

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FIRST)
)	
v.	)	Before Panel No. 1
)	
Captain (O-3)	)	No. ACM 40238
ALEX M. COVEY,)	
United States Air Force,	)	18 March 2022
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(2) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **26 May 2022**. The record of trial was docketed with this Court on 26 January 2022. From the date of docketing to the present date, 51 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,

DAVID L. BOSNER, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 18 March 2022.

Respectfully submitted,

A large black rectangular redaction box covering the signature of David L. Bosner.

DAVID L. BOSNER, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

A small black rectangular redaction box covering contact information.

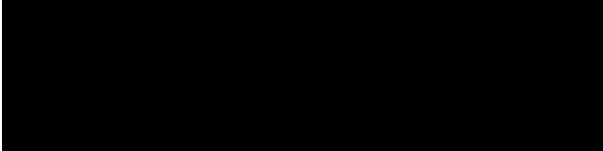

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Captain (O-3)	)	ACM 40238
ALEX M. COVEY, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

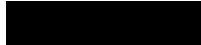

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 22 March 2022.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SECOND)
)	
v.	)	Before Panel No. 1
)	
Captain (O-3)	)	No. ACM 40238
ALEX M. COVEY,)	
United States Air Force,	)	19 May 2022
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his second enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **25 June 2022**. The record of trial was docketed with this Court on 26 January 2022. From the date of docketing to the present date, 113 days have elapsed. On the date requested, 150 days will have elapsed.

On 2 September 2021, Appellant was convicted, consistent with his pleas, at a general court-martial composed of a military judge alone at F.E. Warren Air Force Base, Wyoming, of one charge and two specifications of assault consummated by a battery upon a spouse, in violation of Article 128, Uniform Code of Military Justice (UCMJ) (2019 MCM). Record (R.) at 75. Three specifications of the same were withdrawn and dismissed without prejudice. R. at 74-75. The military judge sentenced Appellant to 45 days confinement¹ and dismissal. R. at 100.

The record of trial consists of two volumes. The transcript is 100 pages. There are five Prosecution Exhibits, six Defense Exhibits, one Court Exhibit, and four Appellate Exhibits. Appellant is not currently in confinement.

¹ The military judge adjudged 45 days of confinement for each specification, ordered to run concurrently. R. at 100.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,



DAVID L. BOSNER, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 19 May 2022.

Respectfully submitted,



DAVID L. BOSNER, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



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
)	
Captain (O-3)	)	ACM 40238
ALEX M. COVEY, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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


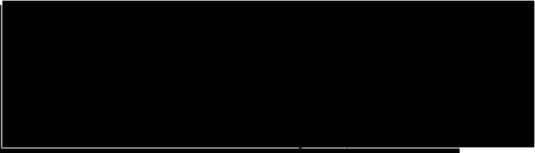

[REDACTED]

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

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 19 May 2008

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


IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (THIRD)
)	
v.	)	Before Panel No. 1
)	
Captain (O-3),	)	No. ACM 40238
ALEX M. COVEY,)	
United States Air Force,	)	16 June 2022
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his third enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **25 July 2022**. The record of trial was docketed with this Court on 26 January 2022. From the date of docketing to the present date, 141 days have elapsed. On the date requested, 180 days will have elapsed.

On 2 September 2021, Appellant was convicted, consistent with his pleas, at a general court-martial composed of a military judge alone at F.E. Warren Air Force Base, Wyoming, of one charge and two specifications of assault consummated by a battery upon a spouse, in violation of Article 128, Uniform Code of Military Justice (UCMJ) (*2019 MCM*). Record (R.) at 75. Three specifications of the same were withdrawn and dismissed without prejudice. R. at 74-75. The military judge sentenced Appellant to 45 days confinement¹ and dismissal. R. at 100.

The record of trial consists of two volumes. The transcript is 100 pages. There are five Prosecution Exhibits, six Defense Exhibits, one Court Exhibit, and four Appellate Exhibits. Appellant is not currently in confinement.

