


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 March 2023.

Respectfully submitted,


ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



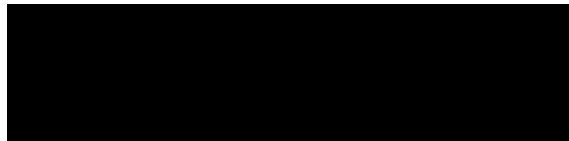
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman (E-2)	)	ACM 40402
AUSTIN T. BUCK, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

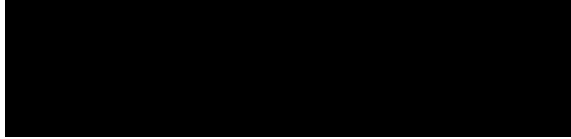


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



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 13 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
	)	OF TIME (SECOND)
)	
v.	)	Before Panel No. 1
)	
Airman (Amn)	)	No. ACM 40402
AUSTIN T. BUCK)	
United States Air Force	)	8 May 2023
)	
<i>Appellant</i>)	

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

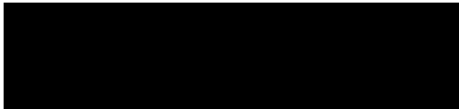
Pursuant to Rule 23.3(m)(2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for the first enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **18 June 2023**. The record of trial was docketed with this Court on 19 January 2023. From the date of docketing to the present date, 109 days have elapsed. On the date requested, 150 days will have elapsed.

On 20 September 2022, at Shaw Air Force (AFB), South Carolina, Appellant was tried and convicted by a military judge sitting as a General Court-Martial. R. at 1-14. Consistent with his pleas, the military judge found him guilty of one charge and specification in violation of Article 128b, Uniform Code of Military Justice (UMCJ). R. at 15-16, 70. The military judge sentenced Appellant to 60 days’ confinement, reduction to the grade of E-1, reprimand, and a bad conduct discharge. R. at 156. The convening authority took no action on the findings, disapproved the reprimand, approved the remainder of the sentence, and denied Appellant’s request for deferment. R. at Vol. 1, Convening Authority Decision on Action – *United States v. Austin T. Buck*, dated 6 Oct 22.

The record of trial consists of three prosecution exhibits, 16 defense exhibits, four appellate exhibits, and one court exhibit; the record is 157 pages. Appellant is not currently confined. Through no fault of Appellant's, 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 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,





ALEXANDRA K. FLESZAR, 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 Government Trial and Appellate Operations Division on 8 May 2023.

Respectfully submitted,


ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division


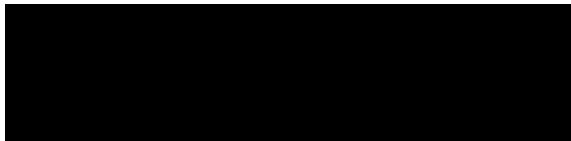
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman (E-2)	)	ACM 40402
AUSTIN T. BUCK, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

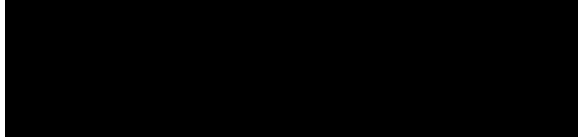


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



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 9 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 TO AMEND
<i>Appellee</i>)	
)	
v.	)	Before Panel No. 1
)	
Airman (E-2)	)	No. ACM 40402
AUSTIN T. BUCK)	
United States Air Force	)	10 May 2023
<i>Appellant</i>)	

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

Pursuant to Rule 23 and 23.3(n)¹ of this Honorable Court’s Rules of Practice and Procedure, Appellant, Airman (Amn) Austin T. Buck, respectfully moves to amend the following pleading previously filed with this Court: Motion For Enlargement of Time (Second), dated 8 May 2023.

