

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. 3
)	
Airman First Class (E-3)	)	Case No. ACM S32709
RYAN J. DAVIS)	
United States Air Force	)	Filed on: 10 November 2021
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(2) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **18 January 2022**. The record of trial was docketed with this Court on 20 September 2021. 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,

[Redacted Signature]

LSO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[Redacted Address]

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 November 2021.

Respectfully submitted,

[REDACTED]

S [REDACTED] LSON, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32709
RYAN J. DAVIS, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

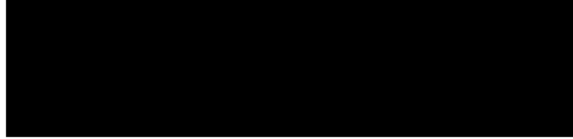
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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


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 2021.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division



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. 3
)	
Airman First Class (E-3)	)	Case No. ACM S32709
RYAN J. DAVIS)	
United States Air Force	)	7 January 2022
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his second enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **17 February 2022**. The record of trial was docketed with this Court on 20 September 2021. From the date of docketing to the present date, 109 days have elapsed. On the date requested, 150 days will have elapsed.

On 10 June 2021, consistent with his pleas, a military judge sitting alone found Appellant guilty of one charge, two specifications of wrongful use and distribution of cocaine, in violation of Article 112a, Uniform Code of Military Justice (UCMJ). R. at 48. The judge sentenced Appellant to be reprimanded, to forfeit \$1,190 for six months, be reduced in grade to E-1, to be confined for six months, and to receive a bad conduct discharge. R. at 65. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, Convening Authority Decision on Action.

The record of trial consists of three prosecution exhibits, seven defense exhibits, and two appellate exhibits. The transcript is 65 pages. Appellant is not currently confined.

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

Respectfully submitted,

[REDACTED]

LSON, Maj, USAF
Appellate Defense Counsel

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 7 January 2022.

Respectfully submitted,

[REDACTED]

S [REDACTED] SON, Maj, USAF
Appellate Defense Counsel

[REDACTED]



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32709
RYAN J. DAVIS, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

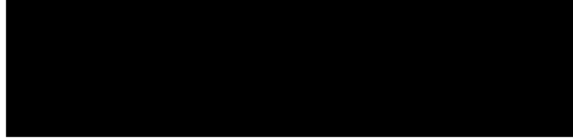
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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


CERTIFICATE OF FILING AND SERVICE

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



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division



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

)
)
) **NOTICE OF PANEL**
) **CHANGE**
)

It is by the court on this 20th day of January, 2022,

ORDERED:


The following records of trial are withdrawn from Panel 3 and referred to Panel 1 for appellate review.

1. United States v. Ashmore, Donovan	No. ACM 40036
2. United States v. Dixon, JaKorbie R.	No. ACM 39878 (f rev)
3. United States v. Beehler, Erik M.	No. ACM 39964
4. United States v. Lopez, Luis J.	No. ACM S32681
5. United States v. Lowe, Dalyn P.	No. ACM S32707
6. United States v. Emas, Nicholas F.	No. ACM 40020
7. United States v. Kim, Won-Jun	No. ACM 40057
8. United States v. Mock, Joshua P.	No. ACM 40072
9. United States v. Taylor II, Terry J.	No. ACM 40086
10. United States v. Cooper, Calvin M.	No. ACM 40092
11. United States v. Ross, Jaden C.	No. ACM 40107
12. United States v. Todd, Jeremy T.	No. ACM S32701
13. United States v. Scott, Daionte K.	No. ACM 40130
14. United States v. Lampkins, Bradley D.	No. ACM 40135
15. United States v. Goldsmith, Devonte R.C.	No. ACM 40148
16. United States v. Davis, Ryan J.	No. ACM S32709
17. United States v. Rivera-Moyet, Jorgediego	No. ACM 40178
18. United States v. Sanders III, Lonnie E.	No. ACM S32714
19. United States v. Covitz, Colin R.	No. ACM 40193
20. United States v. Schauer, Matthew D.	No. ACM 40203
21. United States v. Dagan, Donovan B.	No. ACM S32717

This panel letter supersedes all previous assignments.