¹ The military judge adjudged 45 days of confinement for each specification, ordered to run concurrently. R. at 100.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,



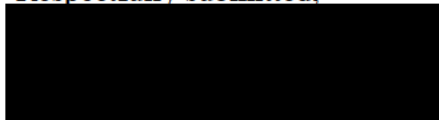
DAVID L. BOSNER, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 16 June 2022.

Respectfully submitted,



DAVID L. BOSNER, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



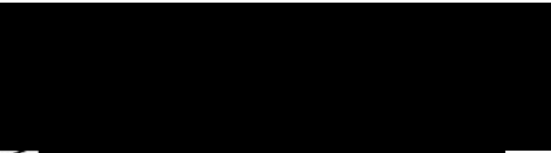

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Captain (O-3)	)	ACM 40238
ALEX M. COVEY, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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


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


CERTIFICATE OF FILING AND SERVICE

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

Appellate Defense Division on 16 June 2008



Appellate Government Counsel, Government Trial
and Appellate Operations Division
Military Justice and Discipline
United States Air Force



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FOURTH)
)	
v.	)	Before Panel No. 1
)	
Captain (O-3),	)	No. ACM 40238
ALEX M. COVEY,)	
United States Air Force,	)	18 July 2022
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and 23.3(m)(6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his fourth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **24 August 2022**. The record of trial was docketed with this Court on 26 January 2022. From the date of docketing to the present date, 173 days have elapsed. On the date requested, 210 days will have elapsed.

On 2 September 2021, Appellant was convicted, consistent with his pleas, at a general court-martial composed of a military judge alone at F.E. Warren Air Force Base, Wyoming, of one charge and two specifications of assault consummated by a battery upon a spouse, in violation of Article 128, Uniform Code of Military Justice (UCMJ) (*2019 MCM*). Record (R.) at 75. Three specifications of the same were withdrawn and dismissed without prejudice. R. at 74-75. The military judge sentenced Appellant to 45 days confinement¹ and dismissal. R. at 100.

¹ The military judge adjudged 45 days of confinement for each specification, ordered to run concurrently. R. at 100.

The record of trial consists of two volumes. The transcript is 100 pages. There are five Prosecution Exhibits, six Defense Exhibits, one Court Exhibit, and four Appellate Exhibits. Appellant is not currently in confinement.

Counsel is currently assigned 28 cases; 8 cases are pending initial AOE's before this Court. Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Twelve cases have priority over the present case:

1. *United States v. Massey*, ACM 40017: This Court ordered a *Dubay* hearing on 25 March 2022. Counsel is lead for the hearing. The military judge granted the Government's second request for a continuance; the hearing date is set for 26 July 2022.
2. *United States v. Reimers*, ACM 40141: The record of trial consists of 11 volumes. The transcript is 989 pages. There are 10 Prosecution Exhibits, 11 Defense Exhibits, and 6 Appellate Exhibits. Counsel is finalizing the brief for filing.
3. *United States v. Simmons*, ACM 39342: The second petition for grant of review is due to the CAAF on 25 July 2022.
4. *United States v. Pullings*, ACM 39948: The CAAF granted review on 26 May 2022. The Reply Brief on Behalf of Appellant is due to the CAAF on 12 August 2022.
5. *United States v. Leipart*, ACM 39711: This Court ordered a *Dubay* hearing, which occurred on 5-6 April 2022. The record of trial was returned to this Court on Friday 8 July 2022. Per this Court's order, Appellant's brief is due on 12 August 2022.
6. *United States v. White*, ACM 39917: The petition for grant of review is due to the CAAF on 4 August 2022.

