

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME (FIRST)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4)	)	No. ACM S32747
GABRIELA E. BROWN,)	
United States Air Force	)	2 March 2023
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(2) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for her first enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **12 May 2023**. The record of trial was docketed with this Court on 12 January 2023. From the date of docketing to the present date, 49 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,

[REDACTED]

KASEY W. HAWKINS, 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 2 March 2023.

Respectfully submitted,

A solid black rectangular box redacting the signature of Kasey W. Hawkins.

KASEY W. HAWKINS, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

A solid black rectangular box redacting the contact information, likely a phone number and email address.

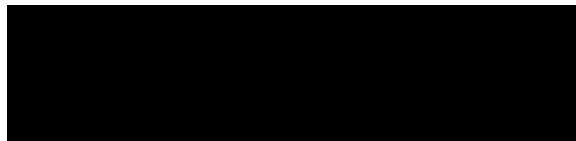
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM S32747
GABRIELA E, BROWN, 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 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.

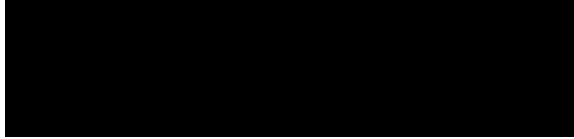


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



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 3 March 2023.



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
<i>Appellee</i>	)	OF TIME (SECOND)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4)	)	No. ACM S32747
GABRIELA E. BROWN,)	
United States Air Force	)	5 May 2023
<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 (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **11 June 2023**. The record of trial was docketed with this Court on 12 January 2023. From the date of docketing to the present date, 113 days have elapsed. On the date requested, 150 days will have elapsed.

On 13 September 2022, Appellant was tried by a special court-martial at Tinker Air Force Base, Oklahoma. In accordance with her pleas and pursuant to a plea agreement, the military judge found Appellant guilty of one charge with one specification of wrongful use of marijuana, one specification of wrongful distribution of marijuana, and one specification of wrongful use of lysergic acid diethylamide (LSD), all in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a.¹ Record (R.) at 88; Record of Trial (ROT) Vol. 1, Entry of

¹ Pursuant to the plea agreement, two specifications of wrongful use of marijuana and one specification of wrongful possession of marijuana, both in violation of Article 112a, UCMJ; and one charge and specification of false official statement in violation of Article 107, UCMJ, 10 U.S.C. § 907, were withdrawn and dismissed with prejudice. R. at 88, EOJ. The military judge found Appellant not guilty of one charge and specification of attempted wrongful use of psilocybin mushrooms, in violation of Article 112a, UCMJ. *Id.*



Judgment (EOJ), dated 5 October 2022. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit \$1,200 per month for six months, to be confined for 185 days,² and to be discharged from the service with a bad conduct discharge. R. at 138; EOJ. The convening authority took no action on the findings and approved the sentence in its entirety. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Gabriela E. Brown*, dated 28 September 2022.

The record of trial is three volumes consisting of five prosecution exhibits, 12 defense exhibit, and four appellate exhibits; the transcript is 139 pages. Appellant is not currently confined.

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

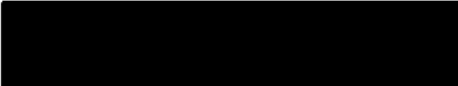

Respectfully submitted,


KASEY W. HAWKINS, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division


² The military judge sentenced Appellant to 60 days' confinement for Specification 1 of Charge I, 75 days' confinement for Specification 4 of Charge I, and 50 days' confinement for Specification 6 of Charge I, with all sentences to confinement running consecutively. R. at 138.

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 May 2023.


KASEY W. HAWKINS, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division


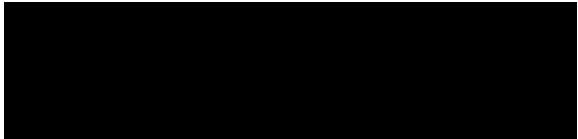
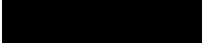
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM S32747
GABRIELA E, BROWN, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

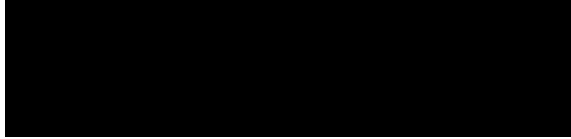
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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

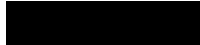

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force


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 5 May 2023.



