

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

| | | |
|---------------------|---|----------------|
| UNITED STATES |) | No. ACM 40656 |
| <i>Appellee</i> |) | |
| |) | |
| v. |) | |
| |) | ORDER |
| Matthew D. CORLISS |) | |
| Senior Airman (E-4) |) | |
| U.S. Air Force |) | |
| <i>Appellant</i> |) | Panel 3 |

This case was docketed with the court on 20 August 2024. On 7 October 2024, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 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 8th day of October, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **18 December 2024**.

Any subsequent requests for enlargement will be considered individually on their merits.

Appellant's counsel is advised that any subsequent motions for enlargement of time shall include, in addition to matters required under this court's Rules of Practice and Procedure, statements as to: (1) whether Appellant was advised of Appellant's right to a timely appeal, (2) whether Appellant was provided an update of the status of counsel's progress on Appellant's case, (3) whether Appellant was advised of the request for an enlargement of time, and (4) whether Appellant agrees with the request for an enlargement of time.

Appellant's counsel is further advised that any future requests for enlargements of time that, if granted, would expire more than 330 days after docketing, will not be granted absent exceptional circumstances.



FOR THE COURT



OLGA STANFORD Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Senior Airman (E-4)

MATTHEW D. CORLISS,

United States Air Force,

Appellant.

) **APPELLANT'S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (FIRST)**

)

) Before Panel No. 3

)

) No. ACM 40656

)

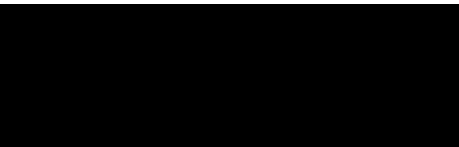
) 7 October 2024

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

Pursuant to Rule 23.3(m)(1) and (2) of this Court's Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **18 December 2024**. The record of trial was docketed with this Court on 20 August 2024. From the date of docketing to the present date, 48 days have elapsed. On the date requested, 120 days will have elapsed.

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

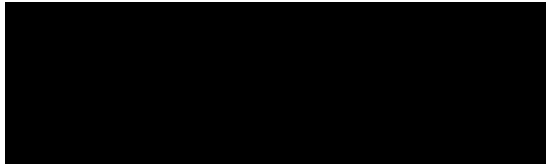
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
samantha.castanien.1@us.af.mil

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 Air Force Government Trial and Appellate Operations Division on 7 October 2024.



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

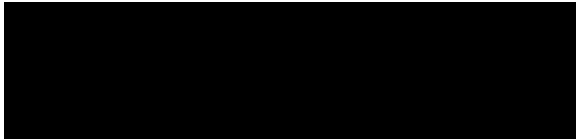
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|---------------------------|---|---------------------------|
| UNITED STATES, |) | UNITED STATES' GENERAL |
| <i>Appellee,</i> |) | OPPOSITION TO APPELLANT'S |
| |) | MOTION FOR ENLARGEMENT |
| v. |) | OF TIME |
| |) | |
| Senior Airman (E-4) |) | ACM 40656 |
| MATTHEW D. CORLISS, USAF, |) | |
| <i>Appellant.</i> |) | Panel No. 3 |
| |) | |

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

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

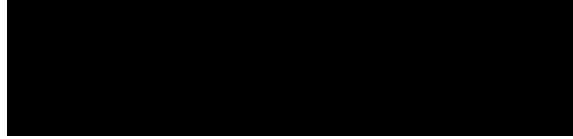
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 7 October 2024.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

V.

Senior Airman (E-4)

MATTHEW D. CORLISS,

United States Air Force,

Appellant.

) APPELLANT'S MOTION

) **FOR ENLARGEMENT**

) OF TIME (SECOND)

)

) Before Panel No. 3

)

) No. ACM 40656

)

) 2 December 2024

**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 Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **17 January 2025**. The record of trial was docketed with this Court on 20 August 2024. From the date of docketing to the present date, 104 days have elapsed. On the date requested, 150 days will have elapsed.

On 29 May 2024, at a general court-martial convened at Moody Air Force Base, Georgia, a military judge, consistent with Appellant’s pleas, found him guilty of one charge and one specification of larceny of military property in violation of Article 121, Uniform Code of Military Justice (UCMJ). R. at 1, 7, 10, 12, 27. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be confined for six months, and to be fined \$15,000, where, in the event Appellant failed to pay the fine, he would receive an additional six months of confinement. R. at 88. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Airman Matthew D. Corliss* (July 16, 2024).

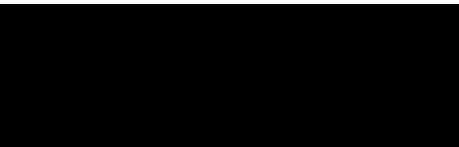
The trial transcript is 88 pages long and the record of trial is an electronic ROT, which is one volume of 402 pages. There are five admitted Prosecution Exhibits, six Defense Exhibits, and one Appellate Exhibit. Appellant is not currently confined.

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

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

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

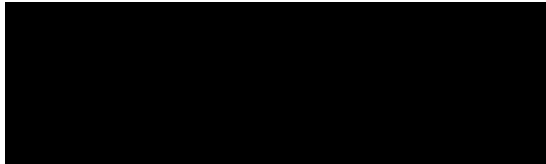
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
samantha.castanien.1@us.af.mil

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 Air Force Government Trial and Appellate Operations Division on 2 December 2024.



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

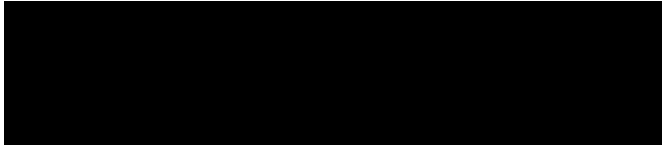
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|---------------------------|---|---------------------------|
| UNITED STATES, |) | UNITED STATES' GENERAL |
| <i>Appellee,</i> |) | OPPOSITION TO APPELLANT'S |
| |) | MOTION FOR ENLARGEMENT |
| v. |) | OF TIME |
| |) | |
| Senior Airman (E-4) |) | ACM 40656 |
| MATTHEW D. CORLISS, USAF, |) | |
| <i>Appellant.</i> |) | Panel No. 3 |
| |) | |

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

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

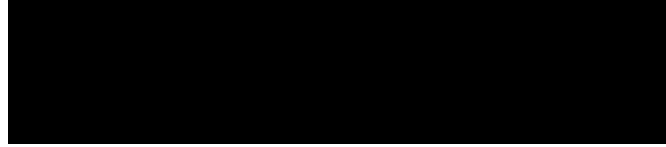
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 December 2024.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

V.

Senior Airman (E-4)

MATTHEW D. CORLISS,

United States Air Force,

Appellant.

) APPELLANT'S MOTION

) FOR ENLARGEMENT

) **OF TIME (THIRD)**

)

) Before Panel No. 3

)

) No. ACM 40656

)

) 6 January 2025

**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 Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **16 February 2025**. The record of trial was docketed with this Court on 20 August 2024. From the date of docketing to the present date, 139 days have elapsed. On the date requested, 180 days will have elapsed.

On 29 May 2024, at a general court-martial convened at Moody Air Force Base, Georgia, a military judge, consistent with Appellant’s pleas, found him guilty of one charge and one specification of larceny of military property in violation of Article 121, Uniform Code of Military Justice (UCMJ). R. at 1, 7, 10, 12, 27. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be confined for six months, and to be fined \$15,000, where, in the event Appellant failed to pay the fine, he would receive an additional six months of confinement. R. at 88. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Airman Matthew D. Corliss* (July 16, 2024).

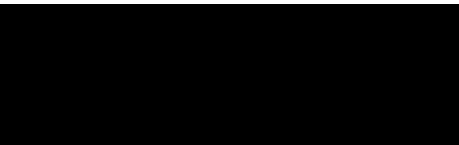
The trial transcript is 88 pages long and the record of trial is an electronic ROT, which is one volume of 402 pages. There are five admitted Prosecution Exhibits, six Defense Exhibits, and one Appellate Exhibit. Appellant is not currently confined.

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

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

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

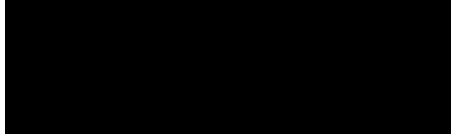
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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samantha.castanien.1@us.af.mil

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 Air Force Government Trial and Appellate Operations Division on 6 January 2025.



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Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
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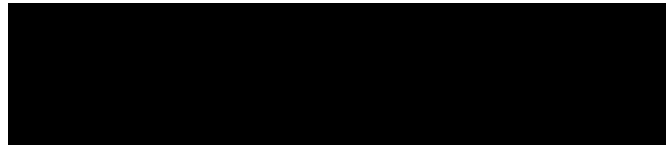
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|---------------------------|---|---------------------------|
| UNITED STATES, |) | UNITED STATES' GENERAL |
| <i>Appellee,</i> |) | OPPOSITION TO APPELLANT'S |
| |) | MOTION FOR ENLARGEMENT |
| v. |) | OF TIME |
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| Senior Airman (E-4) |) | ACM 40656 |
| MATTHEW D. CORLISS, USAF, |) | |
| <i>Appellant.</i> |) | Panel No. 3 |
| |) | |

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

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

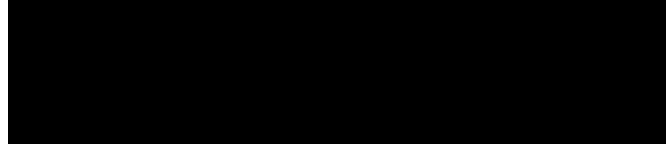
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
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I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 7 January 2025.



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Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

V.

Senior Airman (E-4)

MATTHEW D. CORLISS,

United States Air Force,

Appellant.

) APPELLANT'S MOTION

) FOR ENLARGEMENT

) OF TIME (FOURTH)

)

) Before Panel No. 3

)

) No. ACM 40656

)

) 3 February 2025

**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 Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **18 March 2025**. The record of trial was docketed with this Court on 20 August 2024. From the date of docketing to the present date, 167 days have elapsed. On the date requested, 210 days will have elapsed.

On 29 May 2024, at a general court-martial convened at Moody Air Force Base, Georgia, a military judge, consistent with Appellant’s pleas, found him guilty of one charge and one specification of larceny of military property in violation of Article 121, Uniform Code of Military Justice (UCMJ). R. at 1, 7, 10, 12, 27. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be confined for six months, and to be fined \$15,000, where, in the event Appellant failed to pay the fine, he would receive an additional six months of confinement. R. at 88. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Airman Matthew D. Corliss* (July 16, 2024).

The trial transcript is 88 pages long and the record of trial (ROT) is an electronic ROT, which is one volume of 402 pages. There are five admitted Prosecution Exhibits, six Defense Exhibits, and one Appellate Exhibit. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Appellate defense counsel is currently assigned 38 cases; 18 cases are pending before this Court (16 cases are pending AOE's), 18 cases are pending before the United States Court of Appeals for the Armed Forces (CAAF) (two are pending petitions and supplements), and two cases are pending before the United States Supreme Court (one is pending a petition). To date, eight cases have priority over the present case:

1. *United States v. Wells*, No. 24A520 – The CAAF issued a decision in this case on 24 September 2024. From the date of decision, this appellant has 90 days to file a petition of certiorari to the United States Supreme Court. 28 U.S.C. § 1259(3); Supreme Court Rule 13(1). Due to undersigned counsel's schedule, undersigned counsel requested a 60-day extension to file the petition for *Wells*. Supreme Court Rule 13(5). Thus, undersigned counsel will file a petition of certiorari to the United States Supreme Court by 21 February 2025. Undersigned counsel intends to work *Wells* simultaneously with *United States v. Kim*, No. ACM 24007.