FO


ANTHONY F. ROCK, Capt, 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 (THIRD)
)	
v.	)	Before Panel No. 1
)	
Airman First Class (E-3)	)	Case No. ACM S32709
RYAN J. DAVIS)	
United States Air Force	)	9 February 2022
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his third enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **19 March 2022**. The record of trial was docketed with this Court on 20 September 2021. From the date of docketing to the present date, 142 days have elapsed. On the date requested, 180 days will have elapsed.

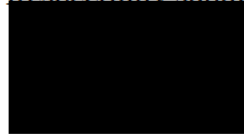
On 10 June 2021, consistent with his pleas, a military judge sitting alone found Appellant guilty of one charge, two specifications of wrongful use and distribution of cocaine, in violation of Article 112a, Uniform Code of Military Justice (UCMJ). R. at 48. The judge sentenced Appellant to be reprimanded, to forfeit \$1,190 for six months, be reduced in grade to E-1, to be confined for six months, and to receive a bad conduct discharge. R. at 65. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, Convening Authority Decision on Action.

The record of trial consists of three prosecution exhibits, seven defense exhibits, and two appellate exhibits. The transcript is 65 pages. Appellant is not currently confined.

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

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

Respectfully submitted,

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

SON, Maj, USAF

Appellate Defense Counsel

A large black rectangular redaction box covering the address and contact information of the undersigned counsel.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 9 February 2022.

Respectfully submitted,

[REDACTED]

S [REDACTED] SON, Maj, USAF
Appellate Defense Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32709
RYAN J. DAVIS, 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]

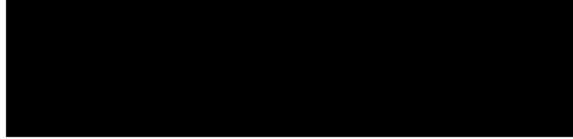
MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division

[REDACTED]

[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 11 February 2022.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division



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
)	
Airman First Class (E-3)	)	Case No. ACM S32709
RYAN J. DAVIS)	
United States Air Force	)	11 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)(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 Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **18 April 2022**. The record of trial was docketed with this Court on 20 September 2021. From the date of docketing to the present date, 172 days have elapsed. On the date requested, 210 days will have elapsed.

On 10 June 2021, consistent with his pleas, a military judge sitting alone found Appellant guilty of one charge, two specifications of wrongful use and distribution of cocaine, in violation of Article 112a, Uniform Code of Military Justice (UCMJ). R. at 48. The judge sentenced Appellant to be reprimanded, to forfeit \$1,190 for six months, be reduced in grade to E-1, to be confined for six months, and to receive a bad conduct discharge. R. at 65. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, Convening Authority Decision on Action.

The record of trial consists of three prosecution exhibits, seven defense exhibits, and two appellate exhibits. The transcript is 65 pages. Appellant is not currently confined.

Counsel is currently assigned 18 cases; 13 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 not yet started his review of Appellant's case. Eight cases have priority over the present case:

1. *United States v. Cunningham*, ACM 40093 – Appellant was tried and convicted at a general court-martial by a panel of officer and enlisted members at Ellsworth Air Force Base, South Dakota of one charge and one specification of murder, in violation of Article 118, Uniform Code of Military Justice. Record (R.) at 1252. The record of trial consists of 18 volumes. The transcript is 1,362 pages. There are 36 Prosecution Exhibits, 13 Defense Exhibits, and 97 Appellate Exhibits. Appellant is currently in confinement. The AOE is currently going through the review process.