7. *United States v. Aumont*, ACM 39673 (rem): The second petition for grant of review is due to the CAAF on 18 August 2022.
8. *United States v. Monge*, ACM 39781 (f rev): The petition for grant of review is due to the CAAF on 1 September 2022.
9. *United States v. Lake*, ACM 40168: The record of trial consists of 17 volumes. The transcript is 1418 pages. There are 101 Prosecution Exhibits, 14 Defense Exhibits, and 135 Appellate Exhibits. Counsel is reviewing the record of trial.
10. *United States v. Rosales-Gomez*, ACM S32713: The record of trial consists of 3 volumes. The transcript is 124 pages. There are seven Prosecution Exhibits, 13 Defense Exhibits, and 5 Appellate Exhibits. Counsel is reviewing the record of trial.
11. *United States v. Smith*, ACM 40202: The record of trial consists of 10 volumes. The transcript is 1,415 pages. There are 22 Prosecution Exhibits, 21 Defense Exhibits, and 76 Appellate Exhibits. Counsel is reviewing the record of trial.
12. *United States v. Raver*, ACM 40197: The record of trial consists of five volumes. The transcript is 359 pages. There are nine Prosecution Exhibits, one Defense Exhibit, two Court Exhibits, and 32 Appellate Exhibits. Counsel is reviewing the record of trial.

Appellant was advised of his right to a timely appeal. 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.

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

Respectfully submitted,



DAVID L. BOSNER, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 18 July 2022.

Respectfully submitted,



DAVID L. BOSNER, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



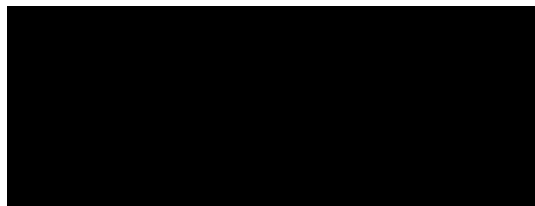
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Captain (O-3)	)	ACM 40238
ALEX M. COVEY, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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



THOMAS J. ALFORD, Lt Col, USAFR
Appellate Government Counsel, Government
Trial and Appellate Operations Division
Military Justice and Discipline
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 19 July 2022.



THOMAS J. ALFORD, Lt Col, USAFR
Appellate Government Counsel, Government
Trial and Appellate Operations Division
Military Justice and Discipline
United States Air Force



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FIFTH)
)	
v.	)	Before Panel No. 1
)	
Captain (O-3),	)	No. ACM 40238
ALEX M. COVEY,)	
United States Air Force,	)	12 August 2022
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and 23.3(m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fifth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **23 September 2022**. The record of trial was docketed with this Court on 26 January 2022. From the date of docketing to the present date, 198 days have elapsed. On the date requested, 240 days will have elapsed.

On 2 September 2021, Appellant was convicted, consistent with his pleas, at a general court-martial composed of a military judge alone at F.E. Warren Air Force Base, Wyoming, of one charge and two specifications of assault consummated by a battery upon a spouse, in violation of Article 128, Uniform Code of Military Justice (UCMJ) (*2019 MCM*). Record (R.) at 75. Three specifications of the same were withdrawn and dismissed without prejudice. R. at 74-75. The military judge sentenced Appellant to 45 days confinement¹ and dismissal. R. at 100.

¹ The military judge adjudged 45 days of confinement for each specification, ordered to run concurrently. R. at 100.

The record of trial consists of two volumes. The transcript is 100 pages. There are five Prosecution Exhibits, six Defense Exhibits, one Court Exhibit, and four Appellate Exhibits. Appellant is not currently in confinement.

Counsel is currently assigned 26 cases; 7 cases are pending initial AOE's before this Court. Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Thirteen cases have priority over the present case:

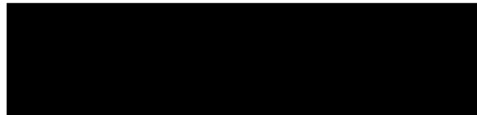
1. *United States v. Pullings*, ACM 39948: The CAAF granted review on 26 May 2022. The Reply Brief on Behalf of Appellant was originally due to the CAAF today on 12 August 2022. Subsequent motions practice with the CAAF regarding the substance of the Government's Answer has paused the time window for the reply; counsel expects the reply brief will be filed before the end of August.
2. *United States v. Leipart*, ACM 39711: This Court ordered a *Dubay* hearing, which occurred on 5-6 April 2022. The record of trial was returned to this Court on Friday 8 July 2022. Per this Court's order, Appellant's brief is due on 26 August 2022.
3. *United States v. Aumont*, ACM 39673 (rem): The second petition for grant of review is due to the CAAF on 18 August 2022.
4. *United States v. Reimers*, ACM 40141: The Brief on Behalf of Appellant was filed on 22 July 2022. Counsel expects the Government to Answer on or before 22 August 2022, with reply to follow.
5. *United States v. White*, ACM 39917: The supplement to the petition for grant of review is due to the CAAF on 26 August 2022.