2. *United States v. Kim*, No. ACM 24007 – The record of trial for this direct appeal is five volumes consisting of five Prosecution Exhibits, three Defense Exhibits, 27 Appellate Exhibits, and one Court Exhibit. The transcript is 421 pages. This appellant is not currently confined. Counsel has not yet completed her review of this appellant's record.

3. *United States v. Thomas*, No. ACM 22083 – The record of trial is four volumes consisting of 14 Prosecution Exhibits, five Defense Exhibits, and 33 Appellate Exhibits. The

verbatim transcript is 528 pages. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

4. *United States v. Marin Perez*, No. ACM S32771 – The trial transcript is 108 pages long and the record of trial is an electronic ROT, which is one volume of 381 pages. There are four Prosecution Exhibits, fourteen Defense Exhibits, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

5. *United States v. Brown*, No. ACM S32777 – The trial transcript is 133 pages long and the record of trial is three volumes containing nine Prosecution Exhibits, one Defense Exhibit, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

6. *United States v. Ziesche*, No. ACM 24022 – The trial transcript is 174 pages long and the record of trial is four volumes comprised of four Prosecution Exhibits, 13 Defense Exhibits, and 16 Appellate Exhibits. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

7. *United States v. Tyson*, No. ACM 40617 – The trial transcript is 1,244 pages long and the electronic record of trial is three volumes containing 25 Prosecution Exhibits, 14 Defense Exhibits, one Court Exhibit, and 71 Appellate Exhibits. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

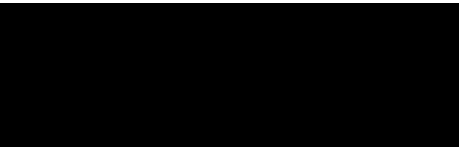
8. *United States v. Watkins*, No. ACM 40639 – The trial transcript is 519 pages long and the record of trial is five volumes containing 14 Prosecution Exhibits, three Defense Exhibits, 47 Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

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

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

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

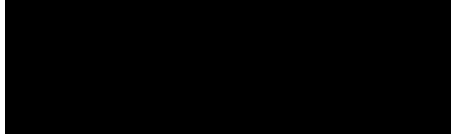
Respectfully submitted,



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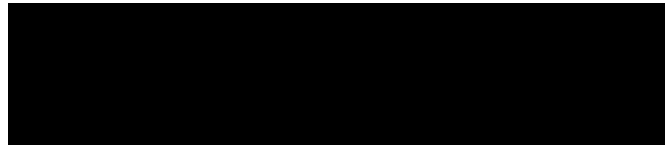
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

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| UNITED STATES, |) | UNITED STATES' GENERAL |
| <i>Appellee,</i> |) | OPPOSITION TO APPELLANT'S |
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| Senior Airman (E-4) |) | ACM 40656 |
| MATTHEW D. CORLISS, USAF, |) | |
| <i>Appellant.</i> |) | Panel No. 3 |
| |) | |

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

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

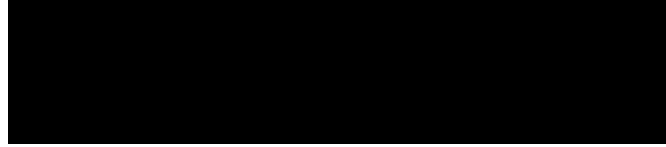
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 February 2025.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

V.

Senior Airman (E-4)

MATTHEW D. CORLISS,

United States Air Force,

Appellant.

) APPELLANT'S MOTION

) **FOR ENLARGEMENT**

) OF TIME (FIFTH)

)

) Before Panel No. 3

)

) No. ACM 40656

)

) 3 March 2025

**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 Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **17 April 2025**. The record of trial was docketed with this Court on 20 August 2024. From the date of docketing to the present date, 195 days have elapsed. On the date requested, 240 days will have elapsed.

On 29 May 2024, at a general court-martial convened at Moody Air Force Base, Georgia, a military judge, consistent with Appellant’s pleas, found him guilty of one charge and one specification of larceny of military property in violation of Article 121, Uniform Code of Military Justice (UCMJ). R. at 1, 7, 10, 12, 27. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be confined for six months, and to be fined \$15,000, where, in the event Appellant failed to pay the fine, he would receive an additional six months of confinement. R. at 88. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Airman Matthew D. Corliss* (July 16, 2024).

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Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Appellate defense counsel is currently assigned 38 cases; 19 cases are pending before this Court (18 cases are pending AOE's), 18 cases are pending before the United States Court of Appeals for the Armed Forces (CAAF), and one case is pending before the United States Supreme Court. To date, nine cases have priority over the present case:

1. *United States v. Kim*, No. ACM 24007 – Undersigned counsel completed review of this appellant's record and is finalizing the AOE before it undergoes review.

2. *United States v. Giles*, No. ACM 40482 – The petition for grant of review was filed on 18 February 2025, along with a request for a 21-day extension to file the supplement to the petition. C.A.A.F. R. 19(a)(5)(A). Undersigned counsel intends to work the supplement to the petition simultaneously with *United States v. Marin Perez*, No. ACM S32771.

3. *United States v. Marin Perez*, No. ACM S32771 - The trial transcript is 108 pages long and the record of trial is an electronic ROT, which is one volume of 381 pages. There are four Prosecution Exhibits, fourteen Defense Exhibits, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Undersigned counsel has not yet completed her review of this appellant's record, but has moved this case above *United States v. Thomas*, No. ACM 22083, due to its size and comparable docketing time.

4. *United States v. Braum*, No. 25-0046/AF – Since Appellant's last request for an EOT, the CAAF granted review of one issue in this case, and the Grant Brief was filed on 25 February

2025. Any reply brief will be due at the end of March, with which undersigned counsel will likely assist.

5. *United States v. Thomas*, No. ACM 22083 - The record of trial is four volumes consisting of 14 Prosecution Exhibits, five Defense Exhibits, and 33 Appellate Exhibits. The verbatim transcript is 528 pages. This appellant is not currently confined. Undersigned counsel has not yet completed her review of this appellant's record.

6. *United States v. Brown*, No. ACM S32777 – The trial transcript is 133 pages long and the record of trial is three volumes containing nine Prosecution Exhibits, one Defense Exhibit, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Undersigned counsel has not yet completed her review of the record of trial.

7. *United States v. Ziesche*, No. ACM 24022 – The trial transcript is 174 pages long and the record of trial is four volumes comprised of four Prosecution Exhibits, 13 Defense Exhibits, and 16 Appellate Exhibits. This appellant is not currently confined. Undersigned counsel has not yet completed her review of the record of trial.

8. *United States v. Tyson*, No. ACM 40617 – The trial transcript is 1,244 pages long and the electronic record of trial is three volumes containing 25 Prosecution Exhibits, 14 Defense Exhibits, one Court Exhibit, and 71 Appellate Exhibits. This appellant is not currently confined. Undersigned counsel has not yet completed her review of the record of trial.

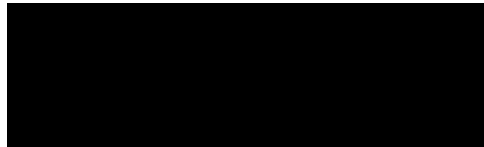
9. *United States v. Watkins*, No. ACM 40639 - The trial transcript is 519 pages long and the record of trial is five volumes containing 14 Prosecution Exhibits, three Defense Exhibits, 47 Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Undersigned counsel has not yet completed her review of the record of trial.

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

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

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

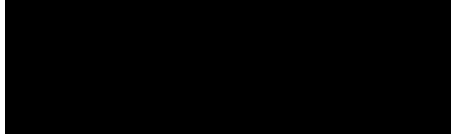
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
samantha.castanien.1@us.af.mil

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 Air Force Government Trial and Appellate Operations Division on 3 March 2025.



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

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) |) | Before Panel No. 3 |
| MATTHEW D. CORLISS |) | |
| United States Air Force |) | No. ACM 40656 |
| <i>Appellant.</i> |) | |
| |) | 4 March 2025 |

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

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

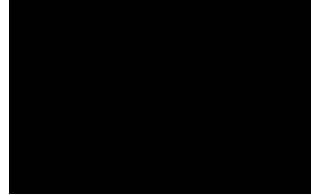
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4809

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 March 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4809

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|----------------------------------|
| UNITED STATES, |) | MOTION FOR ENLARGEMENT OF |
| <i>Appellee,</i> |) | TIME (FIFTH) |
| |) | |
| v. |) | Before Panel 3 |
| |) | |
| Senior Airman (E-4), |) | No. ACM 40656 |
| MATTHEW D. CORLISS, |) | |
| United States Air Force, |) | 10 March 2025 |
| <i>Appellant.</i> |) | |

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

Pursuant to Rule 23.3(m) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his sixth enlargement of time to file an Assignment of Errors (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **10 April 2025**. This case was docketed with this Court on 20 August 2024. The record of trial was docketed with this Court on 20 August 2024. From the date of docketing to the present date, 167 days have elapsed. On the date requested, 210 days will have elapsed.

On 29 May 2024, at a general court-martial convened at Moody Air Force Base, Georgia, a military judge, consistent with Appellant’s pleas, found him guilty of one charge and one specification of larceny of military property in violation of Article 121, Uniform Code of Military Justice (UCMJ). R. at 1, 7, 10, 12, 27. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be confined for six months, and to be fined \$15,000, where, in the event Appellant failed to pay the fine, he would receive an additional six months of confinement. R. at 88. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Airman Matthew D. Corliss* (July 16, 2024).

The trial transcript is 88 pages long and the record of trial (ROT) is an electronic ROT, which is one volume of 402 pages. There are five admitted Prosecution Exhibits, six Defense Exhibits, and one Appellate Exhibit. Appellant is not currently confined. Undersigned counsel is currently

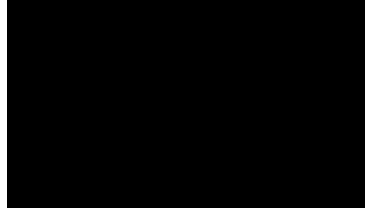
representing 6 clients; 6 clients are pending initial AOE's before this Court. This record has not yet been reviewed. Four matters currently have priority over this case:

1. *Lovell*, No. ACM 40614 – 85 pages – presently on EOT 7. The record has been reviewed and is in the process of being briefed. The record is two volumes, includes 4 prosecution exhibits, and 5 appellate exhibits. SrA Lovell is confined
2. *Hymel*, No. ACM 40627 – 634 pages – presently on EOT 7. Counsel is in the process of reviewing the record. The record of trial consists of five volumes. There are five prosecution exhibits, eight defense exhibits, and 18 appellate exhibits. Capt Hymel is not currently confined.
3. *Nelson*, No. ACM 24042 – 336 pages – presently on EOT 4 – The record of trial is three volumes consisting of 15 prosecution exhibits, one defense exhibit, and 17 appellate exhibits; the transcript is 336 pages. Appellant is not currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.
4. *Hahn*, No. ACM 40657 – 81 pages – presently on EOT 4 - The record of trial consists of three volumes with four prosecution exhibits, one court exhibit, seven defense exhibits, and five appellate exhibits; the transcript is 81 pages. Appellant is currently confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters which has prevented him from completing an in-depth review of the record of trial. Accordingly, an enlargement of time is necessary for counsel to continue reviewing the record of trial and to advise appellant on potential errors.