The first page of the motion, line two, inadvertently indicated Appellant was moving for the first enlargement of time, instead of the second enlargement of time. Additionally, new counsel for Appellant, Capt Samantha Golseth, was just assigned to the case given undersigned counsel’s pending terminal leave on 1 June 2023. Accordingly, pages two and three requirement amendment both to include the signature of new counsel to allow for her appearance on the record, as well as to indicate the requirement for newly assigned counsel to have time to review Appellant’s case.

Counsel is filing this motion with the Court upon discovery of the error and receipt of newly assigned counsel for Appellant’s case; information pertinent to this Court’s consideration of the motion. Counsel requests this Court permit the three pages attached to the instant motion

¹ “If counsel discovers a pleading previously submitted to the Court requires correction, counsel may file a motion to amend the pleading. The motion will include a proposed corrected copy of the page(s) of the pleading that require correction.” A.F. CT. CRIM. APP. R. 23.3(n).

be used to amend the Motion for Enlargement of Time (Second). The corrected Pages 1-3 of the motion are appended to this filing and will constitute service on both the Government and this Court. Under Rule 23.2, Government counsel should be permitted two business days to review the new pages and determine if the Government desires to respond accordingly.

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

Respectfully submitted,

[REDACTED]

, USAF

Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

[REDACTED]

SAMANTHA P. GOLSETH, Capt, 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 10 May 2023.

Respectfully submitted,

[REDACTED]

, USAF

Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

[REDACTED]

SAMANTHA P. GOLSETH, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

**APPENDIX TO MOTION TO AMEND
(Motion for Enlargement of Time (Second), filed 8 May 2023)**

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT
	)	OF TIME (SECOND)
)	
v.	)	Before Panel No. 1
)	
Airman (E-2)	)	No. ACM 40402
AUSTIN T. BUCK)	
United States Air Force	)	10 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)(2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his second enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **18 June 2023**. The record of trial was docketed with this Court on 19 January 2023. From the date of docketing to the present date, 109 days have elapsed. On the date requested, 150 days will have elapsed.

On 20 September 2022, at Shaw Air Force (AFB), South Carolina, Appellant was tried and convicted by a military judge sitting as a General Court-Martial. R. at 1-14. Consistent with his pleas, the military judge found him guilty of one charge and specification in violation of Article 128b, Uniform Code of Military Justice (UMCJ). R. at 15-16, 70. The military judge sentenced Appellant to 60 days’ confinement, reduction to the grade of E-1, reprimand, and a bad conduct discharge. R. at 156. The convening authority took no action on the findings, disapproved the reprimand, approved the remainder of the sentence, and denied Appellant’s request for deferment. R. at Vol. 1, Convening Authority Decision on Action – *United States v. Austin T. Buck*, dated 6 Oct 22.

The record of trial consists of three prosecution exhibits, 16 defense exhibits, four appellate exhibits, and one court exhibit; the record is 157 pages. Appellant is not currently confined.

Through no fault of Appellant's, Maj Fleszar has been working on other assigned matters and has not yet started review of Appellant's case. Maj Fleszar will be commencing terminal leave on 1 June 2023. Capt Golseth has just been assigned as new counsel for Appellant, and has similarly not yet started review of Appellant's case. Accordingly, an enlargement of time is necessary to allow Capt Golseth to 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,



ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division




SAMANTHA P. GOLSETH, 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 Government Trial and Appellate Operations Division on 10 May 2023.

Respectfully submitted,


ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division




SAMANTHA P. GOLSETH, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



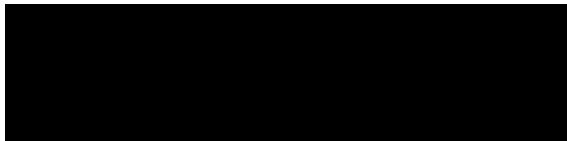
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	AMENDED MOTION FOR
v.	)	ENLARGEMENT OF TIME
)	
Airman (E-2)	)	ACM 40402
AUSTIN T. BUCK, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

