

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

UNITED STATES	)	No. ACM S32832
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Robert R. FORMANTES,	)	
Senior Master Sergeant (E-8)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 3

On 23 October 2025, counsel for Appellant submitted a Motion for Enlargement of Time (First), requesting an additional 60 days in which to file 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 3rd day of November, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **1 January 2026**.

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



FOR THE COURT



JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Master Sergeant (E-8)

ROBERT R. FORMANTES,

United States Air Force

Appellant.

) **APPELLANT’S MOTION FOR**
) **ENLARGEMENT OF TIME (FIRST)**

)
) Before Panel No. 3

)
) No. ACM S32832

)
) 23 October 2025

)

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Appellant, hereby moves for a first enlargement of time to file his Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **1 January 2026**. Appellant’s case was docketed with this Court on 3 September 2025. From the date of docketing to the present date, 50 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,

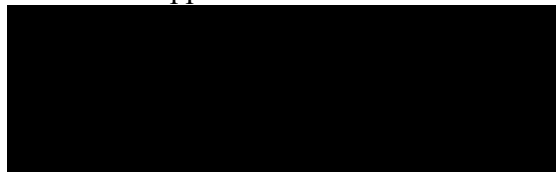
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 23 October 2025.



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



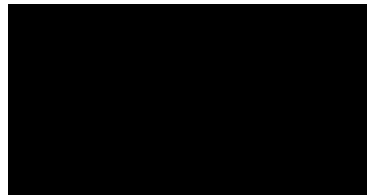
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Master Sergeant (E-8)	)	Before Panel No. 3
ROBERT R. FORMANTES,	)	
United States Air Force,	)	No. ACM S32832
<i>Appellant.</i>	)	
	)	27 October 2025
	)	

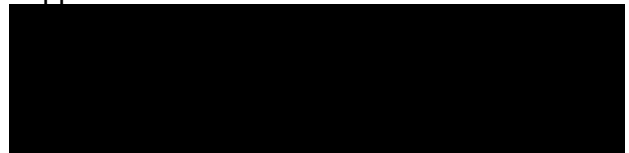
**TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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

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



KATE E. LEE, Maj, USAF
Appellate Government Counsel

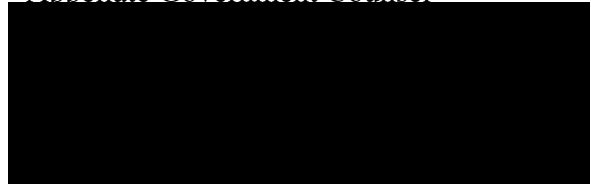


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 27 October 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



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

UNITED STATES	)	No. ACM S32832
<i>Appellee</i>	)	
	)	
v.	)	
	)	NOTICE OF PANEL
Robert R. FORMANTES	)	CHANGE
Senior Master Sergeant (E-8)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	

It is by the court on this 15th day of December, 2025,

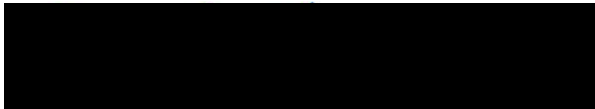
ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from Panel 3 and referred to Panel 2 for appellate review.

This panel letter supersedes all previous panel assignments.



FOR THE COURT



JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Master Sergeant (E-8)

ROBERT R. FORMANTES,

United States Air Force

Appellant.

) **APPELLANT'S MOTION FOR**
) **ENLARGEMENT OF TIME**
) **(SECOND)**

) Before Panel No. 2

) No. ACM S32832

) 19 December 2025

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court's Rules of Practice and Procedure, Appellant, hereby moves for an enlargement of time to file his Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **31 January 2026**. Appellant's case was docketed with this Court on 3 September 2025. From the date of docketing to the present date, 107 days have elapsed. On the date requested, 150 days will have elapsed.

On 22 July 2025, a special court-martial composed of a military judge alone found Appellant guilty, consistent with his pleas, of one specification of dereliction of duty, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892, and two specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. R. at 106; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the grade of E-6 and to be discharged from the service with a bad conduct discharge. R. at 124; EOJ. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Master Sergeant Robert R. Formantes*, dated 1 August 2025.



GRANTED
23 DEC 2025

The electronic record of trial contains 1 volume consisting of 3 prosecution exhibits, 7 defense exhibits, and 9 appellate exhibits; the transcript is 124 pages. Appellant is not confined.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of and prepare a brief for Appellant's case. An enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an update on the status of counsel's progress, was advised of this request for an enlargement of time, and has expressed agreement with necessary requests for enlargement of time, to include this request.