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
<i>Appellee</i>	)	OF TIME (THIRD)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4)	)	No. ACM S32747
GABRIELA E. BROWN,)	
United States Air Force	)	1 June 2023
<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 (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **11 July 2023**. The record of trial was docketed with this Court on 12 January 2023. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

On 13 September 2022, Appellant was tried by a special court-martial at Tinker Air Force Base, Oklahoma. In accordance with her pleas and pursuant to a plea agreement, the military judge found Appellant guilty of one charge with one specification of wrongful use of marijuana, one specification of wrongful distribution of marijuana, and one specification of wrongful use of lysergic acid diethylamide (LSD), all in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a.¹ Record (R.) at 88; Record of Trial (ROT) Vol. 1, Entry of

¹ Pursuant to the plea agreement, two specifications of wrongful use of marijuana and one specification of wrongful possession of marijuana, both in violation of Article 112a, UCMJ; and one charge and specification of false official statement in violation of Article 107, UCMJ, 10 U.S.C. § 907, were withdrawn and dismissed with prejudice. R. at 88, EOJ. The military judge found Appellant not guilty of one charge and specification of attempted wrongful use of psilocybin mushrooms, in violation of Article 112a, UCMJ. *Id.*

Judgment (EOJ), dated 5 October 2022. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit \$1,200 per month for six months, to be confined for 185 days,² and to be discharged from the service with a bad conduct discharge. R. at 138; EOJ. The convening authority took no action on the findings and approved the sentence in its entirety. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Gabriela E. Brown*, dated 28 September 2022.

The record of trial is three volumes consisting of five prosecution exhibits, 12 defense exhibit, and four appellate exhibits; the transcript is 139 pages. Appellant is not currently confined.

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

AF

Appellate Defense Counsel
Air Force Appellate Defense Division

[Redacted Address]

² The military judge sentenced Appellant to 60 days' confinement for Specification 1 of Charge I, 75 days' confinement for Specification 4 of Charge I, and 50 days' confinement for Specification 6 of Charge I, with all sentences to confinement running consecutively. R. at 138.

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 1 June 2023.

[REDACTED]

KASEY W. HAWKINS, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

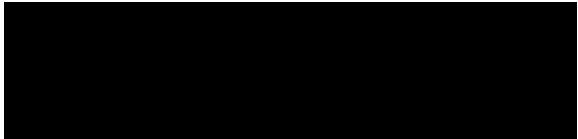
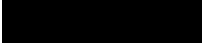
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM S32747
GABRIELA E. BROWN, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

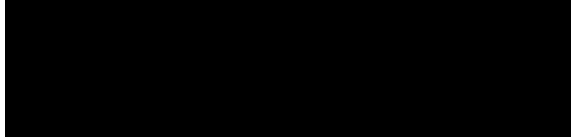
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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

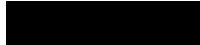

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force


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 2 June 2023.



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
<i>Appellee</i>	)	OF TIME (FOURTH)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4)	)	No. ACM S32747
GABRIELA E. BROWN,)	
United States Air Force	)	29 June 2023
<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 (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **10 August 2023**. The record of trial was docketed with this Court on 12 January 2023. From the date of docketing to the present date, 168 days have elapsed. On the date requested, 210 days will have elapsed.