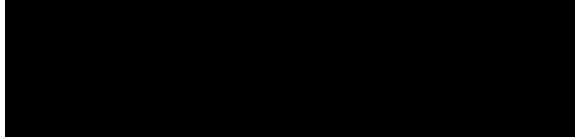


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



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 11 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 WITHDRAWAL
<i>Appellee,</i>	)	OF APPELLATE DEFENSE
	)	COUNSEL
v.)	
	)	Before Panel No. 1
Airman (E-2))	
AUSTIN T. BUCK	)	No. ACM 40402
United States Air Force)	
<i>Appellant</i>	)	23 May 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. Capt Samantha P. Golseth has been detailed substitute counsel in undersigned counsel’s stead. A thorough turnover of the record between counsel has been completed.

Undersigned counsel will be separating from Active Duty with the United States Air Force effective 21 August 2023. Undersigned counsel’s terminal leave begins on 1 June 2023. Undersigned counsel has accepted a position as an attorney with the United States Department of Justice which begins 20 June 2023.

If undersigned counsel were to remain as counsel on the case, it would be her sixth priority. Her first priority is a Supplement to the Petition for Grant of Review before the Court of Appeals for the Armed Forces in *United States v. Rodriguez*, ACM No. 40218, with a ROT consisting of four volumes, seven motions, three prosecution exhibits, one defense exhibit, and a 70-page transcript, due 30 May 2023.

Her second priority is a Reply to the Government's Answer in *United States v. Lee*, ACM No. 40258, with the Government's Answer due on 26 May 2023 and the Reply due on 2 June 2023. In this case, the record of trial consists of five prosecution exhibits, eleven defense exhibits, and twenty-four appellate exhibits; the transcript is 595 pages. These priorities will take undersigned counsel to commencement of her terminal leave. Through no fault of Appellant's, undersigned counsel has been working on other assigned matters and has not yet started review of Appellant's case.

Though undersigned counsel is in the process of transferring to the United States Air Force Reserves, her scroll currently remains pending. In any event, she would be unable to begin her Reserve service until 22 August 2023. Given the location of Appellant's case in undersigned counsel's docket, undersigned counsel's impending separation from the Active Duty Air Force, and her existing caseload, it is in Appellant's best interest that undersigned counsel be permitted to withdraw and that he be represented by Capt Samantha P. Golseth. Capt Golseth expects her assignment with the Appellate Defense Division to continue through at least Summer 2024. She will continue to represent Appellant and file all motions and briefs as necessary.

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, undersigned counsel respectfully requests that this Honorable Court grant this motion.

Respectfully submitted,

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

ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

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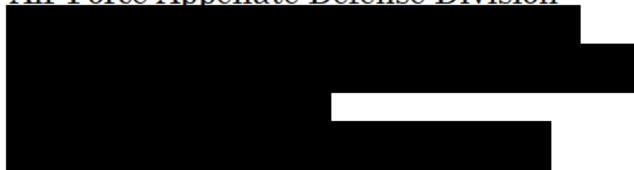
CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 23 May 2023.

Respectfully submitted,

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ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Airman (E-2)

AUSTIN T. BUCK

United States Air Force

Appellant

NOTICE OF APPEARANCE

Before Panel No. 1

No. ACM 40402

31 May 2023

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

Pursuant to Rules 12 and 13 of this Honorable Court's Rules of Practice and Procedure, the undersigned, an attorney admitted to practice before this Court, hereby enters her appearance as the appellate counsel for the appellant in the above-captioned case.

Respectfully submitted,



SAMANTHA P. GOLSETH, 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 electronic mail to the Court and served on the Appellate Government Division on 31 May 2023.

[REDACTED]

SAMANTHA P. GOLSETH, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division


[REDACTED]

The record of trial consists of 3 prosecution exhibits, 16 defense exhibits, 4 appellate exhibits, and one court exhibit. The transcript is 157 pages. Appellant is not confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. Appellant was informed of his right to a timely appeal and concurs with this request for an enlargement of time. This 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,



SAMANTHA P. GOLSETH, 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 was sent via email to the Court and served on the Appellate Government Division on 7 June 2023.