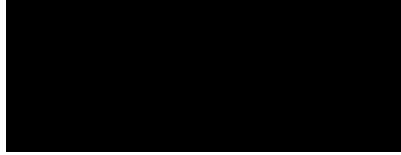
WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested second enlargement of time.

Respectfully submitted,

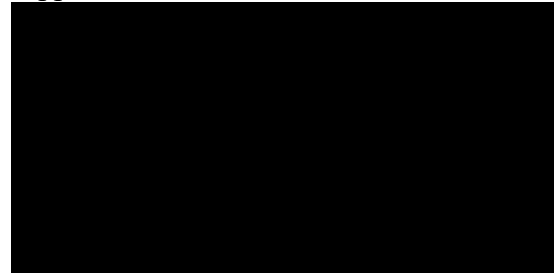
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel

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 19 December 2025.



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Senior Master Sergeant (E-8)	)	
ROBERT R. FORMANTES,	)	No. ACM S32832
United States Air Force.	)	
<i>Appellant</i>	)	23 December 2025

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

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

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

[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

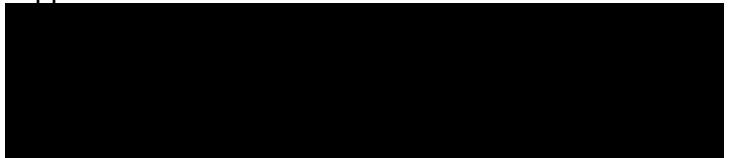
[REDACTED]

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 23 December 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Master Sergeant (E-8)

ROBERT R. FORMANTES,

United States Air Force

Appellant.

) **APPELLANT'S MOTION FOR**
) **ENLARGEMENT OF TIME (THIRD)**

)
) Before Panel No. 2

)
) No. ACM S32832

)
) 21 January 2026

)

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court's Rules of Practice and Procedure, Appellant, hereby moves for an enlargement of time to file his Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **2 March 2026**. Appellant's case was docketed with this Court on 3 September 2025. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

On 22 July 2025, a special court-martial composed of a military judge alone found Appellant guilty, consistent with his pleas, of one specification of dereliction of duty, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892, and two specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. R. at 106; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the grade of E-6 and to be discharged from the service with a bad conduct discharge. R. at 124; EOJ. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Master Sergeant Robert R. Formantes*, dated 1 August 2025.



GRANTED

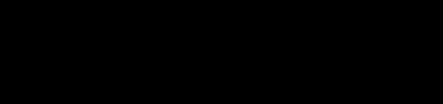
23 JAN 2026

The electronic record of trial contains 1 volume consisting of 3 prosecution exhibits, 7 defense exhibits, and 9 appellate exhibits; the transcript is 124 pages. Appellant is not confined.

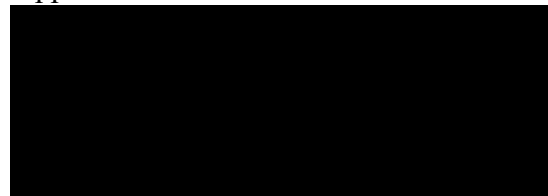
Through no fault of Appellant, undersigned counsel has been unable to complete his review of and prepare a brief for Appellant's case. An enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an update on the status of counsel's progress, was advised of this request for an enlargement of time, and has expressed agreement with necessary requests for enlargement of time, to include this request.

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

Respectfully submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



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 21 January 2026.



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



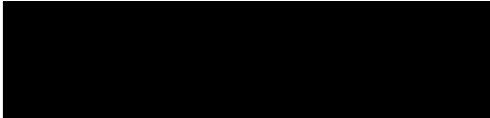
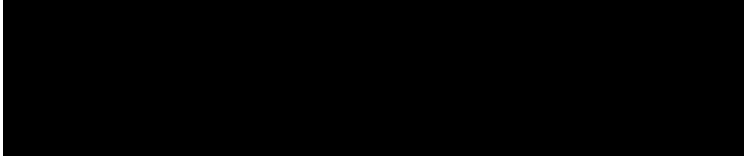
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Senior Master Sergeant (E-8)	)	
ROBERT R. FORMANTES,	)	No. ACM S32832
United States Air Force.	)	
<i>Appellant</i>	)	22 January 2026