2. *United States v. Scott*, ACM 40130 – Pursuant to his pleas and a plea agreement, Appellant was convicted at a general court-martial by a military judge at Ramstein Air Base, Germany for one charge, two specifications of assault, in violation of Article 128, Uniform Code of Military Justice. R. at 69. The record of trial consists of four volumes. The transcript is 111 pages. There are 14 prosecution exhibits, one defense exhibit, and six appellate exhibits. Appellant is currently confined. Counsel has begun an initial review of the record of trial.

3. *United States v. Rocha*, ACM 40134 – Contrary to his pleas, Appellant was convicted at a general court-martial of one charge, one specification of indecent conduct, in violation of Article 134, Uniform Code of Military Justice (UCMJ). Record (R.) at 504. The judge sentenced Appellant to reduction to the grade of E-1, forfeiture of all pay and allowances, confinement for 90 days, and a bad conduct discharge. R. at 532. On 26 April 2021, the convening authority took no action on the findings, approved the sentence, and denied Appellant's request for waiver of all adjudged and automatic forfeitures. The record of trial consists of four volumes. The transcript is

532 pages. There are 22 Prosecution Exhibits, eight Defense Exhibits, and 39 Appellate Exhibits. Appellant is not confined. Counsel has not begun a review of Appellant's case.

4. *United States v. Lugo*, ACM S32704 – Pursuant to his pleas, Appellant was convicted at a special court-martial for one charge, one specification of impaired driving, in violation of Article 113, Uniform Code of Military Justice (UCMJ); one charge, one specification of incapacitation from drug use, in violation of Article 112, UCMJ; one charge, one specification of wrongful use of a controlled substance, in violation of Article 112a, UCMJ; and one charge, one specification of violating a lawful general order, in violation of Article 92, UCMJ. Record (R.) at 269. The judge sentenced Appellant to reduction to the grade of E-1, a bad conduct discharge, and confinement for 13 months. R. at 341. Pursuant to his plea agreement, all terms of confinement ran concurrently so Appellant's total confinement was four months. R. at 261. The convening authority took no action on the findings or sentence of the case. Record of Trial, Vol. 1, Convening Authority Decision on Action, 4 June 2021. The record of trial consists of three volumes. The transcript is 342 pages. There are eight Prosecution Exhibits, 12 Defense Exhibits, and 17 Appellate Exhibits. Appellant is not confined. Counsel has not begun a review of Appellant's case.

5. *United States v. Lampkins*, ACM 40135 – Appellant was convicted at a general court-martial of one charge, one specification of attempted larceny, in violation of Article 80, Uniform Code of Military Justice (UCMJ); one charge two specifications of larceny, in violation of Article 121, UCMJ; and one charge, 43 specifications of making, drawing, or uttering check, draft, or order without sufficient funds, in violation of Article 123a, UCMJ. Record (R.) at 317. The judge sentenced Appellant to a reprimand, reduction to the grade of E-1, 46 months confinement, and a dishonorable discharge. R. at 381. The convening authority denied

Appellant's request for deferment and waiver of automatic forfeitures and a deferment of reduction in grade. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action. The military judge recommended that all confinement in excess of 24 months be suspended for a period of two years and one month from the date of the findings to allow Appellant to pay restitution to one of the named victims. ROT, Vol. 1, Statement of Trial Results. The convening authority accepted the judge's recommendation and approved the rest of the sentence. ROT, Vol. 1, Convening Authority Decision on Action. The convening authority took no action on the findings. *Id.* The record of trial consists of four volumes. The transcript is 382 pages. There are two Prosecution Exhibits, 11 Defense Exhibits, and 29 Appellate Exhibits. Appellant is not confined. Counsel has not begun a review of Appellant's case.