SAMANTHA P. GOLSETH, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



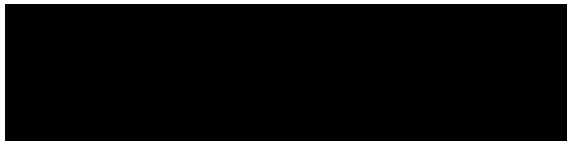
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman (E-2)	)	ACM 40402
AUSTIN T. BUCK, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

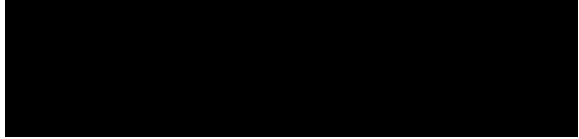


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



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 June 2023.



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



The record of trial consists of 3 prosecution exhibits, 16 defense exhibits, 4 appellate exhibits, and one court exhibit. The transcript is 157 pages. Appellant is not confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel provides that she represents 18 clients and is presently assigned 10 cases pending brief before this Court. The following six cases pending brief before this Court currently have priority over the present case:

- (1) *United States v. Bickford*, No. ACM 40326 – The record of trial consists of 42 appellate exhibits, 16 prosecution exhibits, and 1 defense exhibit. The transcript is 744 pages. Appellant is not confined. Undersigned counsel reviewed the entire record of trial and is finalizing Appellant's assignments of error. Appellant's brief will be filed no later than Friday, 14 July 2023.
- (2) *United States v. Stanford*, No. ACM 40327 – The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. Appellant is not confined. Undersigned counsel is reviewing Appellant's record of trial.
- (3) *United States v. Kight*, No. ACM 40337 – The record of trial consists of 6 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 36 appellate exhibits. The transcript is 1068 pages. Appellant is confined. Lead civilian appellate defense counsel, Mr. Scott Hockenberry, is completing his review of Appellant's record of trial and undersigned counsel will begin her review as soon as possible.

- (4) *United States v. Donley*, No. ACM 40350 – The record of trial consists of 7 prosecution exhibits, 4 defense exhibits, 1 court exhibit, and 66 appellate exhibits. The transcript is 1233 pages. Appellant is confined.
- (5) *United States v. Goodwater*, No. ACM 40304 (f rev.) – The record of trial consists of 18 prosecution exhibits, 5 defense exhibits, and 26 appellate exhibits. The transcript is 413 pages. Appellant is confined.
- (6) *United States v. George Jr.*, No. ACM 40397 – The record of trial consists of 3 prosecution exhibits, 12 defense exhibits, 1 court exhibit, and 22 appellate exhibits. The transcript is 779 pages. Appellant is not confined.
- (7) Since moving for a third enlargement of time, Capt Golseth has also reviewed four records of trial and advised the members regarding their opportunity to appeal directly to the Air Force Court of Criminal Appeals.
- (8) In addition to the above priorities before this Honorable Court, undersigned counsel has been detailed to represent the Appellant in *United States v. Cole*, USCA Dkt. No. 23-0162/AF, a matter in which the United States Court of Appeals for the Armed Forces (C.A.A.F) has granted review. Appellant’s brief and the joint appendix are due in accordance with C.A.A.F.’s order on 26 July 2023.

Appellant was informed of his right to a timely appeal and concurs with this request for an enlargement of time. This 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 solid black rectangular redaction box covering the signature of Samantha P. Golseth.

SAMANTHA P. GOLSETH, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

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

CERTIFICATE OF FILING AND SERVICE

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SAMANTHA P. GOLSETH, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



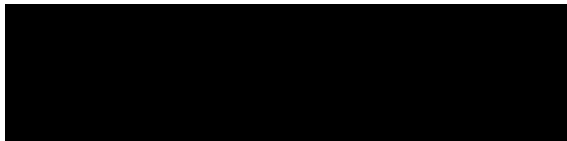
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman (E-2)	)	ACM 40402
AUSTIN T. BUCK, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

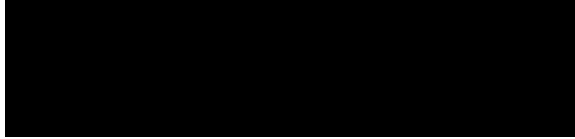


MARY ELLEN PAYNE
Associate Chief, Government Trial and
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Military Justice and Discipline
United States Air Force

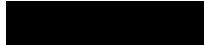


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 12 July 2023.