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

Respectfully submitted,

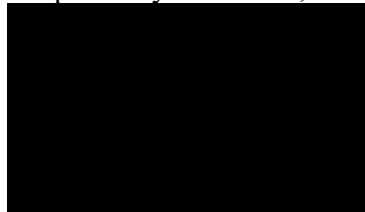


LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

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 2025.

Respectfully submitted,



LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

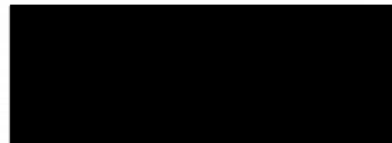
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|---------------------------|---|---------------------------|
| UNITED STATES, |) | UNITED STATES' GENERAL |
| <i>Appellee,</i> |) | OPPOSITION TO APPELLANT'S |
| |) | MOTION FOR ENLARGEMENT |
| v. |) | OF TIME |
| |) | |
| |) | Before Panel No. 3 |
| |) | |
| Senior Airman (E-4) |) | No. ACM 40656 |
| MATTHEW D. CORLISS, USAF, |) | |
| <i>Appellant.</i> |) | 11 March 2025 |

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

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

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



JOCELYN Q. WRIGHT, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 March 2025.



JOCELYN Q. WRIGHT, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|------------------------|
| UNITED STATES, |) | MOTION FOR ENLARGEMENT |
| <i>Appellee,</i> |) | OF TIME (SIXTH) |
| |) | |
| v. |) | Before Panel 3 |
| |) | |
| Senior Airman (E-4), |) | No. ACM 40656 |
| MATTHEW D. CORLISS, |) | |
| United States Air Force, |) | 28 March 2025 |
| <i>Appellant.</i> |) | |

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

Pursuant to Rule 23.3(m) and (6) of this Court’s Rules of Practice and Procedure, Appellant hereby moves to **withdraw his previously filed sixth enlargement of time (EOT)**, dated 28 March 2025, and substitutes it with this corrected **sixth** enlargement of time to file an Assignment of Errors (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **17 May 2025**. The record of trial was docketed with this Court on 20 August 2024. From the date of docketing to the present date, 220 days have elapsed. On the date requested, 270 days will have elapsed.

On 29 May 2024, at a general court-martial convened at Moody Air Force Base, Georgia, a military judge, consistent with Appellant’s pleas, found him guilty of one charge and one specification of larceny of military property in violation of Article 121, Uniform Code of Military Justice (UCMJ). R. at 1, 7, 10, 12, 27. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be confined for six months, and to be fined \$15,000, where, in the event Appellant failed to pay the fine, he would receive an additional six months of confinement. R. at 88. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Airman Matthew D. Corliss* (July 16, 2024).

The trial transcript is 88 pages long and the record of trial (ROT) is an electronic ROT, which

is one volume of 402 pages. There are five admitted Prosecution Exhibits, six Defense Exhibits, and one Appellate Exhibit. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Lieutenant Colonel Wilson has been detailed to take lead on this case and Capt Castanien has filed a motion to withdraw as counsel. Both counsel's priorities are listed below as Capt Castanien's request to withdraw as counsel is pending before this Court. Lieutenant Colonel Wilson is currently representing 6 clients; 5 of those clients are pending initial AOE's before this Court. Appellant's record has not yet been reviewed. Three matters currently have priority over this case:

1. *United States v. Hymel*, No. ACM 40627 – 634 pages – presently on EOT 7. Counsel has reviewed the record and is in the process of drafting an AOE. The record of trial consists of five volumes. There are five prosecution exhibits, eight defense exhibits, and 18 appellate exhibits. Capt Hymel is not currently confined.

2. *United States v. Nelson*, No. ACM 24042 – 336 pages – presently on EOT 4 – The record of trial is three volumes consisting of 15 prosecution exhibits, one defense exhibit, and 17 appellate exhibits; the transcript is 336 pages. This appellant is not currently confined. Lieutenant Colonel Wilson has not yet begun reviewing the record of trial in this case.

3. *United States v. Hahn*, No. ACM 40657 – 81 pages – presently on EOT 4 - The record of trial consists of three volumes with four prosecution exhibits, one court exhibit, seven defense exhibits, and five appellate exhibits; the transcript is 81 pages. This appellant is currently confined. Review of this record of trial is not yet complete.

Captain Castanien is currently assigned 36 cases; 18 cases are pending before this Court (16 cases are pending AOE's), and 18 cases are pending before the United States Court of Appeals for the

Armed Forces (CAAF). To date, eight cases have priority over the present case:

1. *United States v. Marin Perez*, No. ACM S32771 – Captain Castanien has completed her review of the record and is researching and drafting the AOE.

2. *United States v. Braum*, No. 25-0046/AF – The Government filed its Answer brief on 27 March 2025. Captain Castanien is assisting civilian appellate defense counsel with the Reply brief, due early April.

3. *United States v. Thomas*, No. ACM 22083 – The record of trial is four volumes consisting of 14 Prosecution Exhibits, five Defense Exhibits, and 33 Appellate Exhibits. The verbatim transcript is 528 pages. This appellant is not currently confined. Captain Castanien has not yet completed her review of this appellant's record.

4. *United States v. Kim*, No. ACM 24007 – This AOE was filed on 19 March 2025. Captain Castanien is awaiting the Government's Answer and then will determine whether a Reply brief is warranted.

5. *United States v. Brown*, No. ACM S32777 – The trial transcript is 133 pages long and the record of trial is three volumes containing nine Prosecution Exhibits, one Defense Exhibit, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Captain Castanien has not yet completed her review of the record of trial.

6. *United States v. Ziesche*, No. ACM 24022 – The trial transcript is 174 pages long and the record of trial is four volumes comprised of four Prosecution Exhibits, 13 Defense Exhibits, and 16 Appellate Exhibits. This appellant is not currently confined. Captain Castanien has not yet completed her review of the record of trial.

7. *United States v. Tyson*, No. ACM 40617 – The trial transcript is 1,244 pages long and the electronic record of trial is three volumes containing 25 Prosecution Exhibits, 14 Defense Exhibits,

one Court Exhibit, and 71 Appellate Exhibits. This appellant is not currently confined. Captain Castanien has not yet completed her review of the record of trial.

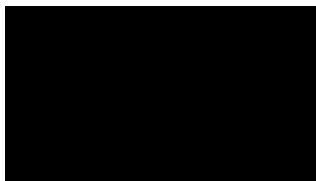
8. *United States v. Watkins*, No. ACM 40639 - The trial transcript is 519 pages long and the record of trial is five volumes containing 14 Prosecution Exhibits, three Defense Exhibits, 47 Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Captain Castanien has not yet completed her review of the record of trial.

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

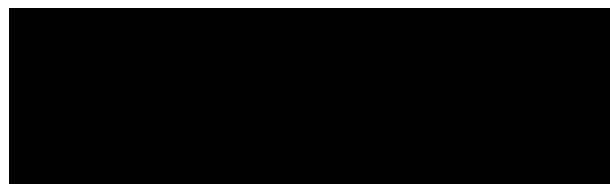
Through no fault of Appellant, undersigned counsel have been working on other assigned matters which have prevented them from completing an in-depth review of the record of trial. Accordingly, an enlargement of time is necessary for counsel to continue reviewing the record of trial and to advise appellant on potential errors.

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

Respectfully submitted,



LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
luke.wilson.14@us.af.mil



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
samantha.castanien.1@us.af.mil

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 Air Force Government Trial and Appellate Operations Division on 28 March 2025.



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
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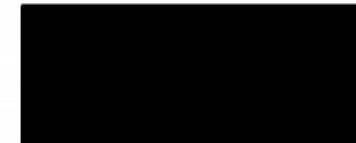
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|---------------------------|
| UNITED STATES, |) | UNITED STATES' GENERAL |
| <i>Appellee,</i> |) | OPPOSITION TO APPELLANT'S |
| |) | MOTION FOR ENLARGEMENT |
| |) | OF TIME |
| v. |) | |
| |) | |
| |) | Before Panel No. 3 |
| Senior Airman (E-4) |) | |
| MATTHEW D. CORLISS, |) | No. ACM 40656 |
| United States Air Force, |) | |
| <i>Appellant.</i> |) | |
| |) | 31 March 2025 |

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

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

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



JOCelyn Q. WRIGHT, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 31 March 2025.



JOCELYN Q. WRIGHT, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|----------------------------------|
| UNITED STATES, |) | MOTION FOR WITHDRAWAL OF |
| <i>Appellee,</i> |) | APPELLATE DEFENSE COUNSEL |
| |) | |
| v. |) | Before Panel No. 3 |
| |) | |
| Senior Airman (E-4) |) | No. ACM 40656 |
| MATTHEW D. CORLISS, |) | |
| United States Air Force, |) | 28 March 2025 |
| <i>Appellant.</i> |) | |

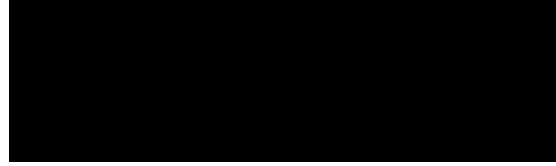
**TO THE HONORABLE, THE JUDGES OF THE
UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

Pursuant to Rules 12(b), 12.4, and 23.3(h) of this Court’s Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. Undersigned counsel is withdrawing to allow a more available appellate defense counsel take over Appellant’s case. Undersigned counsel currently has eight cases prioritized over Appellant’s, which are delaying review of Appellant’s case (docketed for 220 days). Lieutenant Colonel Luke Wilson has been detailed substitute counsel in undersigned counsel’s stead, and he made a notice of appearance in accordance with Rule 12.4. *See, e.g.*, Motion for Enlargement of Time (Sixth) (Mar. 28, 2025). A thorough turnover of the record between counsel has been completed.

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 Court grant this motion.

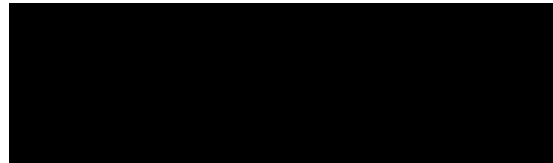
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

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 Air Force Government Trial and Appellate Operations Division on 28 March 2025.



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

UNITED STATES) No. ACM 40656
Appellee)
))
v.)
))
))
Matthew D. CORLISS)
Senior Airman (E-4))
U.S. Air Force)
Appellant)

NOTICE OF PANEL CHANGE

Chief Commissioner

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

| | | |
|---------------------|---|----------------|
| UNITED STATES |) | No. ACM 40656 |
| <i>Appellee</i> |) | |
| |) | |
| v. |) | |
| |) | ORDER |
| Matthew D. CORLISS |) | |
| Senior Airman (E-4) |) | |
| U.S. Air Force |) | |
| <i>Appellant</i> |) | Panel 1 |

On 7 October 2024, Appellant’s military appellate defense counsel submitted its first motion for enlargement of time with this court. This court granted the motion on 8 October 2024. In that order, the court required Appellant’s counsel, in any subsequent motions for enlargement of time, to state:

(1) whether Appellant was advised of Appellant’s right to a timely appeal, (2) whether Appellant was provided an update of the status of counsel’s progress on Appellant’s case, (3) whether Appellant was advised of the request for an enlargement of time, and (4) whether Appellant agrees with the request for an enlargement of time.

Thereafter, the court granted defense motions for enlargement of time on 4 December 2024, 8 January 2025, 5 February 2025, 6 March 2025, and 31 March 2025.* Accordingly, Appellant’s brief to the court is currently due on 17 May 2025.