6. *United States v. Cannon*, ACM 40136 – Pursuant to his pleas, Appellant was convicted at a general court-martial by a military judge at Malmstrom AFB, Montana for one charge, two specifications of committing a lewd act upon a child, in violation of Article 120b, Uniform Code of Military Justice (UCMJ); and one charge, one specification of attempting to commit a sexual act upon a child, in violation of Article 80, UCMJ. Record (R.) at 255. The judge sentenced Appellant to reduction to the grade of E-1, forfeiture of all pay and allowances, confinement for 18 months, and a dishonorable discharge. R. at 279. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, Convening Authority Decision on Action, 27 April 2021. The record of trial consists of six volumes. The transcript is 280 pages. There are four Prosecution Exhibits, one Defense Exhibit, and 31 Appellate Exhibits. Appellant is not confined. Counsel has not begun a review of Appellant's case.

7. *United States v. Heard*, ACM 40159 – In accordance with her pleas, Appellant was convicted of wrongful distribution of marijuana, in violation of Article 112a, Uniform Code of

Military Justice (UCMJ); and one charge, two specifications of making a false statement in violation of federal law, in violation of Article 134 UCMJ. R. at 72. The military judge sentenced Appellant to be reduced in grade to E-1, to be confined for 100 days, and to be discharged from the service with a bad conduct discharge characterization. R. at 116. The convening authority took no action on the findings, approved the sentence in its entirety, and dismissed Charge I, Specifications 1 and 2 with prejudice. Record of Trial, Vol. 1, Convening Authority Decision on Action, 17 May 2021. The record of trial consists of two prosecution exhibits, six defense exhibits, and four appellate exhibits. The transcript is 117 pages. Appellant is not currently confined. Counsel has not begun reviewing Appellant's case.

8. *United States v. Suarez*, ACM S32708, Consistent with his pleas, a military judge sitting alone found Appellant guilty of one charge, one specification of being absent from his place of duty, in violation of Article 86, Uniform Code of Military Justice (UCMJ); one charge, one specification of wrongfully using marijuana, in violation of Article 112a, UCMJ; and one charge, one specification of assault, in violation of Article 128, UCMJ. R. at 56. The judge sentenced Appellant to reduction to the grade of E-1, 89 days of confinement, and a bad conduct discharge. Record of Trial (ROT), Vol 1, Entry of Judgment. The convening authority took no action on the findings or sentence. ROT, Vol 1, Convening Authority Decision on Action. The record of trial consists of five prosecution exhibits, eight defense exhibits, two appellate exhibits, and one court exhibit. The transcript is 91 pages. Appellant is not currently confined. Counsel has not begun reviewing Appellant's case.

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

Respectfully submitted,

[REDACTED]

LSON, Maj, USAF
Appellate Defense Counsel

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 11 March 2022.

Respectfully submitted,

[REDACTED]

S [REDACTED] SON, Maj, USAF
Appellate Defense Counsel

[REDACTED]



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32709
RYAN J. DAVIS, 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


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 March 2022.

[REDACTED]

JOHN P. PATERA, Maj, USAF
Appellate Government Counsel, Government Trial
and Appellate Operations Division

[REDACTED]

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
)	
Airman First Class (E-3)	)	Case No. ACM S32709
RYAN J. DAVIS)	
United States Air Force	)	11 April 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 Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **18 May 2022**. The record of trial was docketed with this Court on 20 September 2021. From the date of docketing to the present date, 203 days have elapsed. On the date requested, 240 days will have elapsed.

On 10 June 2021, consistent with his pleas, a military judge sitting alone found Appellant guilty of one charge, two specifications of wrongful use and distribution of cocaine, in violation of Article 112a, Uniform Code of Military Justice (UCMJ). R. at 48. The judge sentenced Appellant to be reprimanded, to forfeit \$1,190 for six months, be reduced in grade to E-1, to be confined for six months, and to receive a bad conduct discharge. R. at 65. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, Convening Authority Decision on Action.

The record of trial consists of three prosecution exhibits, seven defense exhibits, and two appellate exhibits. The transcript is 65 pages. Appellant is not currently confined.

