review of Appellant's ROT.

Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

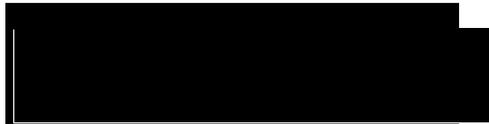
Respectfully submitted,


JENNA M. ARROYO, Maj, 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 7 January 2022.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Jenna M. Arroyo.

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

A large black rectangular redaction box covering the contact information of Jenna M. Arroyo.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

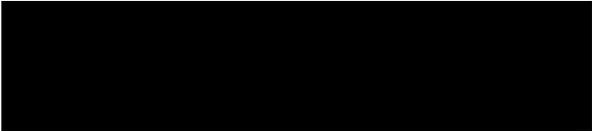
UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32688
NESTOR J. GUERECA TORRES, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

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

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 6 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel hasn't even begun her 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.



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



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 10 January 2022.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME (EIGHTH)
)	
v.	)	Before Panel No. 2
)	
Airman First Class (E-3)	)	No. ACM S32688
NESTOR J. GUERECA TORRES)	
United States Air Force	)	7 February 2022
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) and (m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **16 March 2022**. The record of trial was docketed with this Court on 20 April 2021. From the date of docketing to the present date, 293 days have elapsed. On the date requested, 330 days will have elapsed.

On 18 March 2021, consistent with his plea, Appellant was convicted at a special court-martial at Holloman Air Force Base (AFB), New Mexico, of one charge and one specification of desertion in violation of Article 85, Uniform Code of Military Justice (UCMJ). R. at 42. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit \$1,190 of his pay per month for two months, to be restricted to the limits of Holloman AFB for 30 days, to be confined for 37 days, and to be discharged from the service with a bad

cc
sc
e. R. at 73. The convening authority took no action on the findings or
Vol. 1, Decision on Action, dated 30 March 2021.



GRANTED

11 FEBRUARY 2022

The record consists of 2 prosecution exhibits, 7 defense exhibits, and 5 appellate exhibits; the transcript is 73 pages. Appellant is not currently confined, is aware of his appellate rights, and has consented to necessary requests for extensions of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Appellant's military appellate counsel is currently assigned 28 cases; 9 cases are pending initial AOE's before this Court. This is military counsel's fifth priority case. The following cases have priority over the present case:

1. *United States v. Knodel*, ACM 40018 – The record of trial in this case has 7 volumes, and the trial transcript is 727 pages. There are 18 prosecution exhibits, 62 defense exhibits, and 29 appellate exhibits. Undersigned counsel submitted an extraordinary writ to the Court of Appeals for the Armed Forces (CAAF) on 17 November 2021, in which they requested that a *DuBay* hearing be ordered. Counsel also submitted two additional motions to the CAAF: a motion to supplement the record and a motion to stay proceedings. The CAAF denied Appellant's petition for an extraordinary writ and two motions on 10 December 2021. Appellant's counsel submitted a Motion to Compel Client Files on 4 January 2022, which this Court denied on 14 January 2022. Appellant's counsel submitted a Second Motion to Compel Client Files on 25 January 2022, which the Government opposed on 1 February 2022. Currently, Appellant's counsel have been working on finishing up drafting Appellant's brief, consulting with Appellant concerning his declaration to this Court, and compiling 25+ affidavits in support of his IAC claim. Appellant's brief is due this Friday, 11 February 2022.

2. *United States v. Daniels III*, ACM 39407 (rem) - The record of trial in this case consists of 19 volumes and the transcript is 1123 pages. There are 25 prosecution exhibits, 23 defense exhibits, and 75 appellate exhibits. Military appellate counsel has reviewed Appellant's transcript

(including the sealed classified materials), is reviewing the rest of his ROT, has identified issues, and has begun drafting Appellant's Assignments of Error. Appellant's brief is due 25 February 2022, and counsel do not expect to file any further EOTs in this case absent extraordinary circumstances.

3. *United States v. Greenfield*, ACM 40023 – The record of trial in this case consists of 5 volumes and the trial transcript is 147 pages. There are 3 prosecution exhibits, 4 defense exhibits, and 20 appellate exhibits. Counsel has begun her review of Appellant's ROT.

4. *United States v. Carlile*, ACM 40053 – The record of trial in this case consists of 7 volumes and the trial transcript is 504 pages. There are 7 prosecution exhibits, 0 defense exhibits, and 8 appellate exhibits. Counsel has begun her review of Appellant's ROT.

Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

[REDACTED]

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[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 Appellate Government Division on 7 February 2022.

Respectfully submitted,

[REDACTED]

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

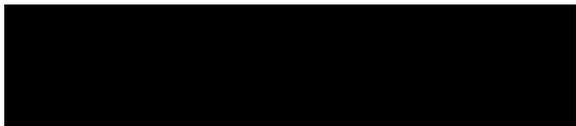
UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION, OUT OF TIME,
	)	TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32688
NESTOR J. GUERECA TORRES, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

**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. This response is out of time due to an administrative oversight.

The United States respectfully maintains that, short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 330 days in length. Appellant's nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 6 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel hasn't even begun her 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.

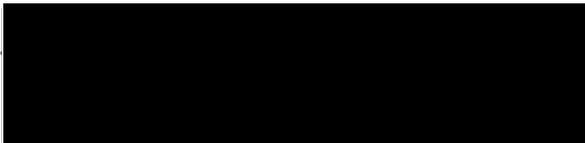


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 10 February 2022.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

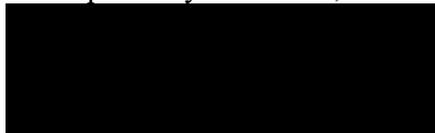
UNITED STATES	)	MERITS BRIEF
<i>Appellee</i>)	
)	
v.	)	Before Panel No. 2
)	
Airman First Class (E-3)	)	No. ACM S32688
NESTOR J. GUERECA TORRES)	
United States Air Force	)	Filed on: 8 March 2022
<i>Appellant</i>)	

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

Submission of Case Without Specific Assignments of Error

The undersigned appellate defense counsel attests he has, on behalf of A1C Nestor J. Guereca Torres, Appellant, carefully examined the record of trial in this case. A1C Guereca Torres, does not admit that the findings and sentence are correct in law and fact, but submits the case to this Honorable Court on its merits with no specific assignments of error.¹

Respectfully submitted,



JARETT MERK, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



¹ A1C Guereca Torres has conformed this merits brief to the format in Appendix B of this Honorable Court’s Rule of Practice and Procedure. A1C Guereca Torres understands this Court will exercise its independent “awesome, plenary, and de novo power” to review the entire record of this proceeding for factual and legal sufficiency, and for sentence propriety, and to “substitute its judgment” for that of the court below, as is provided for and required by Article 66(c), UCMJ, 10 U.S.C. §866(c) (2012) [now Article 66(d), UCMJ, 10 U.S.C. §866(d) (2019)]. *United States v. Cole*, 31 M.J. 270, 272 (C.M.A. 1990); *United States v. Chin*, 75 M.J. 220 (C.A.A.F. 2016).

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 8 March 2022.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Jenna M. Arroyo.

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

A black rectangular redaction box covering contact information, including a phone number and email address.