On 5 May 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Seventh) requesting an additional 30 days to submit Appellant’s assignments of error. Counsel avers that on 16 June 2025, the date Appellant’s brief will be due if his requested enlargement of time is granted, 300 days will have elapsed since docketing.

In his request for a seventh enlargement of time, military appellate defense counsel did not include the required information listed above.

This court is mandated to process appeals in a timely manner. *See, e.g., United States v. Moreno*, 63 M.J. 129, 137 (C.A.A.F. 2006) (“Ultimately the timely management and disposition of cases docketed at the Courts of Criminal

* The Government opposed all motions for enlargements of time in this case.

Appeals is a responsibility of the Courts of Criminal Appeals.”). In managing its own appellate practice, this court provided counsel clear expectations on the information required in each enlargement of time request.

The court has considered Appellant’s motion, the Government’s opposition, this court’s Rules of Practice and Procedure, and case law.

Accordingly, it is by the court on this 8th day of May, 2025,

ORDERED:

Appellant’s Motion for Enlargement of Time (Seventh) is **DENIED**. Appellant shall file any assignments of error not later than **17 May 2025**.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|----------------------------------|
| UNITED STATES, |) | MOTION FOR ENLARGEMENT OF |
| <i>Appellee,</i> |) | TIME (SEVENTH) |
| |) | |
| v. |) | Before Panel 3 |
| |) | |
| Senior Airman (E-4), |) | No. ACM 40656 |
| MATTHEW D. CORLISS, |) | |
| United States Air Force, |) | 5 May 2025 |
| <i>Appellant.</i> |) | |

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

Pursuant to Rule 23.3(m)(1), 23.3(m)(4), and 23.3(m)(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 **16 June 2025**. The record of trial was docketed with this Court on 20 August 2024. From the date of docketing to the present date, 258 days have elapsed. On the date requested, 300 days will have elapsed.

On 29 May 2024, at a general court-martial convened at Moody Air Force Base, Georgia, a military judge, consistent with Appellant’s pleas, found him guilty of one charge and one specification of larceny of military property in violation of Article 121, Uniform Code of Military Justice (UCMJ). R. at 1, 7, 10, 12, 27. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be confined for six months, and to be fined \$15,000, where, in the event Appellant failed to pay the fine, he would receive an additional six months of confinement. R. at 88. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Airman Matthew D. Corliss* (July 16, 2024).

The trial transcript is 88 pages long and the record of trial (ROT) is an electronic ROT, which is one volume of 402 pages. There are five admitted Prosecution Exhibits, six Defense Exhibits, and one Appellate Exhibit. Appellant is not currently confined. Undersigned counsel is currently

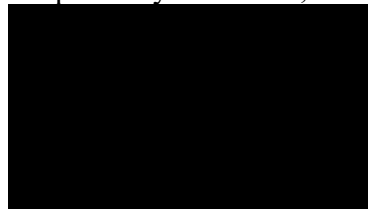
representing 6 clients; 5 of those clients are pending initial AOE's before this Court. This record has not yet been reviewed by undersigned counsel. Three matters currently have priority over this case:

1. *Hymel*, No. ACM 40627 – 634 pages – presently on EOT 8. Counsel has drafted an AOE and it is being reviewed. The record of trial consists of five volumes. There are five prosecution exhibits, eight defense exhibits, and 18 appellate exhibits. Capt Hymel is not currently confined.
2. *Nelson*, No. ACM 24042 – 336 pages – presently on EOT 7 – The record of trial is three volumes consisting of 15 prosecution exhibits, one defense exhibit, and 17 appellate exhibits; the transcript is 336 pages. Appellant is not currently confined. Undersigned counsel has reviewed the record of trial and is in the process of drafting the AOE.
3. *Hahn*, No. ACM 40657 – 81 pages – presently on EOT 7 - The record of trial consists of three volumes with four prosecution exhibits, one court exhibit, seven defense exhibits, and five appellate exhibits; the transcript is 81 pages. Appellant is currently confined. Undersigned counsel has not yet reviewed the record.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters which has prevented him from completing an in-depth review of the record of trial. Accordingly, an enlargement of time is necessary for counsel to continue reviewing the record of trial and to advise appellant on potential errors.

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

Respectfully submitted,

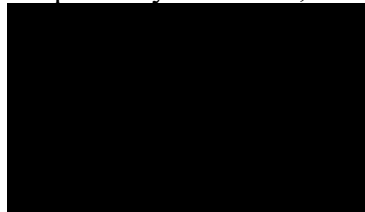


LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

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 2025.

Respectfully submitted,



LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|---------------------------|
| UNITED STATES, |) | UNITED STATES’ |
| <i>Appellee,</i> |) | OPPOSITION TO APPELLANT’S |
| |) | MOTION FOR ENLARGEMENT |
| |) | OF TIME |
| v. |) | |
| |) | |
| |) | Before Panel No. 3 |
| Senior Airman (E-4) |) | |
| MATTHEW D. CORLISS, |) | No. ACM 40656 |
| United States Air Force, |) | |
| <i>Appellant.</i> |) | |
| |) | 7 May 2025 |

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

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

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

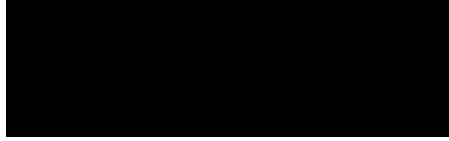
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 May 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|-------------------------------------|
| UNITED STATES, |) | MOTION FOR ENLARGEMENT OF |
| <i>Appellee,</i> |) | TIME (SEVENTH) – OUT OF TIME |
| |) | |
| v. |) | Before Panel 1 |
| |) | |
| Senior Airman (E-4), |) | No. ACM 40656 |
| MATTHEW D. CORLISS, |) | |
| United States Air Force, |) | 8 May 2025 |
| <i>Appellant.</i> |) | |

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

Pursuant to Rule 23.3(m)(1), 23.3(m)(4), and 23.3(m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time – OUT OF TIME -- to file an Assignment of Error (AOE). Good cause for this untimely nature is explained below. Appellant requests an enlargement for a period of 30 days, which will end on **16 June 2025**. The record of trial was docketed with this Court on 20 August 2024. From the date of docketing to the present date, 261 days have elapsed. On the date requested, 300 days will have elapsed.

On 29 May 2024, at a general court-martial convened at Moody Air Force Base, Georgia, a military judge, consistent with Appellant’s pleas, found him guilty of one charge and one specification of larceny of military property in violation of Article 121, Uniform Code of Military Justice (UCMJ). R. at 1, 7, 10, 12, 27. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be confined for six months, and to be fined \$15,000, where, in the event Appellant failed to pay the fine, he would receive an additional six months of confinement. R. at 88. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Airman Matthew D. Corliss* (July 16, 2024).

The trial transcript is 88 pages long and the record of trial (ROT) is an electronic ROT, which is one volume of 402 pages. There are five admitted Prosecution Exhibits, six Defense Exhibits, and one Appellate Exhibit. Appellant is not currently confined. Undersigned counsel is currently

representing 6 clients; 5 of those clients are pending initial AOE's before this Court. This record has not yet been reviewed by undersigned counsel. Three matters currently have priority over this case:

1. *Hymel*, No. ACM 40627 – 634 pages – presently on EOT 8. Counsel has drafted an AOE and it is being reviewed. The record of trial consists of five volumes. There are five prosecution exhibits, eight defense exhibits, and 18 appellate exhibits. Capt Hymel is not currently confined.
2. *Nelson*, No. ACM 24042 – 336 pages – presently on EOT 7 – The record of trial is three volumes consisting of 15 prosecution exhibits, one defense exhibit, and 17 appellate exhibits; the transcript is 336 pages. Appellant is not currently confined. Undersigned counsel has reviewed the record of trial and is in the process of drafting the AOE.
3. *Hahn*, No. ACM 40657 – 81 pages – presently on EOT 7 - The record of trial consists of three volumes with four prosecution exhibits, one court exhibit, seven defense exhibits, and five appellate exhibits; the transcript is 81 pages. Appellant is currently confined. Undersigned counsel has not yet reviewed the record.

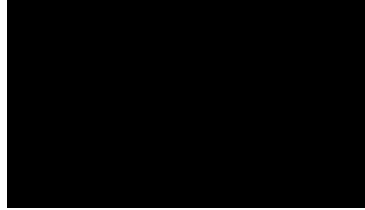
On 8 May 2025, this Court denied Appellant's previous motion for an enlargement of time-seventh (which was timely filed), due to certain required information being missing from the motion. As good cause for the filing of this Out of Time Motion, undersigned counsel states that required information was previously accidentally removed from the motion by undersigned counsel when undersigned counsel took the case over. The following is that missing information. Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters which has prevented him from completing an in-depth review of the record of trial. Accordingly, an enlargement of time is necessary for counsel to continue reviewing the record of trial and to advise appellant on potential errors.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the

requested enlargement of time.

Respectfully submitted,

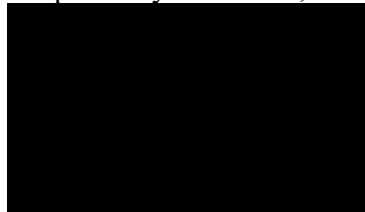


LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 8 May 2025.

Respectfully submitted,



LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|---------------------------|
| UNITED STATES, |) | UNITED STATES’ |
| <i>Appellee,</i> |) | OPPOSITION TO APPELLANT’S |
| |) | MOTION FOR ENLARGEMENT |
| |) | OF TIME – OUT OF TIME |
| v. |) | |
| |) | |
| |) | Before Panel No. 1 |
| Senior Airman (E-4) |) | |
| MATTHEW D. CORLISS, |) | No. ACM 40656 |
| United States Air Force, |) | |
| <i>Appellant.</i> |) | |
| |) | 12 May 2025 |

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

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

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

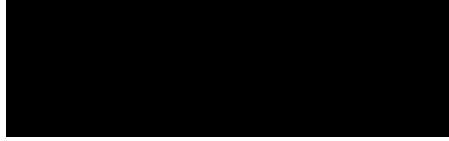
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 May 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|----------------------------------|
| UNITED STATES, |) | MOTION FOR ENLARGEMENT OF |
| <i>Appellee,</i> |) | TIME (EIGHTH) |
| |) | |
| v. |) | Before Panel 1 |
| |) | |
| Senior Airman (E-4), |) | No. ACM 40656 |
| MATTHEW D. CORLISS, |) | |
| United States Air Force, |) | 5 June 2025 |
| <i>Appellant.</i> |) | |

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

Pursuant to Rule 23.3(m)(1), 23.3(m)(4), and 23.3(m)(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 **16 July 2025**. The record of trial was docketed with this Court on 20 August 2024. From the date of docketing to the present date, 290 days have elapsed. On the date requested, 330 days will have elapsed.

On 29 May 2024, at a general court-martial convened at Moody Air Force Base, Georgia, a military judge, consistent with Appellant’s pleas, found him guilty of one charge and one specification of larceny of military property in violation of Article 121, Uniform Code of Military Justice (UCMJ). R. at 1, 7, 10, 12, 27. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be confined for six months, and to be fined \$15,000, where, in the event Appellant failed to pay the fine, he would receive an additional six months of confinement. R. at 88. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Airman Matthew D. Corliss* (July 16, 2024).