Counsel is currently assigned 18 cases; 13 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 not yet started his review of Appellant's case. Appellant is aware of his right to speedy appellate review, extensions of time, and consents to this extension of time. Seven cases have priority over the present case:

1. *United States v. Cunningham*, ACM 40093 – Appellant was tried and convicted at a general court-martial by a panel of officer and enlisted members at Ellsworth Air Force Base, South Dakota of one charge and one specification of murder, in violation of Article 118, Uniform Code of Military Justice. Record (R.) at 1252. The record of trial consists of 18 volumes. The transcript is 1,362 pages. There are 36 Prosecution Exhibits, 13 Defense Exhibits, and 97 Appellate Exhibits. Appellant is currently in confinement. Counsel has identified all issues he intends to raise on Appellant's behalf and is finalizing the brief on these issues. Thereafter, he will finalize Appellant's *Grostejon* submissions. Barring unforeseen circumstances, counsel does not anticipate filing any additional EOTs in this case.

2. *United States v. Rocha*, ACM 40134 – Contrary to his pleas, Appellant was convicted at a general court-martial of one charge, one specification of indecent conduct, in violation of Article 134, Uniform Code of Military Justice (UCMJ). Record (R.) at 504. The judge sentenced Appellant to reduction to the grade of E-1, forfeiture of all pay and allowances, confinement for 90 days, and a bad conduct discharge. R. at 532. On 26 April 2021, the convening authority took no action on the findings, approved the sentence, and denied Appellant's request for waiver of all adjudged and automatic forfeitures. The record of trial consists of four volumes. The transcript is 532 pages. There are 22 Prosecution Exhibits, eight Defense Exhibits, and 39 Appellate Exhibits. Appellant is not confined. Counsel has finished reviewing the record of trial, is scheduling with this Court to view sealed materials, and has started drafting the AOE.

3. *United States v. Lugo*, ACM S32704 – Pursuant to his pleas, Appellant was convicted at a special court-martial for one charge, one specification of impaired driving, in violation of Article 113, Uniform Code of Military Justice (UCMJ); one charge, one specification of incapacitation from drug use, in violation of Article 112, UCMJ; one charge, one specification of wrongful use of a controlled substance, in violation of Article 112a, UCMJ; and one charge, one specification of violating a lawful general order, in violation of Article 92, UCMJ. Record (R.) at 269. The judge sentenced Appellant to reduction to the grade of E-1, a bad conduct discharge, and confinement for 13 months. R. at 341. Pursuant to his plea agreement, all terms of confinement ran concurrently so Appellant's total confinement was four months. R. at 261. The convening authority took no action on the findings or sentence of the case. Record of Trial, Vol. 1, Convening Authority Decision on Action, 4 June 2021. The record of trial consists of three volumes. The transcript is 342 pages. There are eight Prosecution Exhibits, 12 Defense Exhibits, and 17 Appellate Exhibits. Appellant is not confined. Counsel has not begun a review of Appellant's case.

4. *United States v. Lampkins*, ACM 40135 – Appellant was convicted at a general court-martial of one charge, one specification of attempted larceny, in violation of Article 80, Uniform Code of Military Justice (UCMJ); one charge two specifications of larceny, in violation of Article 121, UCMJ; and one charge, 43 specifications of making, drawing, or uttering check, draft, or order without sufficient funds, in violation of Article 123a, UCMJ. Record (R.) at 317. The judge sentenced Appellant to a reprimand, reduction to the grade of E-1, 46 months confinement, and a dishonorable discharge. R. at 381. The convening authority denied Appellant's request for deferment and waiver of automatic forfeitures and a deferment of reduction in grade. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action. The

military judge recommended that all confinement in excess of 24 months be suspended for a period of two years and one month from the date of the findings to allow Appellant to pay restitution to one of the named victims. ROT, Vol. 1, Statement of Trial Results. The convening authority accepted the judge's recommendation and approved the rest of the sentence. ROT, Vol. 1, Convening Authority Decision on Action. The convening authority took no action on the findings. *Id.* The record of trial consists of four volumes. The transcript is 382 pages. There are two Prosecution Exhibits, 11 Defense Exhibits, and 29 Appellate Exhibits. Appellant is not confined. Counsel has not begun a review of Appellant's case.