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

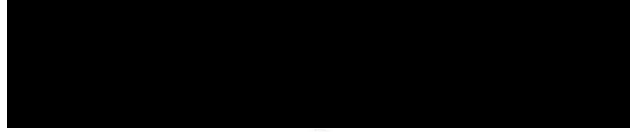
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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

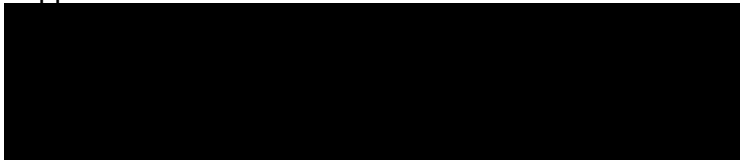

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel


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 January 2026.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Master Sergeant (E-8)

ROBERT R. FORMANTES,

United States Air Force

Appellant.

) **APPELLANT’S MOTION FOR**
) **ENLARGEMENT OF TIME**
) **(FOURTH)**

) Before Panel No. 2

) No. ACM S32832

) 20 February 2026

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

Pursuant to Rule 23.3(m)(1), (3), and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant, hereby moves for an enlargement of time to file his Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **1 April 2026**. Appellant’s case was docketed with this Court on 3 September 2025. From the date of docketing to the present date, 170 days have elapsed. On the date requested, 210 days will have elapsed.

On 22 July 2025, a special court-martial composed of a military judge alone found Appellant guilty, consistent with his pleas, of one specification of dereliction of duty, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892, and two specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. R. at 106; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the grade of E-6 and to be discharged from the service with a bad conduct discharge. R. at 124; EOJ. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Master Sergeant Robert R. Formantes*, dated 1 August 2025.



GRANTED

25 FEB 2026

The electronic record of trial contains 1 volume consisting of 3 prosecution exhibits, 7 defense exhibits, and 9 appellate exhibits; the transcript is 124 pages. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned thirty-nine cases; twenty-nine of those cases are pending initial briefs before this Court. Sixteen cases have priority over the present case:

1. *United States v. Hennessy*, USCA Dkt. No. 25-0012/AF, ACM No. 40439 – A1C Hennessy petitioned the Court of Appeals for the Armed Forces (CAAF) to reconsider its 23 January 2026 decision on 12 February 2026. The Government submitted an answer to A1C Hennessy’s petition on 19 February 2026. A1C Hennessy’s reply to the Government’s answer is due on 24 February 2026.
2. *United States v. Marschalek*, ACM No. S32776 – On 17 February 2026, the Government moved this Court to reconsider its 16 January 2026 opinion. Pursuant to A.F. Ct. Crim. App. R. 31(c), SSgt Marschalek’s reply to the Government’s motion is due on 24 February 2026.
3. *United States v. Slayton*, USCA Dkt. No. 26-0077/AF, ACM No. 40583 – On 29 December 2025, Major General Mitchel Neurock certified three issues for the CAAF to review. The Government brief in support of the certified issues was filed on 9 February 2026. Undersigned counsel’s answer is due 7 March 2026.
4. *United States v. Robinson*, ACM No. 24044 (f rev) – The record of trial contains 10 volumes consisting of 22 prosecution exhibits, 8 defense exhibits, and 58 appellate exhibits; the transcript is 1,112 pages. SSgt Robinson is not confined as the result of his court-martial conviction.

5. *United States v. Kelly*, ACM No. 40710 – The record of trial contains 9 volumes consisting of 6 prosecution exhibits, 8 defense exhibits, and 12 appellate exhibits; the transcript is 172 pages. TSgt Kelly is confined.
6. *United States v. Raines*, ACM No. 40765 – The record of trial contains 20 prosecution exhibits, 10 defense exhibits, and 143 appellate exhibits; the transcript is 2,444 pages. MSgt Raines is confined.
7. *United States v. Bush*, ACM No. 40783 – The record of trial contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined.
8. *United States v. Marquez*, ACM No. 40800 – The record of trial contains 7 volumes containing 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined.
9. *United States v. Jackson*, ACM No. S32819 – The record of trial contains 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,520 pages. A1C Jackson is not confined.
10. *United States v. Cannon*, ACM No. 40841 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined.
11. *United States v. Horne*, ACM No. S32825 – The record of trial contains 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176. A1C Horne is not confined.