6. *United States v. Monge*, ACM 39781 (f rev): The petition for grant of review is due to the CAAF on 29 August 2022.
7. *United States v. Velasquez*, ACM 40056: The petition for grant of review is due to the CAAF on 12 September 2022.
8. *United States v. Geier*, ACM 32679 (f rev): The petition for grant of review is due to the CAAF on 26 September 2022.
9. *United States v. Lake*, ACM 40168: The record of trial consists of 17 volumes. The transcript is 1418 pages. There are 101 Prosecution Exhibits, 14 Defense Exhibits, and 135 Appellate Exhibits. Counsel is reviewing the record of trial.
10. *United States v. Smith*, ACM 40202: The record of trial consists of 10 volumes. The transcript is 1,415 pages. There are 22 Prosecution Exhibits, 21 Defense Exhibits, and 76 Appellate Exhibits. Counsel is reviewing the record of trial.
11. *United States v. Rosales-Gomez*, ACM S32713: The record of trial consists of 3 volumes. The transcript is 124 pages. There are seven Prosecution Exhibits, 13 Defense Exhibits, and 5 Appellate Exhibits. Counsel is reviewing the record of trial.
12. *United States v. Smith*, ACM 40202: The record of trial consists of 10 volumes. The transcript is 1,415 pages. There are 22 Prosecution Exhibits, 21 Defense Exhibits, and 76 Appellate Exhibits. Counsel is reviewing the record of trial.
13. *United States v. Raver*, ACM 40197: The record of trial consists of five volumes. The transcript is 359 pages. There are nine Prosecution Exhibits, one Defense Exhibit, two Court Exhibits, and 32 Appellate Exhibits. Counsel is reviewing the record of trial.

Appellant was advised of his right to a timely appeal. 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.

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

Respectfully submitted,



DAVID L. BOSNER, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 12 August 2022.

Respectfully submitted,



DAVID L. BOSNER, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



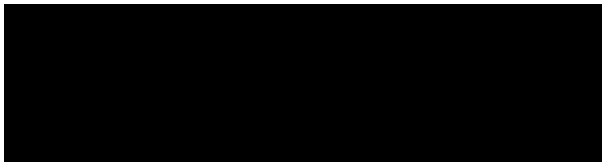

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Captain (O-3)	)	ACM 40238
ALEX M. COVEY, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

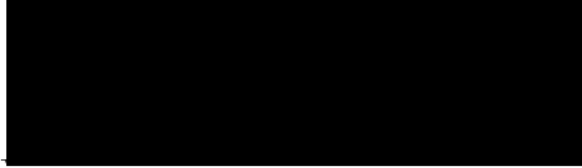
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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


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


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 12 August 2022.



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



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

UNITED STATES)	No. ACM 40238
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Alex M. COVEY)	
Captain (O-3))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 12 August 2022, counsel for Appellant submitted a Motion for Enlargement of Time (Fifth) requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure. Accordingly, it is by the court on this 16th day of August, 2022,

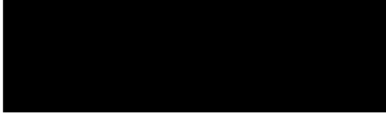
ORDERED:

Appellant's Motion for Enlargement of Time (Fifth) is **GRANTED**. Appellant shall file any assignments of error not later than **23 September 2022**.

Any subsequent motions for enlargement of time shall, in addition to the matters required under this court's Rules of Practice and Procedure, include a statement as to: (1) whether Appellant was advised of his right to a timely appeal, (2) whether Appellant was advised of the request for an enlargement of time, and (3) whether Appellant agrees with the request for an enlargement of time.