On 13 September 2022, Appellant was tried by a special court-martial at Tinker Air Force Base, Oklahoma. In accordance with her pleas and pursuant to a plea agreement, the military judge found Appellant guilty of one charge with one specification of wrongful use of marijuana, one specification of wrongful distribution of marijuana, and one specification of wrongful use of lysergic acid diethylamide (LSD), all in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a.¹ Record (R.) at 88; Record of Trial (ROT) Vol. 1, Entry of

¹ Pursuant to the plea agreement, two specifications of wrongful use of marijuana and one specification of wrongful possession of marijuana, both in violation of Article 112a, UCMJ; and one charge and specification of false official statement in violation of Article 107, UCMJ, 10 U.S.C. § 907, were withdrawn and dismissed with prejudice. R. at 88, EOJ. The military judge found Appellant not guilty of one charge and specification of attempted wrongful use of psilocybin mushrooms, in violation of Article 112a, UCMJ. *Id.*

Judgment (EOJ), dated 5 October 2022. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit \$1,200 per month for six months, to be confined for 185 days,² and to be discharged from the service with a bad conduct discharge. R. at 138; EOJ. The convening authority took no action on the findings and approved the sentence in its entirety. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Gabriela E. Brown*, dated 28 September 2022.

The record of trial is three volumes consisting of five prosecution exhibits, 12 defense exhibit, and four appellate exhibits; the transcript is 139 pages. Appellant is not currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently assigned 20 cases; 12 cases are pending initial AOE's before this Court. Of those cases, 2 cases have priority over this case:

- 1) *United States v. Sampley*, ACM 40393 – The record of trial is three volumes consisting of four prosecution exhibits, seven defense exhibits, and nine appellate exhibits; the transcript is 181 pages. Undersigned counsel has completed her review of the record.
- 2) *United States v. Rupp*, ACM S32746 - The record of trial is two volumes consisting of three prosecution exhibits, 11 defense exhibits, 1 court exhibit, and eight appellate exhibits; the transcript is 140 pages. Undersigned counsel has reviewed more than half of the record.

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

² The military judge sentenced Appellant to 60 days' confinement for Specification 1 of Charge I, 75 days' confinement for Specification 4 of Charge I, and 50 days' confinement for Specification 6 of Charge I, with all sentences to confinement running consecutively. R. at 138.

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

Respectfully submitted,

[REDACTED]

KASEY W. HAWKINS, 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 29 June 2023.

[REDACTED]

KASEY W. HAWKINS, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

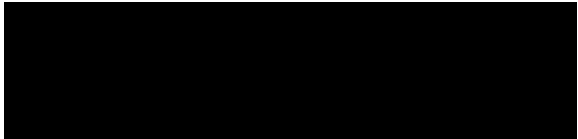
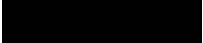
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM S32747
GABRIELA E. BROWN, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

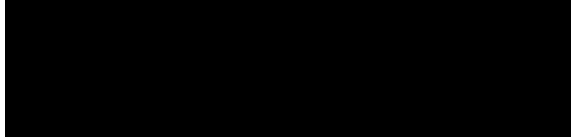
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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 29 June 2023.



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	)	APPELLANT’S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME (FIFTH)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4)	)	No. ACM S32747
GABRIELA E. BROWN,)	
United States Air Force	)	3 August 2023
<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 (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a fifth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **9 September 2023**. The record of trial was docketed with this Court on 12 January 2023. From the date of docketing to the present date, 203 days have elapsed. On the date requested, 240 days will have elapsed.

After Appellant’s last request for an enlargement of time, undersigned appellate defense counsel was detailed to this case on 25 July 2023 due to the permanent change of assignment of Appellant’s previous appellate defense counsel, Maj Kasey Hawkins, effective 31 July 2023. Therefore, additional time is necessary for undersigned counsel to familiarize himself with the case in order to competently advise Appellant.

On 13 September 2022, Appellant was tried by a special court-martial at Tinker Air Force Base, Oklahoma. In accordance with her pleas and pursuant to a plea agreement, the military judge found Appellant guilty of one charge with one specification of wrongful use of marijuana, one specification of wrongful distribution of marijuana, and one specification of wrongful use of lysergic acid diethylamide (LSD), all in violation of Article 112a, Uniform Code of Military

Justice (UCMJ), 10 U.S.C. § 912a.¹ Record (R.) at 88; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 5 October 2022. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit \$1,200 per month for six months, to be confined for 185 days,² and to be discharged from the service with a bad conduct discharge. R. at 138; EOJ. The convening authority took no action on the findings and approved the sentence in its entirety. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Gabriela E. Brown*, dated 28 September 2022.