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



The record of trial consists of 3 prosecution exhibits, 16 defense exhibits, 4 appellate exhibits, and one court exhibit. The transcript is 157 pages. Appellant is not confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel provides that she represents 24 clients and is presently assigned 17 cases pending brief before this Court. The following six cases pending brief before this Court currently have priority over the present case:

- (1) *United States v. Blackburn*, No. ACM 40303 – Appellant's reply brief is due 21 August 2023. Undersigned counsel replaced Appellant's appellate defense counsel who drafted Appellant's brief. As such, she is familiarizing herself with the record, the ten issues raised, and the Government's answer which totals 52 pages.
- (2) *United States v. Stanford*, No. ACM 40327 – The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. Appellant is not confined. Undersigned counsel is reviewing Appellant's record of trial.
- (3) *United States v. Kight*, No. ACM 40337 – The record of trial consists of 6 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 36 appellate exhibits. The transcript is 1068 pages. Appellant is confined. Lead civilian appellate defense counsel, Mr. Scott Hockenberry, is completing his review of Appellant's record of trial and undersigned counsel will begin her review as soon as possible.
- (4) *United States v. Donley*, No. ACM 40350 – The record of trial consists of 7 prosecution exhibits, 4 defense exhibits, 1 court exhibit, and 66 appellate exhibits. The transcript is 1233 pages. Appellant is confined.

(5) *United States v. Goodwater*, No. ACM 40304 (f rev.) – The record of trial consists of 18 prosecution exhibits, 5 defense exhibits, and 26 appellate exhibits. The transcript is 413 pages. Appellant is confined.

(6) *United States v. George Jr.*, No. ACM 40397 – The record of trial consists of 3 prosecution exhibits, 12 defense exhibits, 1 court exhibit, and 22 appellate exhibits. The transcript is 779 pages. Appellant is not confined.

In addition to the above priorities, undersigned counsel has (1) two cases pending filing petition for writ of certiorari before the U.S. Supreme Court (*United States v. Anderson*, No. ACM 39969, and *United States v. Lopez*, No. ACM 40161), and (2) one case pending filing a petition for grant of review before C.A.A.F. (*United States v. Hernandez*, No. ACM 40287).

Since moving for a fourth enlargement of time, undersigned counsel filed Appellant's brief in *United States v. Bickford*, No. ACM 40326, before this Court and Appellant's brief and a joint appendix in *United States v. Cole*, USCA Dkt. No. 23-0162/AF, before the United States Court of Appeals for the Armed Forces.

Appellant was informed of his right to a timely appeal and concurs with this request for an enlargement of time. This 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 solid black rectangular redaction box covering the signature of Samantha P. Golseth.

SAMANTHA P. GOLSETH, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

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

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 9 August 2023.



SAMANTHA P. GOLSETH, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



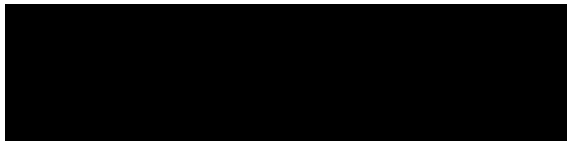
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman (E-2)	)	ACM 40402
AUSTIN T. BUCK, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

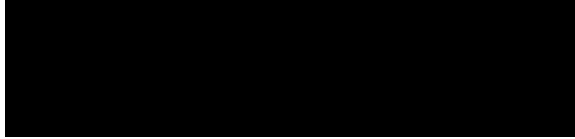


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



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 11 August 2023.