The trial transcript is 88 pages long and the record of trial (ROT) is an electronic ROT, which is one volume of 402 pages. There are five admitted Prosecution Exhibits, six Defense Exhibits, and one Appellate Exhibit. Appellant is not currently confined. Undersigned counsel is currently

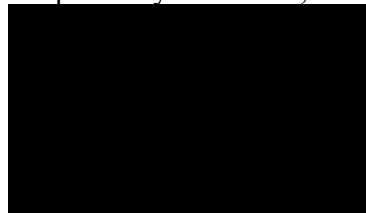
representing 7 clients; 6 of those clients are pending initial AOE's before this Court. This record has been reviewed by undersigned counsel. This case currently has first priority on my docket.

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

Through no fault of Appellant, undersigned counsel has been working on other assigned matters which has prevented him from completing an in-depth review of the record of trial. Accordingly, an enlargement of time is necessary for counsel to continue reviewing the record of trial and to advise appellant on potential errors.

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

Respectfully submitted,

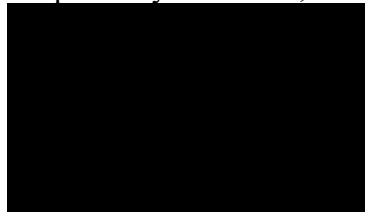


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Appellate Defense Counsel
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Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

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 June 2025.

Respectfully submitted,



LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|---------------------------|
| UNITED STATES, |) | UNITED STATES' |
| <i>Appellee,</i> |) | OPPOSITION TO APPELLANT'S |
| |) | MOTION FOR ENLARGEMENT |
| |) | OF TIME |
| v. |) | |
| |) | |
| |) | Before Panel No. 1 |
| Senior Airman (E-4) |) | |
| MATTHEW D. CORLISS, |) | No. ACM 40656 |
| United States Air Force, |) | |
| <i>Appellant.</i> |) | |
| |) | 5 June 2025 |

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 330 days in length. Appellant's nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two thirds of the 18-month standard for this Court to issue a decision, which only leaves about 7 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

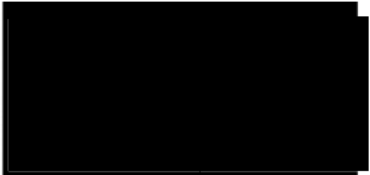
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JOCELYN Q. WRIGHT, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 June 2025.



JOCELYN Q. WRIGHT, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|---------------------------|
| UNITED STATES, |) | MOTION FOR ENLARGEMENT OF |
| <i>Appellee,</i> |) | TIME (NINTH) |
| |) | |
| v. |) | Before Panel 1 |
| |) | |
| Senior Airman (E-4), |) | No. ACM 40656 |
| MATTHEW D. CORLISS, |) | |
| United States Air Force, |) | 3 July 2025 |
| <i>Appellant.</i> |) | |

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

Pursuant to Rule 23.3(m)(1), 23.3(m)(4), and 23.3(m)(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 **15 August 2025**. The record of trial was docketed with this Court on 20 August 2024. From the date of docketing to the present date, 317 days have elapsed. On the date requested, 360 days will have elapsed.

On 29 May 2024, at a general court-martial convened at Moody Air Force Base, Georgia, a military judge, consistent with Appellant’s pleas, found him guilty of one charge and one specification of larceny of military property in violation of Article 121, Uniform Code of Military Justice (UCMJ). R. at 1, 7, 10, 12, 27. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be confined for six months, and to be fined \$15,000, where, in the event Appellant failed to pay the fine, he would receive an additional six months of confinement. R. at 88. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Airman Matthew D. Corliss* (July 16, 2024).

The trial transcript is 88 pages long and the record of trial (ROT) is an electronic ROT, which is one volume of 402 pages. There are five admitted Prosecution Exhibits, six Defense Exhibits, and one Appellate Exhibit. Appellant is not currently confined. Undersigned counsel is currently

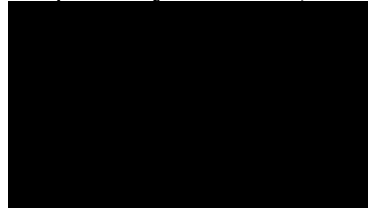
representing 7 clients; 6 of those clients are pending initial AOE's before this Court. This record has been reviewed by undersigned counsel, issues have been researched, and the AOE is being drafted. This case currently has first priority on my docket.

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

Through no fault of Appellant, undersigned counsel has been working on other assigned matters which has prevented him from completing an in-depth review of the record of trial. Accordingly, an enlargement of time is necessary for counsel to continue reviewing the record of trial and to advise appellant on potential errors.

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

Respectfully submitted,

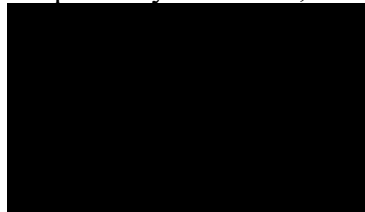


LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

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 July 2025.

Respectfully submitted,



LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

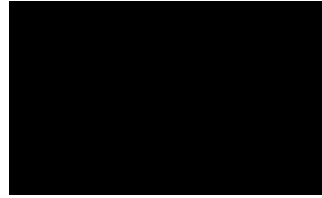
| | | |
|----------------------------|---|---------------------------|
| UNITED STATES, |) | UNITED STATES’ |
| <i>Appellee,</i> |) | OPPOSITION TO APPELLANT’S |
| |) | MOTION FOR ENLARGEMENT |
| |) | OF TIME |
| v. |) | |
| |) | |
| |) | Before Panel No. 1 |
| Senior Airman (E-4) |) | |
| MATTHEW D. CORLISS, |) | No. ACM 40656 |
| United States Air Force, |) | |
| <i>Appellant.</i> |) | |
| |) | 8 July 2025 |

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant’s new delay request is granted, the defense delay in this case will be 360 days in length. Appellant’s nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court’s appellate processing standards. Appellant has already consumed almost two thirds of the 18-month standard for this Court to issue a decision, which only leaves about 6 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant’s counsel has not completed review of the record of trial at this late stage of the appellate process.

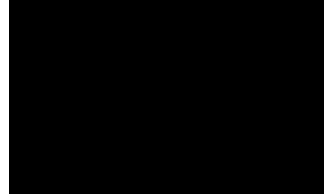
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4804

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 8 July 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4804

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

| | | |
|----------------------------|---|-------------------------------|
| UNITED STATES |) | No. ACM 40656 |
| <i>Appellee</i> |) | |
| |) | |
| v. |) | |
| |) | NOTICE OF PANEL CHANGE |
| Matthew D. CORLISS |) | |
| Senior Airman (E-4) |) | |
| U.S. Air Force |) | |
| <i>Appellant</i> |) | |

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

ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from Panel 1 and referred to Panel 3 for appellate review.

This panel letter supersedes all previous panel assignments.



FOR THE COURT



AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|-------------------------------------|
| UNITED STATES, |) | BRIEF ON BEHALF OF APPELLANT |
| <i>Appellee,</i> |) | |
| |) | |
| v. |) | Before Panel 1 |
| |) | |
| Senior Airman (E-4), |) | No. ACM 40656 |
| MATTHEW D. CORLISS, |) | |
| United States Air Force, |) | 8 August 2025 |
| <i>Appellant.</i> |) | |

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

Assignment of Error

Whether that portion of Appellant’s sentence which calls for contingent confinement exceeds this Court’s authority to approve under Article 66, Uniform Code of Military Justice, as it is not correct in law because it calls for debtor’s prison?

Statement of the Case

On 29 May 2024, at a general court-martial convened at Moody Air Force Base, Georgia, a military judge, consistent with Appellant’s pleas, convicted him of one charge and one specification of larceny of military property in violation of Article 121, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 921. Tr. at 1, 7, 10, 12, 27. The military judge sentenced Appellant to be discharged from the service with a bad-conduct discharge, to be reduced to the grade of E-1, to be confined for six months, and to be fined \$15,000, where, in the event Appellant failed to pay the fine, he would receive an additional six months of confinement. Tr. at 88. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Airman Matthew D. Corliss* (July 16, 2024) (CADA).

Statement of Facts

Between May and August of 2022, Appellant ordered fifteen headsets from supply for use

by the Air Force. Tr. at 18. Appellant would then go to supply to pick up the headsets. Tr. at 19. Then, rather than taking the headsets back to his unit, Appellant sold them on eBay. Tr. at 18. The aggregate value of the property was around \$15,000. *Id.*

Appellant's guilty plea, which was made without a plea agreement, was accepted by the military judge. Tr. at 25, 27. During the plea colloquy, the military asked whether a fine was appropriate. Tr. at 24. Both the trial counsel and the defense counsel agreed that it would be. *Id.*

During the sentencing argument, trial counsel argued that an appropriate sentence included thirty-six months of confinement and "a fine of \$15,000; however, if [Appellant did] not pay the fine at the required time, then an additional 6 months should be added to his sentence." Tr. at 71.

The military judge sentenced Appellant to six months of confinement, "[t]o be fined \$15,000," and "[i]n the event the fine is not paid, [Appellant] will be further confined for an additional 6 months." Tr. at 88. The convening authority then made the full fine due and payable on 26 September 2024, which would have been while Appellant was still serving his initial six months of confinement. CADA. The CADA further stated that "[i]f the fine is not paid by 26 September 2024, a contingent confinement hearing may be convened." *Id.* "The purpose of the hearing would be to determine whether the fine is delinquent, whether the delinquency, if any, resulted from accused's indigence and whether confinement should be ordered." *Id.*

Argument

That portion of Appellant's sentence which calls for contingent confinement exceeds this Court's authority to approve under Article 66, Uniform Code of Military Justice, as it is not correct in law because it calls for debtor's prison.

Standard of Review

This Court reviews de novo the legal sufficiency of an appellant's sentence. *United States v. McAlhaney*, 83 M.J. 164, 166 (C.A.A.F. 2023).

Law and Analysis

The procedural safeguards that are necessary to enact a sentence of contingent confinement have been stripped out of the *Manual for Courts-Martial, United States (MCM)*. Because of this, a sentence of contingent confinement is unconstitutional. Thus, that portion of Appellant's sentence adjudicating contingent confinement is not correct in law and should not be affirmed.

This Court "may affirm only the sentence, or such part or amount of the sentence, as the Court finds correct in law and fact and determines, on the basis of the entire record, should be approved." 10 U.S.C. § 866 (2021). This provision, which is similar to the previous requirement that a court of criminal appeals (CCA) affirm only sentences that are correct in law, "prevent[s] a CCA from affirming an unlawful sentence, such as one that violates the prohibition against cruel and unusual punishment in the Eighth Amendment and Article 55, UCMJ." *United States v. Jessie*, 79 M.J. 437, 441 (C.A.A.F. 2020) (citation omitted). While the instant case does not present an instance cruel and unusual punishment, it does present an equally unconstitutional sentence that this Court may not approve.

A. Appellant's sentence to contingent confinement amounts to a sentence of debtor's prison.

It is well established that confining an accused for failure to pay an adjudicated fine is an unconstitutional violation of the Due Process and Equal Protection clauses unless appropriate procedures are followed. *Bearden v. Georgia*, 461 U.S. 660, 667 (1983) ("[I]f the State determines a fine or restitution to be the appropriate and adequate penalty for the crime, it may not thereafter imprison a person solely because he lacked the resources to pay it."). Such a practice is commonly referred to as "debtor's prison." *Jennings v. Rodriguez*, 583 U.S. 281, 334 (2018). Thus, when confinement is made contingent upon the payment of a fine, or the lack

thereof, the procedures used to determine whether confinement can be imposed becomes vitally important. The Supreme Court drove this point home when it held:

This distinction, based on the reasons for nonpayment, is of critical importance here. If the probationer has willfully refused to pay the fine or restitution when he has the means to pay, the State is perfectly justified in using imprisonment as a sanction to enforce collection. . . . Similarly, a probationer's failure to make sufficient bona fide efforts to seek employment or borrow money in order to pay the fine or restitution may reflect an insufficient concern for paying the debt he owes to society for his crime. In such a situation, the State is likewise justified in revoking probation and using imprisonment as an appropriate penalty for the offense. But if the probationer has made all reasonable efforts to pay the fine or restitution, and yet cannot do so through no fault of his own, it is fundamentally unfair to revoke probation automatically without considering whether adequate alternative methods of punishing the defendant are available. This lack of fault provides a "substantial [reason] which [justifies] or [mitigates] the violation and [makes] revocation inappropriate."