The record of trial is three volumes consisting of five prosecution exhibits, 12 defense exhibits, and four appellate exhibits; the transcript is 139 pages. Appellant is not currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing 26 clients; nine clients are pending initial AOE's before this Court. Of those cases, two cases have priority over this case:

- 1) *United States v. Taylor*, ACM 40371 – The record of trial is six volumes consisting of six prosecution exhibits, one court exhibit, 12 defense exhibits, and 36 appellate exhibits; the transcript is 396 pages. Undersigned counsel has reviewed approximately half of the record.
- 2) *United States v. Ollison*, ACM S32745 – The record of trial is two volumes consisting of three prosecution exhibits, one defense exhibit, and nine appellate exhibits; the

¹ Pursuant to the plea agreement, two specifications of wrongful use of marijuana and one specification of wrongful possession of marijuana, both in violation of Article 112a, UCMJ; and one charge and specification of false official statement in violation of Article 107, UCMJ, 10 U.S.C. § 907, were withdrawn and dismissed with prejudice. R. at 88, EOJ. The military judge found Appellant not guilty of one charge and specification of attempted wrongful use of psilocybin mushrooms, in violation of Article 112a, UCMJ. *Id.*

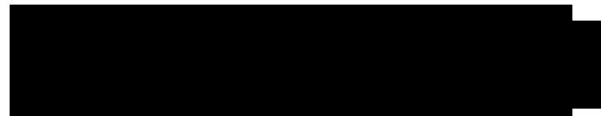
² The military judge sentenced Appellant to 60 days' confinement for Specification 1 of Charge I, 75 days' confinement for Specification 4 of Charge I, and 50 days' confinement for Specification 6 of Charge I, with all sentences to confinement running consecutively. R. at 138.

transcript is 142 pages. Undersigned counsel has reviewed more than three-quarters of the record.

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 fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature of Frederick J. Johnson.

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

A large black rectangular redaction box covering the address and contact information of Frederick J. Johnson.

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 3 August 2023.

[REDACTED]

FREDERICK J. JOHNSON, 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
)	
Senior Airman (E-4)	)	ACM S32747
GABRIELA E. BROWN, 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 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.

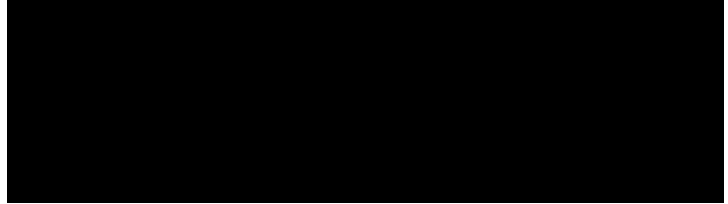


PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



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 4 August 2023.



PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES)	APPELLANT’S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME (SIXTH)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4)	)	No. ACM S32747
GABRIELA E. BROWN,)	
United States Air Force	)	1 September 2023
<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 (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a sixth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **9 October 2023**. The record of trial was docketed with this Court on 12 January 2023. From the date of docketing to the present date, 232 days have elapsed. On the date requested, 270 days will have elapsed.

After Appellant’s last request for an enlargement of time, undersigned appellate defense counsel was detailed to this case on 28 August 2023. Current appellate defense counsel, Maj Frederick Johnson, was only recently detailed to the case on 25 July 2023 due to the permanent change of assignment of Appellant’s initial and previous appellate defense counsel, Maj Kasey Hawkins, effective 31 July 2023. Maj Johnson will remain detailed to the case, but undersigned counsel will be responsible for drafting briefing in this case.¹ Therefore, additional time is necessary for undersigned counsel to prepare briefing and competently advise Appellant.