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 40402
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Austin T. BUCK)	
Airman (E-2))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 9 August 2023, counsel for Appellant submitted a Motion for Enlargement of Time (Fifth) requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure. Accordingly, it is by the court on this 11th day of August, 2023,

ORDERED:

Appellant's Motion for Enlargement of Time (Fifth) is **GRANTED**. Appellant shall file any assignments of error not later than **16 September 2023**.

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 Appellant's 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



FLEMING E. KEEFE, Capt, USAF
Deputy Clerk of the Court

The record of trial consists of 3 prosecution exhibits, 16 defense exhibits, 4 appellate exhibits, and 1 court exhibit. The transcript is 157 pages. Appellant is not confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel provides that she represents 29 clients and is presently assigned 15 cases pending brief before this Court. The following six cases pending brief before this Court currently have priority over the present case:

- (1) *United States v. Stanford*, No. ACM 40327 – The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. Appellant is not confined. Undersigned counsel is reviewing Appellant's record of trial. She has reviewed approximately 20% of Appellant's transcript so far.
- (2) *United States v. Kight*, No. ACM 40337 – The record of trial consists of 6 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 36 appellate exhibits. The transcript is 1068 pages. Appellant is confined. Lead civilian appellate defense counsel, Mr. Scott Hockenberry, has reviewed Appellant's record of trial and is researching and drafting Appellant's assignments of error. Undersigned counsel will begin her review as soon as possible.
- (3) *United States v. Donley*, No. ACM 40350 – The record of trial consists of 7 prosecution exhibits, 4 defense exhibits, 1 court exhibit, and 66 appellate exhibits. The transcript is 1233 pages. Appellant is confined.
- (4) *United States v. George Jr.*, No. ACM 40397 – The record of trial consists of 3 prosecution exhibits, 12 defense exhibits, 1 court exhibit, and 22 appellate exhibits. The transcript is 779 pages. Appellant is not confined.

(5) *United States v. Goodwater*, No. ACM 40304 (f rev) – The record of trial consists of 18 prosecution exhibits, 5 defense exhibits, and 26 appellate exhibits. The transcript is 413 pages. Appellant is confined.

(6) *United States v. Johnson*, No. ACM 40291 (f rev) – The record of trial consists of 28 prosecution exhibits, 4 defense exhibits, and 23 appellate exhibits. The transcript is 395 pages. Appellant is not confined.

In addition to the above priorities, undersigned counsel has one case pending petition for writ of certiorari before the U.S. Supreme Court: *United States v. Anderson*, No. ACM 39969. Before the Court of Appeals for the Armed Forces, undersigned counsel has two priorities:

(1) *United States v. Cole*, USCA Dkt. No. 23-0162/AF, No. ACM 40189: Undersigned counsel received the Government’s answer brief on 5 September 2023 and Appellant’s reply brief is due on 15 September 2023.

(2) *United States v. Hernandez*, No. ACM 40287: Undersigned counsel drafted Appellant’s petition and supplement, which has been peer reviewed. Undersigned counsel anticipates editing Appellant’s supplement, submitting it for leadership review, and filing Appellant’s petition and supplement on or around 14 September 2023.

Since moving for a fifth enlargement of time, undersigned counsel filed a reply brief in *United States v. Blackburn*, No. ACM 40303; initial brief (on further review) in *United States v. Gammage*, No. ACM S32731 (f rev); drafted the petition and supplement detailed above for *United States v. Hernandez*, No. ACM 40287; and assisted in the drafting of the petition for a writ of certiorari in *Martinez, et. al., v. United States*,¹ filed 8 September 2023 in the U.S. Supreme Court.

¹ Petitioners include, *inter alia*, *Martinez, McCameron, Tarnowski, Veerathanongdech, and Lopez* (No. ACMs 39973, 40005, 40089, 40110, 40161).

Appellant was informed of his right to a timely appeal and concurs with this request for an enlargement of time. This 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 Samantha P. Golseth.