12. *United States v. Owens*, ACM No. 40833 – The record of trial contains 4 prosecution exhibits, 1 defense exhibit, 4 appellate exhibits, and 1 court exhibit; the transcript is 135 pages. Amn Owens is confined.
13. *United States v. Weaver*, ACM No. 40843 – The record of trial contains 1 volume consisting of 3 prosecution exhibits and 6 appellate exhibits; the transcript is 159 pages. Lt Col Weaver is not confined.
14. *United States v. Flanagan*, ACM No. S32826 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 19 defense exhibits, 17 appellate exhibits, and 1 court exhibit; the transcript is 175 pages. A1C Flanagan is not confined.
15. *United States v. Northrup*, ACM No. 40854 – The record of trial contains 1 volume consisting of 5 prosecution exhibits, 7 defense exhibits, and 9 appellate exhibits; the transcript is 191 pages. SSgt Northrup is confined.
16. *United States v. McCay*, ACM No. 40869 – The record of trial contains 3 prosecution exhibits, 17 defense exhibits, and 6 appellate exhibits; the transcript is 142 pages. SrA McCay is not confined as a result of his court-martial conviction.

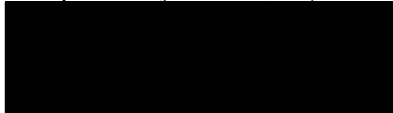
Since requesting Appellant's previous enlargement of time, undersigned counsel prepared and filed a reply brief to the Government's Answer in *United States v. Fischer*, ACM No. 40786., and prepared and filed a petition for reconsideration in *United States v. Hennessy*, USCA Dkt. No. 25-0012/AF, ACM No. 40439. Undersigned counsel also prepared for and participated as a moot judge in eight moot arguments (requiring more than 24 hours of work), attended two oral arguments at the CAAF (*United States v. Menard*, USCA Dkt. No. 25-0173/AF; *United States v. Brown*, USCA Dkt. No. 25-0181/AR) and one oral argument before this Court (*United States v. Talley*, ACM No. 40828.) Additionally, undersigned counsel has prepared and filed twenty-one motions

for enlargements of time for the CAAF and this Court (requiring approximately 11 hours of work to complete).

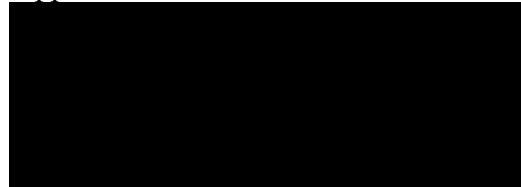
Through no fault of Appellant, undersigned counsel has been unable to complete his review of and prepare a brief for Appellant's case. Undersigned counsel has reviewed the Charge Sheet, Entry of Judgment, and exhibit lists, but has not completed a sufficient review of the record to competently advise Appellant on potential assignments of error. An enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an update on the status of counsel's progress, was advised of this request for an enlargement of time, and has expressed agreement with necessary requests for enlargement of time, to include this request.

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

Respectfully submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel

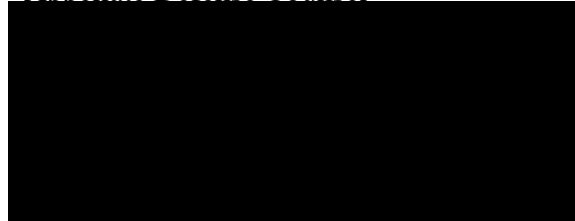


CERTIFICATE OF FILING AND SERVICE

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 20 February 2026.



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



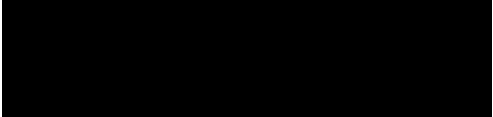
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Senior Master Sergeant (E-8)	)	
ROBERT R. FORMANTES,	)	No. ACM S32832
United States Air Force.	)	
<i>Appellant</i>	)	23 February 2026

**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.

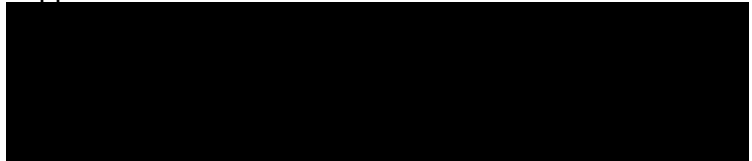

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel


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 23 February 2026.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Master Sergeant (E-8)

ROBERT R. FORMANTES,

United States Air Force

Appellant.