¹ Contemporaneously with the filing of this motion, the Appellant has filed a notice of withdrawal of representation for Maj Hawkins in regard to the Appellant’s case.

On 13 September 2022, Appellant was tried by a special court-martial at Tinker Air Force Base, Oklahoma. In accordance with her pleas and pursuant to a plea agreement, the military judge found Appellant guilty of one charge with one specification of wrongful use of marijuana, one specification of wrongful distribution of marijuana, and one specification of wrongful use of lysergic acid diethylamide (LSD), all in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a.² Record (R.) at 88; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 5 October 2022. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit \$1,200 per month for six months, to be confined for 185 days,³ and to be discharged from the service with a bad conduct discharge. R. at 138; EOJ. The convening authority took no action on the findings and approved the sentence in its entirety. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Gabriela E. Brown*, dated 28 September 2022.

The record of trial is three volumes consisting of five prosecution exhibits, 12 defense exhibits, and four appellate exhibits; the transcript is 139 pages. Appellant is not currently confined. Undersigned counsel has completed review of the record of trial in this case, but has not yet begun briefing this case.

² Pursuant to the plea agreement, two specifications of wrongful use of marijuana and one specification of wrongful possession of marijuana, both in violation of Article 112a, UCMJ; and one charge and specification of false official statement in violation of Article 107, UCMJ, 10 U.S.C. § 907, were withdrawn and dismissed with prejudice. R. at 88, EOJ. The military judge found Appellant not guilty of one charge and specification of attempted wrongful use of psilocybin mushrooms, in violation of Article 112a, UCMJ. *Id.*

³ The military judge sentenced Appellant to 60 days' confinement for Specification 1 of Charge I, 75 days' confinement for Specification 4 of Charge I, and 50 days' confinement for Specification 6 of Charge I, with all sentences to confinement running consecutively. R. at 138.

Undersigned counsel is also a reservist who will be coming off orders on 1 September 2023. As a result, undersigned counsel must work on appellant's case around his civilian commitments and will need additional time to complete the briefing in this case.

Undersigned counsel also recently has been preparing to file briefs in another pending case with an immediate deadline. Specifically, undersigned counsel has been detailed to *United States v. Brandon C. Barnes*, USCA Dkt. No. 23-0231/AF. Undersigned counsel is preparing to file a supplement to the petition for grant of review that is due on 5 September 2023. That case has docket priority over this case. Undersigned counsel is also detailed to *United States v. Harden*, ACM 40329, in this Court. That case had docket priority over the instant case, but briefing has been completed in that case.

Counsel has discussed this specific request with the Appellant. Specifically, (1) undersigned counsel has advised the Appellant of her right to a timely appeal; (2) undersigned counsel advised Appellant about this specific request for an enlargement of time, and (3) the Appellant agrees with the request for the enlargement of time.

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 fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,



THOMAS R. GOVAN, JR., Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

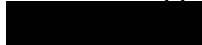


CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 1 September 2023.



THOMAS R. GOVAN, JR., Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division




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
)	
Senior Airman (E-4)	)	ACM S32747
GABRIELA E. BROWN, 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 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.

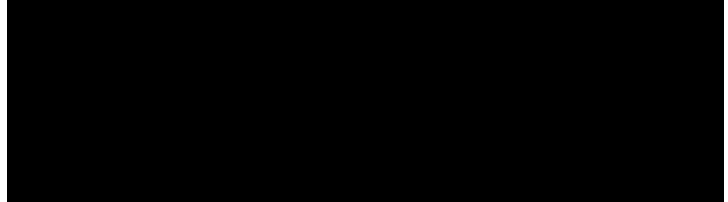


PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force

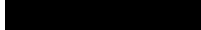


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 7 September 2023.



PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

V.

Senior Airman (E-4),

GABRIELA E. BROWN,

United States Air Force,

Appellant.