SAMANTHA P. GOLSETH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

A large black rectangular redaction box covering the contact information, including the address and phone number of the Air Force Appellate Defense Division.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 8 September 2023.



SAMANTHA P. GOLSETH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



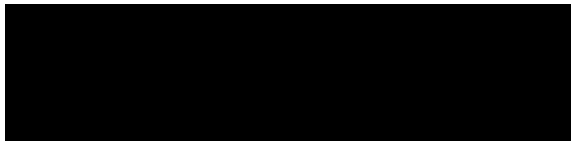
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman (E-2)	)	ACM 40402
AUSTIN T. BUCK, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

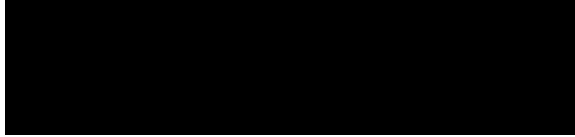


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



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 11 September 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

Appellee,

v.

Airman (E-2)

AUSTIN T. BUCK

United States Air Force

Appellant

NOTICE OF APPEARANCE

Before Panel No. 1

No. ACM 40402

13 Sept 2023

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

Pursuant to Rules 12 and 13 of this Honorable Court's Rules of Practice and Procedure, the undersigned, an attorney admitted to practice before this Court, hereby enters her appearance as the appellate counsel for the appellant in the above-captioned case.



NICOLE J. HERBERS, 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 electronic mail to the Court and served on the Appellate Government Division on 13 Sept 2023.

[REDACTED]

NICOLE J. HERBERS, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Airman (E-2)

AUSTIN T. BUCK

United States Air Force,

Appellant.

**MOTION TO WITHDRAW FROM
APPELLATE REVIEW AND
ATTACH**

Before Panel No. 1

Case No. ACM 40402

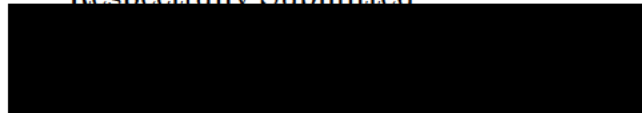
Filed on: 22 September 2023

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

Pursuant to Rule 16 of the Rules of Practice and Procedure of the United States Air Force Court of Criminal Appeals and Rule for Courts-Martial (R.C.M.) 1115, Appellant moves to withdraw his case from appellate review. Appellant has fully consulted with Major Nicole Herbers, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced or induced Appellant by force, promises of clemency, or otherwise, to withdraw his case from appellate review. Further, pursuant to Rules 23(b) and 23.3(b), the undersigned counsel asks this Court to attach the two-page document appended to this pleading to the record of this proceeding. The appended document is necessary to comply with R.C.M. 1115(d).

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

Respectfully Submitted



NICOLE J. HERBERS, 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 electronic mail to the Court and served on the Appellate Government Division on 22 September 2023.

[REDACTED]

NICOLE J. HERBERS, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

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

UNITED STATES	)	No. ACM 40402
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Austin T. BUCK)	
Airman (E-2))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 22 September 2023, Appellant submitted a Motion to Withdraw from Appellant Review and Motion to Attach. Specifically, Appellant moved to attach a DD Form 2330, *Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals*, signed by Appellant on 20 September 2023 and Appellant’s counsel on 22 September 2023.

The Government did not submit any opposition.

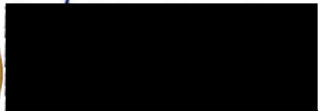
Accordingly, it is by the court on this 28th day of September, 2023,

ORDERED:

Appellant’s Motion to Withdraw from Appellate Review and Motion to Attach are **GRANTED**. Appellant’s case is forwarded to the Appellate Records Branch (JAJM) for further processing in accordance with Rules for Courts-Martial 1115(f)(3) and 1201, *Manual for Courts-Martial, United States* (2019 ed.).



FOR THE COURT



FLEMING E. KEEFE, Capt, USAF
Deputy Clerk of the Court