) **APPELLANT'S MOTION FOR**
) **ENLARGEMENT OF TIME (FIFTH)**

)
) Before Panel No. 2

)
) No. ACM S32832

)
) 25 March 2026

)

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

Pursuant to Rule 23.3(m)(1), (3), and (4) of this Honorable Court's Rules of Practice and Procedure, Appellant, hereby moves for an enlargement of time to file his Assignments of Error. Appellant requests an enlargement for a period of thirty days, which will end on **1 May 2026**. Appellant's case was docketed with this Court on 3 September 2025. From the date of docketing to the present date, 203 days have elapsed. On the date requested, 240 days will have elapsed.

On 22 July 2025, a special court-martial composed of a military judge alone found Appellant guilty, consistent with his pleas, of one specification of dereliction of duty, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892, and two specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. R. at 106; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the grade of E-6 and to be discharged from the service with a bad conduct discharge. R. at 124; EOJ. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Master Sergeant Robert R. Formantes*, dated 1 August 2025.



GRANTED
31 MAR 2026

The electronic record of trial contains 1 volume consisting of 3 prosecution exhibits, 7 defense exhibits, and 9 appellate exhibits; the transcript is 124 pages. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned thirty-seven cases; twenty-nine of those cases are pending initial briefs before this Court. Fourteen cases have priority over the present case:

1. *United States v. Slayton*, USCA Dkt. No. 26-0077/AF, ACM No. 40583 – On 29 December 2025, Major General Mitchel Neurock certified three issues for the Court of Appeals for the Armed Forces (CAAF) to review. Undersigned counsel is currently preparing for the oral argument at the CAAF, which is scheduled for 29 April 2026.
2. *United States v. Robinson*, ACM No. 24044 (f rev) – The record of trial contains 10 volumes consisting of 22 prosecution exhibits, 8 defense exhibits, and 58 appellate exhibits; the transcript is 1,112 pages. SSgt Robinson is not confined as the result of his court-martial conviction.
3. *United States v. Anderson*, ACM No. 40654 – Appellant's reply to the Government's Answer is due on 9 April 2026. SSgt Anderson is confined.
4. *United States v. Kelly*, ACM No. 40710 – The record of trial contains 9 volumes consisting of 6 prosecution exhibits, 8 defense exhibits, and 12 appellate exhibits; the transcript is 172 pages. TSgt Kelly is confined.
5. *United States v. Raines*, ACM No. 40765 – The record of trial contains 20 prosecution exhibits, 10 defense exhibits, and 143 appellate exhibits; the transcript is 2,444 pages. MSgt Raines is confined.

6. *United States v. Hennessy*, ACM No. 40439 (rem) – The record of trial was returned to this Court and docketed on 24 March 2026. This Court authorized counsel to submit briefs not later than 23 May 2026. A1C Hennessy is not confined.
7. *United States v. Bush*, ACM No. 40783 – The record of trial contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined.
8. *United States v. Marquez*, ACM No. 40800 – The record of trial contains 7 volumes containing 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined.
9. *United States v. Jackson*, ACM No. S32819 – The record of trial contains 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,520 pages. A1C Jackson is not confined.
10. *United States v. Cannon*, ACM No. 40841 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined.
11. *United States v. Horne*, ACM No. S32825 – The record of trial contains 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176. A1C Horne is not confined.
12. *United States v. Weaver*, ACM No. 40843 – The record of trial contains 1 volume consisting of 3 prosecution exhibits and 6 appellate exhibits; the transcript is 159 pages. Lt Col Weaver is not confined.

13. *United States v. Flanagan*, ACM No. S32826 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 19 defense exhibits, 17 appellate exhibits, and 1 court exhibit; the transcript is 175 pages. A1C Flanagan is not confined.

14. *United States v. McCay*, ACM No. 40869 – The record of trial contains 3 prosecution exhibits, 17 defense exhibits, and 6 appellate exhibits; the transcript is 142 pages. SrA McCay is not confined as a result of his court-martial conviction.