) **MOTION FOR WITHDRAWAL OF**
) **APPELLATE DEFENSE COUNSEL**

)

) Before Panel No. 2

)

) No. ACM S32747

)

) 1 September 2023

)

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

Pursuant to Rules 12(b), 12.4, and 23.3(h) of this Honorable Court's Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. The Judge Advocate General has reassigned undersigned counsel from the Air Force Appellate Defense Division to the Air Force Military Justice Law and Policy Division. Accordingly, undersigned counsel is no longer detailed under Article 70, Uniform Code of Military Justice (UCMJ) to represent Appellant. Major Frederick Johnson and Capt Thomas Govan have been detailed substitute counsel in undersigned counsel's stead and made their notices of appearance on 3 August 2023 and 1 September 2023, respectively. Counsel have completed a thorough turnover of the record.

Appellant has been advised of this motion to withdraw as counsel and consents to undersigned counsel's withdrawal. A copy of this motion will be delivered to Appellant following its filing.

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

Respectfully submitted,

[REDACTED]

KASEY W. HAWKINS, 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 1 September 2023.



THOMAS R. GOVAN, JR., Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



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

UNITED STATES	)	No. ACM S32747
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Gabriela E. BROWN)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 2 September 2023, Appellant’s detailed appellate defense counsel submitted a Motion for Withdrawal of Appellate Defense Counsel. The Government did not submit any opposition.

Detailed appellate defense counsel provided the court with the necessary information required under Rule 12(b) of the Joint Rules of Appellate Procedure for Courts of Criminal Appeals, specifically: (1) Appellant consents to withdrawal of her detailed appellate defense counsel; (2) detailed appellate defense counsel’s reason for withdrawal is because she has been reassigned “from the Air Force Appellate Defense Division to the Air Force Military Justice Law and Policy Division;” and (3) provisions have been made for continued representation in that two new appellate defense counsel have been detailed to Appellant’s case. JT. CT. CRIM. APP. R. 12(b).

However, the motion contains one erroneous proposition of law that requires comment and correction, to wit: that in light of detailed appellate defense counsel’s reassignment, “undersigned counsel is *no longer detailed* under Article 70, Uniform Code of Military Justice (UCMJ)[10 U.S.C. § 870, UCMJ] to represent Appellant.” (Emphasis added). However, after Appellant filed this motion, appellate defense counsel became aware of this error by way of another order recently issued by the court.

Despite the misstatement that reassignment *automatically* severed both her detailing under Article 70, UCMJ, and by extension, her established attorney-client relationship with Appellant for a case still undergoing direct appellate review, the remainder of the motion is in proper form and provides the necessary good cause for withdrawal of counsel.

Accordingly, it is by the court on this 11th day of September, 2023,

ORDERED:

Appellant's Motion for Withdrawal of Appellate Defense Counsel in the above captioned case is **GRANTED**.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES)	APPELLANT’S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(SEVENTH)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4)	)	No. ACM S32747
GABRIELA E. BROWN,)	
United States Air Force	)	2 October 2023
<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 (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a seventh enlargement of time to file an Assignment of Errors (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **8 November 2023**. The record of trial was docketed with this Court on 12 January 2023. From the date of docketing to the present date, 263 days have elapsed. On the date requested, 300 days will have elapsed.

On 13 September 2022, Appellant was tried by a special court-martial at Tinker Air Force Base, Oklahoma. In accordance with her pleas and pursuant to a plea agreement, the military judge found Appellant guilty of one charge with one specification of wrongful use of marijuana, one specification of wrongful distribution of marijuana, and one specification of wrongful use of lysergic acid diethylamide (LSD), all in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a.¹ Record (R.) at 88; Record of Trial (ROT) Vol. 1, Entry of

¹ Pursuant to the plea agreement, two specifications of wrongful use of marijuana and one specification of wrongful possession of marijuana, both in violation of Article 112a, UCMJ; and one charge and specification of false official statement in violation of Article 107, UCMJ, 10 U.S.C. § 907, were withdrawn and dismissed with prejudice. R. at 88, EOJ. The military judge

Judgment (EOJ), dated 5 October 2022. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit \$1,200 per month for six months, to be confined for 185 days,² and to be discharged from the service with a bad conduct discharge. R. at 138; EOJ. The convening authority took no action on the findings and approved the sentence in its entirety. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Gabriela E. Brown*, dated 28 September 2022.