Id. at 668-69 (citations omitted).

In order to constitutionally sort those who can be confined for the lack of payment of a fine from those who cannot be confined there must be appropriate procedures in place. *See Black v. Romano*, 471 U.S. 606, 611 (1985) (stating that there are "minimum procedural safeguards required by due process"). In the context of a probation violation for failure to pay a fine, the Supreme Court has identified the bare minimum procedures that must be in place to satisfy due process. *Id.* "In identifying the procedural requirements of due process, we have observed that the decision to revoke probation typically involves two distinct components: (1) a retrospective factual question whether the probationer has violated a condition of probation; and (2) a discretionary determination by the sentencing authority whether violation of a condition warrants revocation of probation." *Id.*

While the military justice system obviously has no concept of "probation," the concept of contingent confinement is similar. Generally, probation can be defined as "a period for the observance of a person under a suspended sentence for crime with reference to the advisability of

giving him opportunity to resume his place in society without undergoing confinement in prison.” *Probation*, BALLENTINE’S LAW DICTIONARY, <https://advance.lexis.com/> (last accessed July 22, 2025). In other words, a portion of a sentence is held in abeyance in order to give the accused the opportunity to complete some additional term; that term may be “good behavior” for a set period of time, it may be the successful completion of a class, or it may be payment of a set fine. Contingent confinement – although never actually called “contingent confinement” in the *MCM* – is similar because, like probation, it holds a period of confinement in abeyance in order to give the accused an opportunity to pay an adjudicated fine. See *United States v. Phillips*, 64 M.J. 410, 412 (C.A.A.F. 2007); Rule for Courts-Martial (R.C.M.) 1003(b)(3) (“In order to enforce collection, a fine may be accompanied by a provision in the sentence that, in the event the fine is not paid, the person fined shall, in addition to any period of confinement adjudged, be further confined until a fixed period considered an equivalent punishment to the fine has expired.”).

Thus, the same procedural safeguards present for probation violations ought to apply in the contingent confinement context. However, far from the *MCM* having the necessary procedural protections, those protections have been affirmatively removed from the *MCM*.

B. The removal of the procedural safeguards for a contingent confinement sentence.

The first mention in an *MCM* of what would now be called contingent confinement appeared in 1969. The 1969 edition of the *MCM* specifically stated:

In order to enforce collection, a fine may be accompanied by a provision in the sentence that, in the event the fine is not paid, the person fined shall, in addition to any period of confinement adjudged, be further confined until a fixed period considered an equivalent punishment to the fine has expired.

Manual for Courts-Martial, United States, (1969 rev. ed.) (1969 *MCM*), ¶ 126(h)(3). Noticeably missing from the 1969 *MCM* is any mention of the necessary procedures required by due process in order to enact the contingent confinement.

The next edition of the *MCM* came in 1984. See *Manual for Courts-Martial, United States* (1984 ed.) (1984 *MCM*). But, significantly, between the 1969 *MCM* and the 1984 *MCM* the Supreme Court decided *Bearden v. Georgia*, which, as discussed above, held that the concept of debtor's prisons violated the constitution. 461 U.S. at 667.

While the 1984 *MCM* contained the same verbiage as the 1969 *MCM* regarding contingent confinement, it added some notable language. See 1984 *MCM*, R.C.M. 1003(b)(3). First, the Discussion section following R.C.M. 1003(b)(3) directs the reader to R.C.M. 1113(d)(3) "concerning imposition of confinement when the accused fails to pay a fine." 1984 *MCM*, R.C.M. 1003(b)(3), Discussion.

R.C.M. 1113, *Execution of Sentences*, then added the procedural safeguards that were discussed in *Bearden v. Georgia*. Specifically, it stated:

Confinement may not be executed for failure to pay a fine if the accused demonstrates that the accused has made good faith efforts to pay but cannot because of indigency, unless the authority considering imposition of confinement determines, after giving the accused notice and opportunity to be heard, that there is no other punishment adequate to meet the Government's interest in appropriate punishment.

1984 *MCM*, R.C.M. 1113(d)(3). The analysis section of R.C.M. 1113(d)(3) specifically stated, "Subsection (3) is based on paragraph 126h(3) of MCM, 1969 (Rev.), but it is modified to avoid constitutional problems. See *Bearden v. Georgia*["]." 1984 *MCM*, Analysis of R.C.M. 1113(d)(3).

Based on these provisions, it is obvious that the drafters of the R.C.M. recognized the constitutional failings of the 1969 version of contingent confinement and cured that failing by adding the procedural protections required by *Bearden v. Georgia* in R.C.M. 1113(d)(3) in 1984.

However, for some unexplained reason those constitutionally required procedural protections were removed from the *MCM* in the 2018 amendment to the *MCM*. Specifically, R.C.M. 1113's "Execution of Sentences" was amended to become "Sealed exhibits, proceedings,

and other materials.” See Exec. Order No. 13825 of March 1, 2018. The previously recognized constitutionally required procedural protections of RCM 1113(d)(3) of the 1984 *MCM* were not simply shifted to another area of the *MCM*; they were completely removed from the *MCM*. See generally *Manual for Courts-Martial, United States* (2024 ed.) (2024 *MCM*); see also 2024 *MCM*, Analysis of R.C.M. 1113 (stating, “2018 Amendment: R.C.M. 1113 (“Execution of sentences”) of the *MCM* (2016 edition) and its accompanying Discussion are deleted.”).

Because of that deletion, contingent confinement now merely consists of R.C.M. 1003’s direction that “in the event the fine is not paid, the person fined shall . . . be further confined until a fixed period . . . has expired.” Thus, the only procedure contained in the *MCM* for enacting contingent confinement consists of a single inquiry: Did the accused pay the fine? The procedural protections required by the Constitution to insure that any failure to pay was not due to indigency no longer exist in the *MCM*. Without the required procedural protections, Appellant’s sentence to contingent confinement is an unlawful sentence.

C. A service created regulation cannot save an unconstitutional rule.

While DAFI 51-201 does purportedly contain procedures that must be followed for contingent confinement to be enacted against an Airman who has failed to pay an adjudicated fine, Department of Air Force Instruction (DAFI) 51-201, *Administration of Military Justice*, ¶ 20.36 (Mar. 18, 2025), such a regulation cannot save an unconstitutional rule. See *Whitman v. Am. Trucking Ass’ns*, 531 U.S. 457, 473 (2001) (“The idea that an agency can cure an unconstitutionally standardless delegation of power by declining to exercise some of that power seems to us internally contradictory.”); *Parker v. Horton’s Funeral Serv.*, 200 F.R.D. 1, 2 (D.D.C. 2001) (holding that “a regulation enacted by an agency cannot rewrite an unconstitutional statute”). Thus, DAFI 51-201 does not and cannot cure the constitutionally defective R.C.M.

1003(b)(3). The remaining option is to enjoin or sever the unconstitutional applications of a rule while leaving the rest of the rule in force. *See Ayotte v. Planned Parenthood*, 546 U.S. 320, 329 (2006).

WHEREFORE, Appellant respectfully requests this Honorable Court set aside that portion of his sentence that calls for an additional six months of confinement in the event he fails to pay the adjudicated fine.

Respectfully submitted,

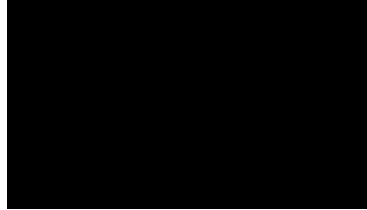


LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

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 August 2025.

Respectfully submitted,



LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|---|---|--------------------------|
| UNITED STATES, <i>Appellee,</i> |) | ANSWER TO ASSIGNMENTS OF |
| |) | ERROR |
| |) | |
| v. |) | Before Panel No. 1 |
| |) | |
| Senior Airman (E-4) |) | No. ACM 40656 |
| MATTHEW D. CORLISS |) | |
| United States Air Force |) | 8 September 2025 |
| <i>Appellant.</i> |) | |

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

ISSUE PRESENTED

**WHETHER THAT PORTION OF APPELLANT'S
SENTENCE WHICH CALLS FOR CONTINGENT
CONFINEMENT EXCEEDS THIS COURT'S AUTHORITY
TO APPROVE UNDER ARTICLE 66, UNIFORM CODE OF
MILITARY JUSTICE, AS IT IS NOT CORRECT IN LAW
BECAUSE IT CALLS FOR DEBTOR'S PRISON.**

STATEMENT OF CASE

The United States agrees with Appellant's statement of the case.

STATEMENT OF FACTS

On 29 May 2024, Appellant was convicted at a general court-martial, consistent with his pleas, of one charge and one specification of larceny of military property in violation of Article 121, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 921. Tr. at 1, 7, 10, 12, 27. The military judge sentenced Appellant to a bad-conduct discharge, reduction to the grade of E-1, confinement for six months and a fine of \$15,000, and in the event Appellant failed to pay the fine, he would receive an additional six months of confinement. Tr. At 88. The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action,

dated 16 July 2024, ROT, Vol. 1) (CADA). The CADA notified Appellant that the fine was due on 26 September 2024, a contingent confinement hearing may be convened if Appellant failed to pay the fine, and the purpose of any contingent confinement hearing. Id. Appellant has produced no evidence that he did or did not pay the fine, did or did not receive a contingent confinement hearing, or did or did not serve any portion of the contingent confinement.¹

ARGUMENT

THE ISSUE OF UNEXECUTED CONTINGENT CONFINEMENT IS MOOT AND UNRIPE FOR ACTION; IF THE COURT FINDS IT IS RIPE, THE SENTENCE IS CORRECT IN LAW WITH ADEQUATE SAFEGUARDS FOR DUE PROCESS AND SHOULD BE APPROVED.

Standard of Review

This Court reviews de novo the legal sufficiency of an appellant's sentence. United States v. McAlhaney, 83 M.J. 164, 166 (C.A.A.F. 2023).

Law and Analysis

Appellant argues contingent confinement is equivalent to probation, therefore confinement contingent on inability to pay a fine is akin to debtor's prison, and therefore contingent confinement is unconstitutional. (App. Br. at 3-8). This analysis is based on assumptions and speculation. Appellant has put forth no evidence to establish that he served any

¹ Undersigned counsel is aware that Appellant paid his fine prior to the deadline imposed by the convening authority. However, it is questionable whether that material can be attached to the record under United States v. Jessie, 79 M.J. 437 (C.A.A.F. 2020). The Government relies on the fact that it is Appellant's burden to demonstrate that he was subject to contingent confinement after being unable to pay. Further, in accordance with Department of the Air Force Instruction (DAFI) 51-201, *Administration of Military Justice*, ¶ 20.37.6.8-10 (24 Jan. 2024), records of a contingent confinement hearing must be included in the Record of Trial (ROT). Similarly, if contingent confinement was executed, a new Entry of Judgement would be required and would be attached to the ROT. The absence of these records from the ROT indicates that no contingent confinement hearing or execution of contingent confinement ever occurred.

portion of the contingent confinement, was indigent or unable to pay the fine as imposed, or was deprived of any due process in the event he failed to pay the fine at or before the due date noticed by the Convening Authority. This issue is moot and unripe for consideration or action by this Court. If this Court determines this issue is not moot and is ripe for consideration, the findings and sentence should be affirmed.