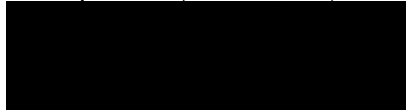
Since requesting Appellant's previous enlargement of time, undersigned counsel prepared five filings for *United States v. Slayton*, USCA Dkt. No. 26-0077/AF, ACM No. 40583: an answer on behalf of Appellee, a motion to dismiss for lack of jurisdiction, a motion to submit documents, a motion to amend Appellee's answer brief, and a motion to withdraw motions to dismiss and submit documents. Undersigned counsel also prepared and filed a motion to withdraw from appellate review in *United States v. Diaz*, ACM No. 40917, and prepared motions to withdraw as appellate counsel for *United States v. Northrup*, ACM No. 40854, and *United States v. Willard*, ACM No. 40905. Additionally, undersigned counsel has prepared and filed nineteen motions for enlargements of time for the CAAF and this Court, requiring approximately 10 hours of work to complete, and dedicated approximately twenty-four hours to reviewing Records of Trials for other assigned cases.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of and prepare a brief for Appellant's case. Undersigned counsel has reviewed the Charge Sheet, Entry of Judgment, and exhibit lists, but has not completed a sufficient review of the record to competently advise Appellant on potential assignments of error. An enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an

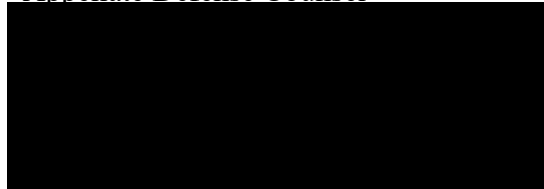
update on the status of counsel's progress, was advised of this request for an enlargement of time, and has expressed agreement with necessary requests for enlargement of time, to include this request.

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 Joshua L. Lopes.

JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel

A large black rectangular redaction box covering the contact information of Joshua L. Lopes.

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 25 March 2026.



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Senior Master Sergeant (E-8)	)	
ROBERT R. FORMANTES,	)	No. ACM S32832
United States Air Force.	)	
<i>Appellant</i>	)	27 March 2026

**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.


VANESSA BAIROS, Maj, USAF
Appellate Government Counsel


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 27 March 2026.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



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

UNITED STATES	)	No. ACM S32832
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Robert R. FORMANTES	)	
Senior Master Sergeant (E-8)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 2

On 21 April 2026, 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 27th day of April, 2026,

ORDERED:

Appellant's Motion for Enlargement of Time (Sixth) is **GRANTED**. Appellant shall file any assignments of error not later than **31 May 2026**.

Appellant's counsel is advised that given the number of enlargements granted thus far and the record of trial length, any further requests for an enlargement of time may necessitate a status conference to determine the progress being made on Appellant's case per this court's Rule 23.3(m)(6). A.F. CT. CRIM. APP. R. 23.3(m)(6).



FOR THE COURT



JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (SIXTH)
	)	
v.	)	Before Panel No. 2
	)	
Senior Master Sergeant (E-8)	)	No. ACM S32832
ROBERT R. FORMANTES,	)	
United States Air Force	)	21 April 2026
<i>Appellant.</i>	)	

Pursuant to Rule 23.3(m)(1), (3), and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant, hereby moves for an enlargement of time to file his Assignments of Error. Appellant requests an enlargement for a period of thirty days, which will end on **31 May 2026**. Appellant’s case was docketed with this Court on 3 September 2025. From the date of docketing to the present date, 230 days have elapsed. On the date requested, 270 days will have elapsed.

On 22 July 2025, a special court-martial composed of a military judge alone found Appellant guilty, consistent with his pleas, of one specification of dereliction of duty, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892, and two specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. R. at 106; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the grade of E-6 and to be discharged from the service with a bad conduct discharge. R. at 124; EOJ. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Master Sergeant Robert R. Formantes*, dated 1 August 2025.

The electronic record of trial contains 1 volume consisting of 3 prosecution exhibits, 7 defense exhibits, and 9 appellate exhibits; the transcript is 124 pages. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned thirty-four cases; twenty-three of those cases are pending initial briefs before this Court. Fifteen cases have priority over the present case:

1. *United States v. Slayton*, USCA Dkt. No. 26-0077/AF, ACM No. 40583 – This case is pending before the Court of Appeals for the Armed Forces (CAAF). Oral argument was scheduled for 29 April 2026. On 2 April 2026 the CAAF informed undersigned counsel that oral argument would not be held on 29 April 2026 and has not indicated whether oral argument would be rescheduled for a new date.
2. *United States v. Kelly*, ACM No. 40710 – The record of trial contains 9 volumes consisting of 6 prosecution exhibits, 8 defense exhibits, and 12 appellate exhibits; the transcript is 172 pages. TSgt Kelly is confined.
3. *United States v. Raines*, ACM No. 40765 – The record of trial contains 20 prosecution exhibits, 10 defense exhibits, and 143 appellate exhibits; the transcript is 2,444 pages. MSgt Raines is confined.
4. *United States v. Hennessy*, ACM No. 40439 (rem) – The record of trial was returned to this Court and docketed on 24 March 2026. This Court authorized counsel to submit briefs not later than 23 May 2026. A1C Hennessy is not confined.
5. *United States v. Bush*, ACM No. 40783 – The record of trial contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined.