The record of trial is three volumes consisting of five prosecution exhibits, 12 defense exhibits, and four appellate exhibits; the transcript is 139 pages. Appellant is not currently confined. Undersigned counsel recently was detailed to this case on 28 August 2023. Undersigned counsel has completed review of the record of trial in this case, but has not yet begun briefing this case. Therefore, additional time is necessary for undersigned counsel to competently advise Appellant and determine what issues to raise in briefing with Appellant.

Undersigned counsel is also a reservist who is not currently on orders. As a result, undersigned counsel must work on appellant's case around his civilian commitments and will need additional time to complete the briefing in this case.

Undersigned counsel is also detailed to *United States v. Harden*, ACM 40329, in this Court. That case had docket priority over the instant case, but briefing has been completed in that case. Undersigned counsel is also detailed to *United States v. Cameron*, ACM S32751, in this Court, but that case does not have docket priority over Appellant's case.

found Appellant not guilty of one charge and specification of attempted wrongful use of psilocybin mushrooms, in violation of Article 112a, UCMJ. *Id.*

² The military judge sentenced Appellant to 60 days' confinement for Specification 1 of Charge I, 75 days' confinement for Specification 4 of Charge I, and 50 days' confinement for Specification 6 of Charge I, with all sentences to confinement running consecutively. R. at 138.

Counsel has discussed this specific request with the Appellant. Specifically, (1) undersigned counsel has advised the Appellant of her right to a timely appeal; (2) undersigned counsel advised Appellant about this specific request for an enlargement of time, and (3) the Appellant agrees with the request for the enlargement of time. Undersigned counsel anticipates that this will be the final request for an enlargement of time barring unforeseen circumstances.

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

Respectfully submitted,

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

THOMAS R. GOVAN, JR., Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

A small 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 2 October 2023.



THOMAS R. GOVAN, JR., Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

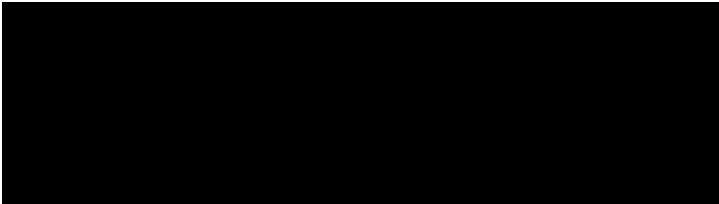
UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM S32747
GABRIELA E. BROWN, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

**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.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 300 days in length. Appellant's nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 8 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

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

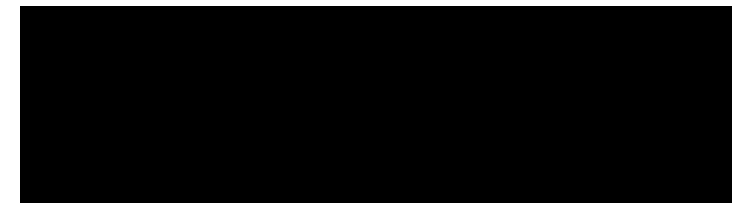


PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



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 4 October 2023.



PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
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
)	
Senior Airman (E-4)	)	Case No. ACM S32747
GABRIELA E. BROWN,)	
United States Air Force	)	Date filed: 8 November 2023
<i>Appellant.</i>)	

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

Submission of Case Without Specific Assignment of Error

The undersigned appellate defense counsel attests that he, on behalf of Appellant, carefully examined the record of trial in this case. Appellant does not admit the findings and sentence are correct in law and fact, but submits the case to this Honorable Court on its merits with no specific assignment of error during this stage of appellate processing.

Respectfully Submitted,



THOMAS R. GOVAN, JR., Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via electronic mail to the Court and served on the Appellate Government Division on 8 November 2023.



THOMAS R. GOVAN, JR., Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force