5. *United States v. Cannon*, ACM 40136 – Pursuant to his pleas, Appellant was convicted at a general court-martial by a military judge at Malmstrom AFB, Montana for one charge, two specifications of committing a lewd act upon a child, in violation of Article 120b, Uniform Code of Military Justice (UCMJ); and one charge, one specification of attempting to commit a sexual act upon a child, in violation of Article 80, UCMJ. Record (R.) at 255. The judge sentenced Appellant to reduction to the grade of E-1, forfeiture of all pay and allowances, confinement for 18 months, and a dishonorable discharge. R. at 279. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, Convening Authority Decision on Action, 27 April 2021. The record of trial consists of six volumes. The transcript is 280 pages. There are four Prosecution Exhibits, one Defense Exhibit, and 31 Appellate Exhibits. Appellant is not confined. Counsel has not begun a review of Appellant's case.

6. *United States v. Heard*, ACM 40159 – In accordance with her pleas, Appellant was convicted of wrongful distribution of marijuana, in violation of Article 112a, Uniform Code of Military Justice (UCMJ); and one charge, two specifications of making a false statement in violation of federal law, in violation of Article 134 UCMJ. R. at 72. The military judge sentenced

Appellant to be reduced in grade to E-1, to be confined for 100 days, and to be discharged from the service with a bad conduct discharge characterization. R. at 116. The convening authority took no action on the findings, approved the sentence in its entirety, and dismissed Charge I, Specifications 1 and 2 with prejudice. Record of Trial, Vol. 1, Convening Authority Decision on Action, 17 May 2021. The record of trial consists of two prosecution exhibits, six defense exhibits, and four appellate exhibits. The transcript is 117 pages. Appellant is not currently confined. Counsel has not begun reviewing Appellant's case.

7. *United States v. Suarez*, ACM S32708, Consistent with his pleas, a military judge sitting alone found Appellant guilty of one charge, one specification of being absent from his place of duty, in violation of Article 86, Uniform Code of Military Justice (UCMJ); one charge, one specification of wrongfully using marijuana, in violation of Article 112a, UCMJ; and one charge, one specification of assault, in violation of Article 128, UCMJ. R. at 56. The judge sentenced Appellant to reduction to the grade of E-1, 89 days of confinement, and a bad conduct discharge. Record of Trial (ROT), Vol 1, Entry of Judgment. The convening authority took no action on the findings or sentence. ROT, Vol 1, Convening Authority Decision on Action. The record of trial consists of five prosecution exhibits, eight defense exhibits, two appellate exhibits, and one court exhibit. The transcript is 91 pages. Appellant is not currently confined. Counsel has not begun reviewing Appellant's case.

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

Respectfully submitted,

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

SON, Maj, USAF

Appellate Defense Counsel

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

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 11 April 2022.

Respectfully submitted,

[REDACTED]

S [REDACTED] SON, Maj, USAF
Appellate Defense Counsel

[REDACTED]



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32709
RYAN J. DAVIS, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

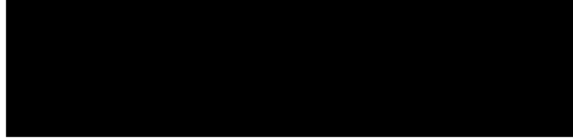
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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


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 April 2022.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division



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
)	
Airman First Class (E-3)	)	Case No. ACM S32709
RYAN J. DAVIS)	
United States Air Force	)	11 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) 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 Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **17 June 2022**. The record of trial was docketed with this Court on 20 September 2021. From the date of docketing to the present date, 233 days have elapsed. On the date requested, 270 days will have elapsed.