A. There is no effectual relief available regarding contingent confinement, and Appellant has suffered no hardship.

First, the issue of unexecuted contingent confinement is moot. An issue is moot when the issue presented is no longer live or the parties lack a legally cognizable interest in the outcome. Chafin v. Chafin, 568 U.S. 165, 172 (2013) (quoting Murphy v. Hunt, 455 U.S. 478, 481 (1982)). The test for mootness is where it is impossible for a court to grant any effectual relief whatever to the prevailing party. Id.

On 29 May 2024, Appellant was sentenced to six months of confinement, a fine of \$15,000, and contingent confinement of an additional six months if Appellant did not pay the fine. (R. at 88.) Six months of confinement following sentencing was on or about 29 November 2024. The Convening Authority took no action on the findings or sentence. (CADA). The CADA notified Appellant the fine was due on 26 September 2024, a contingent confinement hearing may be convened if Appellant failed to pay the fine, and the purpose of any contingent confinement hearing. Id. Appellant has produced no evidence that he failed to pay the fine, had a contingent confinement hearing, or had to serve any portion of contingent confinement. Appellant is asking for relief from a portion of a sentence that he was not subjected to and that was never executed against him. Appellant has failed to demonstrate how the issue is live, any legally cognizable interest in the outcome, or what—if any—effectual relief is available. Thus, the issue presented is moot.

In addition to being moot, the issue presented is unripe. In United States v. Wall, 79 M.J. 456 (C.A.A.F. 2020), CAAF discussed the doctrine of and test for ripeness, citing precedent from Abbott Labs v. Gardner, 387 U.S. 136, 148-49 (1967) and Texas v. United States, 523 U.S. 296, 300-301 (1998). In Wall, CAAF defined ripeness as the “state of a dispute that has reached, but has not passed, the point when the facts have developed sufficiently to permit an intelligent and useful decision to be made.” Wall 79 M.J. at 459. The Abbott test for ripeness requires a court to evaluate both the fitness of the issue for judicial decision and the hardship of the parties of withholding court consideration. Abbott at 149.

The Supreme Court in Texas provided sweeping language regarding ripeness, holding “a claim is not ripe for adjudication if it rests upon *contingent future events* that may not occur as anticipated, or *indeed may not occur at all*.” Texas at 300 (emphasis added). The Supreme Court further found the claim presented was too speculative and the hardship raised too insubstantial to be ripe for consideration. Id. at 302.

Here, Appellant’s argument rests on speculative notions of events that did not occur, rendering it unripe under Texas. Under the Abbott test, the first prong is not met because a moot issue is not fit for judicial decision. Under the second prong of Abbott, Appellant has only put forth speculative and insubstantial theories of harm. Appellant has put forth no facts to assert he was unable to pay the fine due to indigence, struggled to make any good faith payments towards the fine, suffered any financial hardship due to the imposition of the fine, or served any portion of the contingent confinement for failure to pay the fine. Under Wall, the issue is further unripe because an intelligent and useful decision is not available, given the request for relief from a portion of a sentence that was never executed against Appellant.

Based on the above, the issue is both moot and unripe. This Honorable Court should deny Appellant's assignment of error and affirm the sentence pursuant to the authority granted this Court under Article 66, Uniform Code of Military Justice (UCMJ).

B. The sentence of contingent confinement as collection enforcement for a fine is legally permissible, and adequate safeguards for Due Process were provided.

Imposition of contingent confinement as a tool to enforce collection of an adjudicated fine is specifically authorized by the President in Rule for Courts Martial (R.C.M.) 1003(b)(3) and is correct in law. Congress delegated power to the President to set limitations on sentencing under the UCMJ. 10 U.S.C. § 856. These limitations include those incorporated into the Manual for Courts Martial and R.C.M.s. *See generally*, Manual for Courts-Martial, United States at Preface (MCM); R.C.M. 101. In United States v. Palmer, 59 M.J. 362, 364 (C.A.A.F. 2004), CAAF specifically cited to R.C.M. 1003(b)(3) as falling under this Presidentially-prescribed authority. R.C.M. 1003(b)(3) includes limitations on the imposition of fines:

To enforce collection, a fine may be accompanied by a provision in the sentence that, in the event the fine is not paid, the person fined shall, in addition to any period of confinement adjudged, be further confined until a fixed period considered an equivalent punishment to the fine has expired.

Id.

Appellant argues that R.C.M. 1003(b)(3) is facially unconstitutional because a previously-incorporated discussion section under R.C.M. 1113 directing notice and opportunity to be heard to determine if failure to pay the fine is based on inability or indigence was removed. (App. Br. at 5-7). Appellant also states that the military justice system has no concept of probation. Id. at 4. Both of these arguments fail.

First, the military justice system does contemplate probation and provides specific guidance regarding probationary circumstances. Under R.C.M. 705(c)(2)(d), conditions of

probation are permissible terms and conditions under a plea agreement. Under R.C.M. 1107(a), suspension of all or a portion of a sentence grants an accused a probationary period and refers to an accused as a “probationer.” Id. at 1107(c). R.C.M. 1108 similarly refers to a “probationer” as an individual who has been granted a probationary period under a suspended sentence.

Second, while contingent confinement does not establish a suspended sentence on its own, it is comparable to the procedures provided in R.C.M. 1107-1108 for suspension and remission of an unexecuted part of a sentence or vacation of a suspended sentence:

Suspension of a sentence grants the accused a probationary period during which the suspended part of a sentence is not executed, and upon the accused’s successful completion of which the suspended part of the sentence shall be remitted. Remission cancels the unexecuted part of a sentence to which it applies. The unexecuted part of a sentence is that part of the sentence that has not been carried out.

R.C.M. 1107(a).

R.C.M. 1108 provides processes and procedures for vacating any suspended or previously unexecuted portion of a sentence, including the rights of an accused to be represented by counsel and the right for reasonable notice and opportunity to be heard.

Simply because wording or a discussion section was amended in the R.C.M.s does not erase well-established case law establishing Constitutional protections or required processes and procedures established by controlling regulation. Here, the CADA properly notified Appellant, “The purpose of the [contingent confinement] hearing would be to determine whether the fine is delinquent, whether the delinquency, if any, resulted from accused’s indigence and whether confinement should be ordered.” CADA. This language is nearly verbatim of DAFI 51-201. Department of the Air Force Instruction (DAFI) 51-201, *Administration of Military Justice* ¶ 20.37.2 (24 Jan. 2024). The CADA specifically incorporating language direct from DAFI 51-

201 regarding the possibility of a contingent confinement hearing and the purpose of the hearing demonstrates Government's intention to follow its own rules and regulations.

Appellant cites Bearden v. Georgia, 461 U.S. 660, 667 (1983) which establishes that a state "may not thereafter imprison a person *solely* because he lacked resources to pay it." (emphasis added). Appellant then conflates contingent confinement due to indigence with debtor's prison. App. Br. at 3-5. Appellant's indigence has not been raised and is not at issue. Bearden reaffirms the findings in Williams v. Illinois, "nothing in our decision today precludes imprisonment for willful refusal to pay a fine or court costs." Williams, 399 U.S. 235, 242 (1970). Bearden goes further to reaffirm Tate v. Short, emphasizing "our holding today does not suggest any constitutional infirmity in imprisonment of a defendant with the means to pay a fine who refuses or neglects to do so." Tate, 401 U.S. 395, 400 (1971). Nevertheless, the safeguards discussed in Bearden are enumerated under R.C.M. 1107-1108 for unexecuted portions of sentences and in DAFI 51-201 for execution of contingent confinement, including: (1) sufficient notice and opportunity to be heard; and (2) determination of whether failure to pay a fine was due to willful conduct, negligence, or indigence. Bearden, 461 U.S. at 668-669.


Additionally, failure to abide by controlling regulation or instructions can be dispositive and support judicial relief. For example, this Court has reviewed and discussed procedures of DAFI 51-201 regarding the imposition of fines and conditional confinement in United States v. Workneh, No. ACM 38928, 2017 CCA LEXIS 219 (A.F. Ct. Crim. App. Mar. 24, 2017) (unpub. op.). In Workneh, this Court found a convening authority's action in imposition of a fine was defective due to failure to follow specific provisions of DAFI 51-201. Id. at *18-19. This Court remanded the record of trial for substitution of a corrected action. Id. at *19.

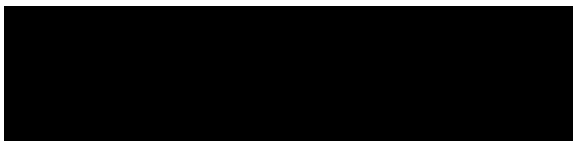
Here, Appellant received the benefit of the procedures of DAFI 51-201 in the execution of his sentence. Namely, he was provided notice of the execution of the fine by the Convening Authority, given a reasonable period to pay the fine, and given a reasonable period to allow for a contingent confinement hearing to be convened in the event the fine was delinquent. DAFI 51-201, Section 20G. A presumption that there was some future possibility of a violation of due process *if* indicated processes and procedures were not followed and *if* Appellant suffered from indigence does not render the sentence facially unconstitutional and does not establish violation of constitutional protections.

In sum, Appellant is not entitled to relief of any portion of the sentence, as it was legally correct. The sentence as executed comports with due process protections, safeguards, processes, and procedures set forth by statute and contemplated by controlling caselaw. The sentence was reasonable and did not result in actual harm or prejudice. This Court should deny the assignment of error and should not grant relief.

CONCLUSION

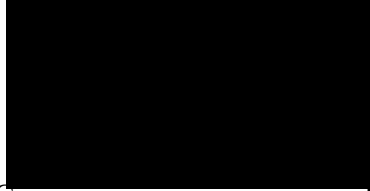
For these reasons, the United States respectfully requests that this Honorable Court deny Appellant's claim and affirm the findings and sentence in this case.


C. [Redacted], Capt, USAF
Appellate Government Counsel
Government Trial and
Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800


MARY ELLEN PAYNE
Associate Chief
Government Trial and
Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and the Air Force
Appellate Defense Division on 8 September 2025.



C [Redacted] D, Capt, USAF
Appellate Government Counsel
Government Trial and
Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Airman (E-4)

MATTHEW D. CORLISS,

United States Air Force,

Appellant.

) **MOTION FOR ENLARGMENT OF TIME TO**
) **FILE REPLY BRIEF – OUT OF TIME**

)
) Before Panel No. 1

)
) No. ACM 40656

)
) 12 September 2025

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

Pursuant to Rule 23.3(m)(2) and 23.3(m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file a Reply to the Government Answer to Appellant’s Assignment of Error (AOE). Appellant requests an enlargement for a period of 7 days, which will end on **22 September 2025**. This case was docketed with this Court on 20 August 2024. From the date of docketing to the present date, 388 days have elapsed. On the date requested, 395 days will have elapsed.

On 29 May 2024, at a general court-martial convened at Moody Air Force Base, Georgia, a military judge, consistent with Appellant’s pleas, found him guilty of one charge and one specification of larceny of military property in violation of Article 121, Uniform Code of Military Justice (UCMJ). R. at 1, 7, 10, 12, 27. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be confined for six months, and to be fined \$15,000, where, in the event Appellant failed to pay the fine, he would receive an additional six months of confinement. R. at 88. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v.*

Senior Airman Matthew D. Corliss (July 16, 2024).