FOR THE COURT



ANTHONY F. ROCK, Maj, USAF
Deputy Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SIXTH)
)	
v.	)	Before Panel No. 1
)	
Captain (O-3),	)	No. ACM 40238
ALEX M. COVEY,)	
United States Air Force,	)	16 September 2022
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and 23.3(m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his sixth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **23 October 2022**. The record of trial was docketed with this Court on 26 January 2022. From the date of docketing to the present date, 233 days have elapsed. On the date requested, 270 days will have elapsed.

On 2 September 2021, Appellant was convicted, consistent with his pleas, at a general court-martial composed of a military judge alone at F.E. Warren Air Force Base, Wyoming, of one charge and two specifications of assault consummated by a battery upon a spouse, in violation of Article 128, Uniform Code of Military Justice (UCMJ) (*2019 MCM*). Record (R.) at 75. Three specifications of the same charge were withdrawn and dismissed without prejudice. R. at 74-75. The military judge sentenced Appellant to 45 days confinement¹ and dismissal. R. at 100.

¹ The military judge adjudged 45 days of confinement for each specification, ordered to run concurrently. R. at 100.

The record of trial consists of two volumes. The transcript is 100 pages. There are five Prosecution Exhibits, six Defense Exhibits, one Court Exhibit, and four Appellate Exhibits. Appellant is not currently in confinement.

Counsel is currently assigned 25 cases; 6 cases are pending initial AOE's before this Court. Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Six cases have priority over the present case:

1. *United States v. Pullings*, ACM 39948: The CAAF granted review on 26 May 2022. Oral argument is scheduled for 8 November 2022.
2. *United States v. Reimers*, ACM 40141: The Brief on Behalf of Appellant was filed on 22 July 2022. Counsel expects the Government to Answer on or before 18 September 2022, with reply to follow.
3. *United States v. Geier*, ACM 32679 (f rev): The petition for grant of review is due to the CAAF on 26 September 2022.
4. *United States v. Edwards*, ACM 39696 (rem): The CAAF reversed as to sentence and remanded to this Court. The appellant's brief on remand is currently due on 2 October 2022.
5. *United States v. Lake*, ACM 40168: The record of trial consists of 17 volumes. The transcript is 1418 pages. There are 101 Prosecution Exhibits, 14 Defense Exhibits, and 135 Appellate Exhibits. Counsel is reviewing the record of trial.

6. *United States v. Smith*, ACM 40202: The record of trial consists of 10 volumes. The transcript is 1,415 pages. There are 22 Prosecution Exhibits, 21 Defense Exhibits, and 76 Appellate Exhibits. Counsel is reviewing the record of trial.

Appellant was advised of his right to a timely appeal. 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.

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

Respectfully submitted,



DAVID L. BOSNER, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 16 September 2022.

Respectfully submitted,

A large black rectangular redaction box covering the signature of David L. Bosner.

DAVID L. BOSNER, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

A small black rectangular redaction box covering contact information.

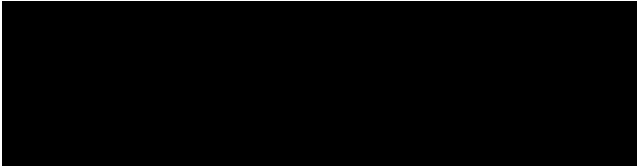

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Captain (O-3)	)	ACM 40238
ALEX M. COVEY, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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


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


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 19 September 2022.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SEVENTH)
)	
v.	)	Before Panel No. 1
)	
Captain (O-3),	)	No. ACM 40238
ALEX M. COVEY,)	
United States Air Force,	)	14 October 2022
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and 23.3(m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his seventh enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **22 November 2022**. The record of trial was docketed with this Court on 26 January 2022. From the date of docketing to the present date, 261 days have elapsed. On the date requested, 300 days will have elapsed.