On 10 June 2021, consistent with his pleas, a military judge sitting alone found Appellant guilty of one charge, two specifications of wrongful use and distribution of cocaine, in violation of Article 112a, Uniform Code of Military Justice (UCMJ). R. at 48. The judge sentenced Appellant to be reprimanded, to forfeit \$1,190 for six months, be reduced in grade to E-1, to be confined for six months, and to receive a bad conduct discharge. R. at 65. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, Convening Authority Decision on Action.

The record of trial consists of three prosecution exhibits, seven defense exhibits, and two appellate exhibits. The transcript is 65 pages. Appellant is not currently confined.

Counsel is currently assigned 19 cases; 13 cases are pending initial AOE’s before this

Court. Counsel has two cases pending petitions to the Court of Appeals for the Armed Forces. Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has not yet started his review of Appellant's case. Appellant is aware of his right to speedy appellate review, extensions of time, and consents to this extension of time. Six cases have priority over the present case:

1. *United States v. Rocha*, ACM 40134 – Contrary to his pleas, Appellant was convicted at a general court-martial of one charge, one specification of indecent conduct, in violation of Article 134, Uniform Code of Military Justice (UCMJ). Record (R.) at 504. The judge sentenced Appellant to reduction to the grade of E-1, forfeiture of all pay and allowances, confinement for 90 days, and a bad conduct discharge. R. at 532. On 26 April 2021, the convening authority took no action on the findings, approved the sentence, and denied Appellant's request for waiver of all adjudged and automatic forfeitures. The record of trial consists of four volumes. The transcript is 532 pages. There are 22 Prosecution Exhibits, eight Defense Exhibits, and 39 Appellate Exhibits. Appellant is not confined. Counsel has finished reviewing the record of trial, has viewed sealed materials, and is writing the AOE.

2. *United States v. Lugo*, ACM S32704 – Pursuant to his pleas, Appellant was convicted at a special court-martial for one charge, one specification of impaired driving, in violation of Article 113, Uniform Code of Military Justice (UCMJ); one charge, one specification of incapacitation from drug use, in violation of Article 112, UCMJ; one charge, one specification of wrongful use of a controlled substance, in violation of Article 112a, UCMJ; and one charge, one specification of violating a lawful general order, in violation of Article 92, UCMJ. Record (R.) at 269. The judge sentenced Appellant to reduction to the grade of E-1, a bad conduct discharge, and confinement for 13 months. R. at 341. Pursuant to his plea agreement, all terms of

confinement ran concurrently so Appellant's total confinement was four months. R. at 261. The convening authority took no action on the findings or sentence of the case. Record of Trial, Vol. 1, Convening Authority Decision on Action, 4 June 2021. The record of trial consists of three volumes. The transcript is 342 pages. There are eight Prosecution Exhibits, 12 Defense Exhibits, and 17 Appellate Exhibits. Appellant is not confined. Counsel has reviewed the entire record of trial and is finalizing issues to raise with the client.

3. *United States v. Lampkins*, ACM 40135 – Appellant was convicted at a general court-martial of one charge, one specification of attempted larceny, in violation of Article 80, Uniform Code of Military Justice (UCMJ); one charge two specifications of larceny, in violation of Article 121, UCMJ; and one charge, 43 specifications of making, drawing, or uttering check, draft, or order without sufficient funds, in violation of Article 123a, UCMJ. Record (R.) at 317. The judge sentenced Appellant to a reprimand, reduction to the grade of E-1, 46 months confinement, and a dishonorable discharge. R. at 381. The convening authority denied Appellant's request for deferment and waiver of automatic forfeitures and a deferment of reduction in grade. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action. The military judge recommended that all confinement in excess of 24 months be suspended for a period of two years and one month from the date of the findings to allow Appellant to pay restitution to one of the named victims. ROT, Vol. 1, Statement of Trial Results. The convening authority accepted the judge's recommendation and approved the rest of the sentence. ROT, Vol. 1, Convening Authority Decision on Action. The convening authority took no action on the findings. *Id.* The record of trial consists of 12 volumes. The transcript is 382 pages. There are two Prosecution Exhibits, 11 Defense Exhibits, and 29 Appellate Exhibits. Appellant is not confined. Although counsel has not yet reviewed the transcript, counsel has reviewed the

Prosecution Exhibits, Defense Exhibits, Appellate Exhibits, and the majority of the allied papers.