6. *United States v. Marquez*, ACM No. 40800 – The record of trial contains 7 volumes containing 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined.
7. *United States v. Jackson*, ACM No. S32819 – The record of trial contains 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,520 pages. A1C Jackson is not confined.
8. *United States v. Cannon*, ACM No. 40841 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined.
9. *United States v. Horne*, ACM No. S32825 – The record of trial contains 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176. A1C Horne is not confined.
10. *United States v. Weaver*, ACM No. 40843 – The record of trial contains 1 volume consisting of 3 prosecution exhibits and 6 appellate exhibits; the transcript is 159 pages. Lt Col Weaver is not confined.
11. *United States v. Flanagan*, ACM No. S32826 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 19 defense exhibits, 17 appellate exhibits, and 1 court exhibit; the transcript is 175 pages. A1C Flanagan is not confined.
12. *United States v. McCay*, ACM No. 40869 – The record of trial contains 3 prosecution exhibits, 17 defense exhibits, and 6 appellate exhibits; the transcript is 142 pages. SrA McCay is not confined as a result of his court-martial conviction.

13. *United States v. Gerdes*, ACM No. S32836 – The record of trial is 1 volume consisting of 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits; the transcript is 96 pages. SrA Gerdes is not confined.
14. *United States v. Holst*, ACM No. 40873 – The record of trial is 1 volume consisting of 5 prosecution exhibits, 9 defense exhibits, and 20 appellate exhibits; the transcript is 163 pages. SrA Holst is confined.
15. *United States v. Matos*, ACM No. S32840 – The record of trial is 1 volume consisting of 13 prosecution exhibits, 2 defense exhibits, and 21 appellate exhibits; the transcript is 260 pages. AB Matos is not confined.

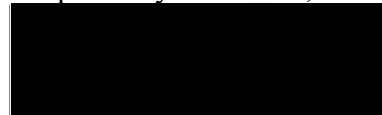
Since requesting Appellant's previous enlargement of time, undersigned counsel reviewed this Court's copy of the Record of Trial in *United States v. Kelly*, ACM No. 40710, and filed a Motion for Leave to File and a Motion for Remand in *Kelly*. Undersigned counsel also conducted a peer review for *United States v. Chatman*, ACM No. 40779, and assisted with preparing and filing the Motion for Leave to File and Reply Brief Out of Time in *United States v. Anderson*, ACM No. 40654. Additionally, undersigned counsel participated as a moot judge for two moot arguments, requiring approximately six hours of time, and filed sixteen motions for enlargements of time in other cases for the CAAF and this Court, requiring approximately eight hours of work to complete. Lastly, undersigned counsel was sworn in to the Bar of the Supreme Court of the United States on 17 April 2026.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of and prepare a brief for Appellant's case. Undersigned counsel has reviewed the Charge Sheet, Entry of Judgment, and exhibit lists, but has not completed a sufficient review of the record to competently advise Appellant on potential assignments of error. An enlargement of time is

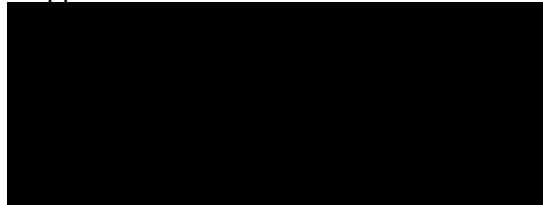
necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an update on the status of counsel's progress, was advised of this request for an enlargement of time, and has expressed agreement with necessary requests for enlargement of time, to include this request.

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

Respectfully submitted,

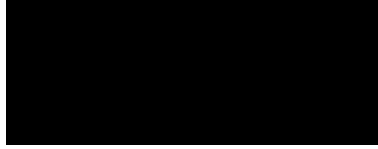


JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel

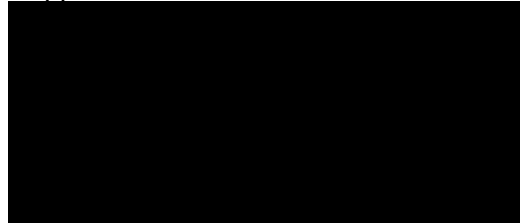


CERTIFICATE OF FILING AND SERVICE

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 21 April 2026.