On 2 September 2021, Appellant was convicted, consistent with his pleas, at a general court-martial composed of a military judge alone at F.E. Warren Air Force Base, Wyoming, of one charge and two specifications of assault consummated by a battery upon a spouse, in violation of Article 128, Uniform Code of Military Justice (UCMJ) (*2019 MCM*). Record (R.) at 75. Three specifications of the same charge were withdrawn and dismissed without prejudice. R. at 74-75. The military judge sentenced Appellant to 45 days confinement¹ and dismissal. R. at 100.

¹ The military judge adjudged 45 days of confinement for each specification, ordered to run concurrently. R. at 100.

The record of trial consists of two volumes. The transcript is 100 pages. There are five Prosecution Exhibits, six Defense Exhibits, one Court Exhibit, and four Appellate Exhibits. Appellant is not currently in confinement.

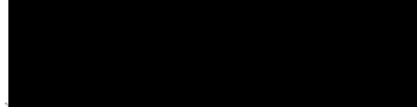
Counsel is currently assigned 24 cases; 6 cases are pending initial AOE's before this Court. Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Four cases have priority over the present case:

1. *United States v. Pullings*, ACM 39948: The CAAF granted review on 26 May 2022. Oral argument is scheduled for 8 November 2022.
2. *United States v. Edwards*, ACM 39696 (rem): The CAAF reversed as to sentence and remanded to this Court. The appellant's brief on remand is currently due on 1 November 2022.
3. *United States v. Lake*, ACM 40168: The record of trial consists of 17 volumes. The transcript is 1418 pages. There are 101 Prosecution Exhibits, 14 Defense Exhibits, and 135 Appellate Exhibits. Counsel is drafting the Brief on Behalf of Appellant.
4. *United States v. Smith*, ACM 40202: The record of trial consists of 10 volumes. The transcript is 1,415 pages. There are 22 Prosecution Exhibits, 21 Defense Exhibits, and 76 Appellate Exhibits. Counsel is reviewing the record of trial and working with recently retained civilian co-counsel.

Appellant was advised of his right to a timely appeal. 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.

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

Respectfully submitted,



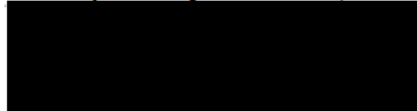
DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 14 October 2022.

Respectfully submitted,



DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

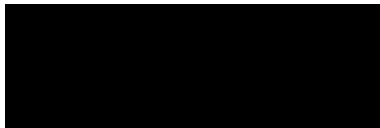
UNITED STATES,)	UNITED STATES' OPPOSITON
<i>Appellee,</i>	)	TO APPELLANT'S MOTION FOR
	)	FOR ENLARGEMENT OF TIME
v.)	
)	
Captain (O-3)	)	ACM 40238
ALEX M. COVEY, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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


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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly one 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.

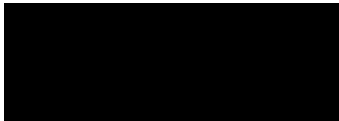


OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force




CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and the Air Force Appellate
Defense Division on 17 October 2022.



OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (EIGHTH)
)	
v.	)	Before Panel No. 1
)	
Captain (O-3),	)	No. ACM 40238
ALEX M. COVEY,)	
United States Air Force,	)	14 November 2022
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and 23.3(m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his eighth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **21 December 2022**. The record of trial was docketed with this Court on 26 January 2022. From the date of docketing to the present date, 292 days have elapsed. On the date requested, 330 days will have elapsed.

On 2 September 2021, Appellant was convicted, consistent with his pleas, at a general court-martial composed of a military judge alone at F.E. Warren Air Force Base, Wyoming, of one charge and two specifications of assault consummated by a battery upon a spouse, in violation of Article 128, Uniform Code of Military Justice (UCMJ). Record (R.) at 75. Three specifications of the same charge were withdrawn and dismissed without prejudice. R. at 74-75. The military judge sentenced Appellant to 45 days confinement¹ and dismissal. R. at 100.

¹ The military judge adjudged 45 days of confinement for each specification, ordered to run concurrently. R. at 100.

The record of trial consists of two volumes. The transcript is 100 pages. There are five Prosecution Exhibits, six Defense Exhibits, one Court Exhibit, and four Appellate Exhibits. Appellant is not currently in confinement.