4. *United States v. Cannon*, ACM 40136 – Pursuant to his pleas, Appellant was convicted at a general court-martial by a military judge at Malmstrom AFB, Montana for one charge, two specifications of committing a lewd act upon a child, in violation of Article 120b, Uniform Code of Military Justice (UCMJ); and one charge, one specification of attempting to commit a sexual act upon a child, in violation of Article 80, UCMJ. Record (R.) at 255. The judge sentenced Appellant to reduction to the grade of E-1, forfeiture of all pay and allowances, confinement for 18 months, and a dishonorable discharge. R. at 279. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, Convening Authority Decision on Action, 27 April 2021. The record of trial consists of six volumes. The transcript is 280 pages. There are four Prosecution Exhibits, one Defense Exhibit, and 31 Appellate Exhibits. Appellant is not confined. Counsel has not begun a review of Appellant's case.

5. *United States v. Heard*, ACM 40159 – In accordance with her pleas, Appellant was convicted of wrongful distribution of marijuana, in violation of Article 112a, Uniform Code of Military Justice (UCMJ); and one charge, two specifications of making a false statement in violation of federal law, in violation of Article 134 UCMJ. R. at 72. The military judge sentenced Appellant to be reduced in grade to E-1, to be confined for 100 days, and to be discharged from the service with a bad conduct discharge characterization. R. at 116. The convening authority took no action on the findings, approved the sentence in its entirety, and dismissed Charge I, Specifications 1 and 2 with prejudice. Record of Trial, Vol. 1, Convening Authority Decision on Action, 17 May 2021. The record of trial consists of two prosecution exhibits, six defense exhibits, and four appellate exhibits. The transcript is 117 pages. Appellant is not currently confined. Counsel has not begun reviewing Appellant's case.

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

Respectfully submitted,

[REDACTED]

SON, Maj, USAF
Appellate Defense Counsel

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 11 May 2022.

Respectfully submitted,

[REDACTED]

S [REDACTED] SON, Maj, USAF
Appellate Defense Counsel

[REDACTED]



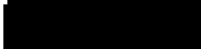
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32709
RYAN J. DAVIS, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

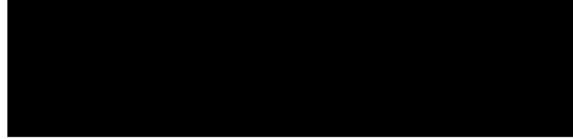
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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



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 2022.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division



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

UNITED STATES	)	No. ACM S32709
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Ryan J. DAVIS)	
Airman First Class (E-3))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 11 May 2022, counsel for Appellant submitted a Motion for Enlargement of Time (Sixth) 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 13th day of May, 2022,

ORDERED:

Appellant's Motion for Enlargement of Time (Sixth) is **GRANTED**. Appellant shall file any assignments of error not later than **17 June 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

Appellee

v.

Airman First Class (E-3)
RYAN J. DAVIS,
United States Air Force,

Appellant

MERITS BRIEF

Before Panel 1

Case No. ACM S32709

Filed on: 16 June 2022

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

Submission of Case Without Specific Assignments of Error

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

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

Respectfully submitted,

[REDACTED]

STUART J. ANDERSON, Maj, USAF
Appellate Defense Counsel

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

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

Respectfully submitted,

A black rectangular redaction box covering the signature of Stuart J. Anderson.

STUART J. ANDERSON, Maj, USAF
Appellate Defense Counsel

A large black rectangular redaction box covering the contact information of Stuart J. Anderson.