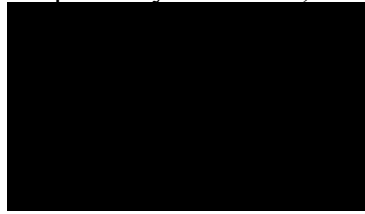
The trial transcript is 88 pages long and the record of trial (ROT) is an electronic ROT, which is one volume of 402 pages. There are five admitted Prosecution Exhibits, six Defense Exhibits, and one Appellate Exhibit. Appellant is not currently confined. Undersigned counsel is currently representing 7 clients. This case currently has first priority on my docket.

Counsel requests the additional time in order to read and assess the Government's answer, research any needed issues, and thoroughly draft a reply brief. When the Government filed its answer on Monday, 8 September 2025, undersigned counsel was TDY for his civilian employer; counsel did not return from TDY until Thursday, 11 September 2025. It was, unfortunately, not possible for me to file this motion "in time" as the timing for the motion to be "in time" to this Court is seven days (*see* AFCCA Rule 23.3(m)(1), and the timing for a Reply to this Court is also seven days. *See* AFCCA Rule 17(d). Thus, once the Government files an answer, any request for an extension of time to file a reply would necessarily be "out of time."

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for enlargements of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

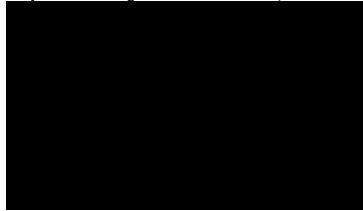


LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

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 12 September 2025.

Respectfully submitted,



LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

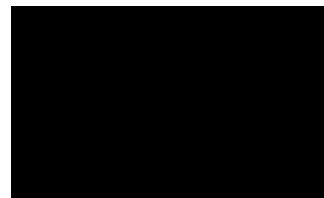
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|---------------------------|
| UNITED STATES, |) | UNITED STATES' GENERAL |
| <i>Appellee,</i> |) | OPPOSITION TO APPELLANT'S |
| |) | MOTION FOR ENLARGEMENT |
| |) | OF TIME OUT OF TIME |
| v. |) | |
| |) | |
| |) | Before Panel No. 1 |
| Senior Airman (E-4) |) | |
| MATTHEW D. CORLISS, |) | No. ACM 40656 |
| United States Air Force, |) | |
| <i>Appellant.</i> |) | |
| |) | 15 September 2025 |

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

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

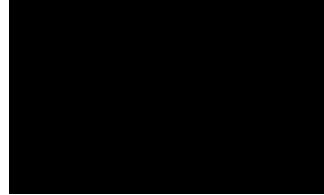
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4804

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 15 September 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4804

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|----------------------------|---|----------------------------|
| UNITED STATES, |) | REPLY TO APPELLEE’S ANSWER |
| |) | TO ASSIGNMENT OF ERRORS |
| <i>Appellee,</i> |) | |
| |) | |
| v. |) | Before Panel 3 |
| |) | |
| Senior Airman (E-4), |) | No. ACM 40656 |
| MATTHEW D. CORLISS, |) | |
| United States Air Force, |) | 18 September 2025 |
| <i>Appellant.</i> |) | |

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

Appellant, Senior Airman Matthew D. Corliss, by and through his undersigned counsel pursuant to Rule 18(d) of this Honorable Court’s Rules of Practice and Procedure, files this reply to the Government’s Answer, dated 8 September 2025. In addition to the arguments in his opening brief, filed on 8 August 2025, Appellant submits the following arguments.

A. The Government’s argument regarding mootness is improper and should be stricken.

The Government’s argument that Appellant’s issue is moot is based on impermissible facts not in evidence and should be disregarded. As noted in Appellant’s separately filed Motion to Strike, an appellant may only argue facts that are properly before the court. *United States v. Bush*, 47 M.J. 305, 310 (C.A.A.F. 1997) (citing *United States v. Beasley*, 102 F.3d 1440 (8th Cir. 1996)). Facts that are not in evidence are irrelevant to an appellate argument. *United States v. Tyler*, 81 M.J. 108, 111 (C.A.A.F. 2021). Appellant’s argument regarding mootness is entirely based on Government counsel’s alleged personal knowledge regarding the status of Appellant’s fines. Answer at 2 n.1. Thus, the argument is improper and should be stricken.

B. The Government’s ripeness argument ignores Article 66(c), UCMJ, and is illogical.

The Government’s argument that Appellant’s issue is not ripe for review (1) completely

ignores the plain language of Article 66(c), UCMJ, and (2) does not make logical sense.

The Government's argument that a "claim is not ripe for adjudication if it rests upon *contingent future events* that may not occur[.]" Answer at 4 (citation omitted), confuses the concept of a sentence with the concept of the execution of a sentence. *See Matheny v. Morrison*, 307 F.3d 709, 711 (8th Cir. 2002) ("A petitioner may attack the execution of his sentence through § 2241 in the district where he is incarcerated; a challenge to the validity of the sentence itself must be brought under § 2255 in the district of the sentencing court.") Appellant has been sentenced to, and is laboring under, an unlawful sentence of contingent confinement. Although that unlawful sentence has not yet been executed there is nothing speculative in this case.

Further, as pointed out in Appellant's Assignment of Error (AOE), 10 U.S.C. § 866 (2021) not only gives this Court the ability to assess the legality of a sentence (as opposed to only the execution of the sentence), it creates the affirmative duty to do so. Article 66, UCMJ, states that a Court of Criminal Appeals (CCA) "may affirm only the sentence, or such part or amount of the sentence, as the Court finds correct in law[.]" 10 U.S.C. § 866 (2021). This provision "prevent[s] a CCA from affirming an unlawful sentence, such as one that violates the prohibition against cruel and unusual punishment in the Eighth Amendment and Article 55, UCMJ." *United States v. Jessie*, 79 M.J. 437, 441 (C.A.A.F. 2020) (citation omitted). This plain language of 10 U.S.C. § 866, as well as its interpretive caselaw, allows this Court to assess the legality of a sentence itself, rather than to have to wait until the execution of an unlawful sentence prejudices an appellant.

Indeed, the effect of following the Government's argument would mean that no illegal sentence could be corrected until the sentence is actually executed because, until that point, an appellant faces no prejudice. This cannot be the case. Following this argument would mean that if an accused is sentenced to more confinement than the statute allows, the issue is not ripe until

the accused starts serving confinement in excess of the maximum (i.e., the issue is not ripe until the unlawful portion of a sentence is executed).

For instance, the court in *United States v. Eldick* found that a sentence – which exceeded the statutory maximum – itself was error and remanded for re-sentencing before the unlawful portion of the sentence was executed. 393 F.3d 1354, 1354 n.1 (11th Cir. 2004). If the *Eldick* court operated according to the Government’s argument in the instant case, the court would have held the appellant’s argument was not ripe until he started serving that portion of the sentence that was in excess of the statutory maximum.

The reasoning behind why ripeness is not a bar was pointed out in a similar context in *United States v. Ford*. 882 F.3d 1279, 1284 (10th Cir. 2018). In *Ford* the court stated, “challenges to conditions of supervised release are usually prudentially ripe for review even before the conditions are actually enforced.” *Id.* The court explained that

[Such] issues are typically “legal ones that [it] can easily resolve without reference to concrete facts,” a defendant will usually “experience a hardship if [the court does] not resolve the issues,” and “the judicial system has an interest in dealing with [the] case as expeditiously as possible, instead of waiting for a distinct appeal of a conviction for a violation of the conditions of release.”

Id. (citations omitted). The same reasoning holds true in the instant case.

The Government made a similar ripeness argument that was rejected in the *United States v. Ofchinick*. 937 F.2d 892 (3rd Cir. 1991). In *Ofchinick*, the appellant was sentenced by the court to complete certain probation conditions. *Id.* at 894. Before the appellant had violated those conditions, he challenged them on appeal as violating due process. *Id.* The Government argued that the challenge was not ripe for appeal because the appellant had not yet violated the probation conditions and had not yet been incarcerated for those violations. *Id.* at 894-95. The court rejected the Government’s ripeness argument stating that it would result in a meaningless challenge and

was illogical. *Id.* at 897 & n.5.

WHEREFORE, Appellant respectfully requests this Honorable Court set aside that portion of his sentence that calls for an additional six months of confinement in the event he fails to pay the adjudicated fine.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a small flourish.

LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

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 18 September 2025.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a small flourish.

LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|---|---|-------------------------|
| UNITED STATES <i>Appellee</i> |) | MOTION TO STRIKE |
| |) | |
| |) | |
| |) | |
| v. |) | Before Panel No. 3 |
| |) | |
| Senior Airman (E-4) |) | Case No. ACM 40656 |
| MATTHEW D. CORLISS |) | |
| United States Air Force |) | |
| <i>Appellant</i> |) | 18 September 2025 |

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

Pursuant to 23.3(p) of this Court’s rules of practice and procedure, Appellant moves to strike footnote 1 set out on page 2 of the Government’s Answer brief. The basis for this request is because Government counsel’s personal “awareness” of facts not before this Court fall outside the purview of this Court’s consideration.

On appeal an appellant may only argue facts that are properly before the court. *United States v. Bush*, 47 M.J. 305, 310 (C.A.A.F. 1997) (citing *United States v. Beasley*, 102 F.3d 1440 (8th Cir. 1996)). Facts that are not in evidence are irrelevant to an appellate argument. *United States v. Tyler*, 81 M.J. 108, 111 (C.A.A.F. 2021). Despite recognizing that the facts contained in footnote 1 are not in evidence, Government counsel attempts to argue her personal belief regarding the status of the payment of Appellant’s fines. Such argument is clearly prohibited and should be stricken from the Government’s brief.

WHEREFORE, this Court should grant this motion and strike footnote 1 of the Government’s answer brief.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a small flourish.

LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

Counsel for Appellant

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were delivered by e-mail to the Court and served on the Government Trial and Appellate Operations Division on 18 September 2025.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke and a small upward flick.

LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: luke.wilson.14@us.af.mil

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|---------------------------|---|--------------------------|
| UNITED STATES, |) | ANSWER TO ASSIGNMENTS OF |
| <i>Appellee,</i> |) | ERROR |
| |) | |
| v. |) | Before Panel No. 1 |
| |) | |
| Senior Airman (E-4) |) | No. ACM 40656 |
| MATTHEW D. CORLISS |) | |
| United States Air Force |) | 25 September 2025 |
| <i>Appellant.</i> |) | |

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

Pursuant to Rule 23(c) of this Court’s Rules of Practice and Procedure, the United States enters its opposition to Appellant’s Motion to Strike.

Striking any part of the United States’ footnote 1 on page 2 of the Government Answer brief is unnecessary. The United States knows that the Court cannot consider the underlying truth of the matter asserted on the first sentence of footnote 1—and did not ask the Court to rely upon or consider it. (Ans. at 2). As stated in the third sentence of footnote 1, the United States relies on Appellant having the burden. Id. The United States’ argument contained in the Government’s answer brief is within the bounds of facts that properly exist before this Court.

WHEREFORE, this Court should deny Appellant's motion to strike footnote 1 in the Government's answer brief.



CATHERINE D. MUMFORD, Capt, USAF
Appellate Government Counsel
Government Trial and
Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800



MARY ELLEN PAYNE
Associate Chief
Government Trial and
Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and the Air Force Appellate Defense Division on 25 September 2025.



CATHERINE D. MUMFORD, Capt, USAF
Appellate Government Counsel
Government Trial and
Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800