Counsel is currently assigned 24 cases; 6 cases are pending initial AOE's before this Court. Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Counsel has reviewed the pretrial and posttrial documents but has not yet completed review of the transcript and exhibits from trial. Much of the last month was spent preparing for and delivering oral argument in *United States v. Pullings*, ACM 39948. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Four cases have priority over the present case:

1. *United States v. Edwards*, ACM 39696 (rem): The Court of Appeals for the Armed Forces (CAAF) reversed as to sentence and remanded to this Court. The appellant's brief on remand is currently due on 14 November 2022.
2. *United States v. Lake*, ACM 40168: The record of trial consists of 17 volumes. The transcript is 1418 pages. There are 101 Prosecution Exhibits, 14 Defense Exhibits, and 135 Appellate Exhibits. Counsel is finalizing the AOE brief for submission.
3. *United States v. Smith*, ACM 40202: The record of trial consists of 10 volumes. The transcript is 1,415 pages. There are 22 Prosecution Exhibits, 21 Defense Exhibits, and 76 Appellate Exhibits. Counsel is reviewing the record of trial and working with recently retained civilian co-counsel.
4. *United States v. Howell*, ACM 39949: The petition for grant of review is due to the CAAF on 22 November 2022.

Appellant was advised of his right to a timely appeal. 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.

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

Respectfully submitted,



DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 14 November 2022.

Respectfully submitted,



DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS



UNITED STATES,)	UNITED STATES' OPPOSITON
<i>Appellee,</i>	)	TO APPELLANT'S MOTION FOR
	)	FOR ENLARGEMENT OF TIME
v.)	
)	
Captain (O-3)	)	ACM 40238
ALEX M. COVEY, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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


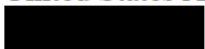
The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly one year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 330 days 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.


OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 15 November 2022.


OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force


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

UNITED STATES)	No. ACM 40238
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Alex M. COVEY)	
Captain (O-3))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 14 November 2022, counsel for Appellant submitted a Motion for Enlargement of Time (Eighth) requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure. Accordingly, it is by the court on this 16th day of November, 2022,

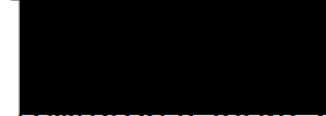
ORDERED:

Appellant's Motion for Enlargement of Time (Eighth) is **GRANTED**. Appellant shall file any assignments of error not later than **22 December 2022**.*

Appellant's counsel is advised that given the number of enlargements granted thus far, any further requests for an enlargement of time may necessitate a status conference.



FOR THE COURT



ANTHONY F. ROCK, Maj, USAF
Deputy Clerk of the Court

* Appellant's motion requested "an enlargement for a period of 30 days, which will end on 21 December 2022." The court notes that Appellant's brief is currently due 22 November 2022, and a 30-day enlargement will set a new deadline of 22 December 2022. The court finds Appellant's mention of "21 December 2022" was a scrivener's error.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Captain (O-3),

ALEX M. COVEY,

United States Air Force,

Appellant.

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

)
) Before Panel 1

)
) No. ACM 40238

)
) 13 December 2022

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

Pursuant to Rule 16 of the Rules of Practice and Procedure of the United States Air Force Court of Criminal Appeals and Rule for Courts-Martial (R.C.M.) 1115, Appellant moves to withdraw his case from appellate review. Appellant has fully consulted with Major David Bosner, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promises of clemency, or otherwise, to withdraw his case from appellate review.

Further, pursuant to Rules 23(b) and 23.3(b), undersigned counsel asks this Court to attach the two-page document appended to this pleading as Appendix A to the record of this proceeding. The appended document is necessary to comply with R.C.M. 1115(d). Finally, Appendix B is a one-page declaration signed by Appellant; this document is relevant and necessary for the Court's review of the pending motion.

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

Respectfully submitted,

[REDACTED]

DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 13 December 2022.

Respectfully submitted,

[REDACTED]

DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

[REDACTED]