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



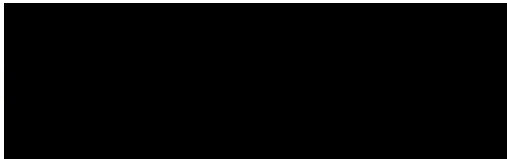
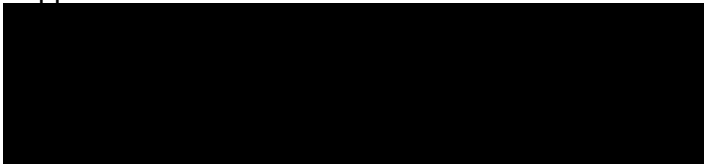
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Senior Master Sergeant (E-8)	)	
ROBERT R. FORMANTES,	)	No. ACM S32832
United States Air Force.	)	
<i>Appellant</i>	)	23 April 2026

**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.


REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel


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 23 April 2026.

[REDACTED]

AF

Appellate Government Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Master Sergeant (E-8)

ROBERT R. FORMANTES,

United States Air Force

Appellant.

) **APPELLANT'S MOTION FOR**
) **ENLARGEMENT OF TIME**
) **(SEVENTH)**

)
) Before Panel No. 2

)
) No. ACM S32832

)
) 23 May 2026

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

Pursuant to Rule 23.3(m)(1), (3), and (4) of this Honorable Court's Rules of Practice and Procedure, Appellant, hereby moves for an enlargement of time (EOT) to file his Assignments of Error (AOE) brief. Appellant requests an enlargement for a period of thirty days, which will end on **30 June 2026**. Appellant's case was docketed with this Court on 3 September 2025. From the date of docketing to the present date, 262 days have elapsed. On the date requested, 300 days will have elapsed.

On 22 July 2025, a special court-martial composed of a military judge alone found Appellant guilty, consistent with his pleas, of one specification of dereliction of duty, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892, and two specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. R. at 106; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the grade of E-6 and to be discharged from the service with a bad conduct discharge. R. at 124; EOJ. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action *United States v. Senior Master Sergeant Robert R. Formantes*, dated 1 August 2025.



GRANTED

27 MAY 2026

The electronic record of trial contains 1 volume consisting of 3 prosecution exhibits, 7 defense exhibits, and 9 appellate exhibits; the transcript is 124 pages. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned forty cases; thirty-two of those cases are pending initial briefs before this Court. Fourteen cases have priority over the present case:

1. *United States v. Kelly*, ACM No. 40710 – The ROT contains 6 volumes consisting of 19 prosecution exhibits, 20 defense exhibits, and 30 appellate exhibits; the transcript is 657 pages. TSgt Kelly is not confined. Undersigned counsel has fully reviewed TSgt Kelly's ROT and is drafting the AOE brief.
2. *United States v. Raines*, ACM No. 40765 – The record of trial contains 20 prosecution exhibits, 10 defense exhibits, and 143 appellate exhibits; the transcript is 2,444 pages. MSgt Raines is confined. Undersigned counsel has fully reviewed MSgt Raines' ROT and is drafting the AOE brief.
3. *United States v. Hennessy*, ACM No. 40439 (rem) – The record of trial was returned to this Court and docketed on 24 March 2026. This Court authorized counsel to submit briefs not later than 23 May 2026. A1C Hennessy is not confined. Undersigned counsel has fully reviewed A1C Hennessy's ROT and is drafting the brief on the specified issue.
4. *United States v. Bush*, ACM No. 40783 – The ROT contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined. Undersigned counsel has fully reviewed SrA Bush's ROT and has identified multiple potential AOE's.

5. *United States v. Marquez*, ACM No. 40800 – The ROT contains 7 volumes consisting of 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined.
6. *United States v. Jackson*, ACM No. S32819 – The ROT is 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,529 pages. A1C Jackson is not confined.
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8. *United States v. Horne*, ACM No. S32825 – The ROT is 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176. A1C Horne is not confined.
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11. *United States v. McCay*, ACM No. 40869 – The ROT contains 1 volume consisting of 3 prosecution exhibits, 17 defense exhibits, and 6 appellate exhibits; the transcript is 142 pages. SrA McCay is not confined as the result of his court-martial conviction.
12. *United States v. Gerdes*, ACM No. S32836 – The ROT is 1 volume consisting of 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits; the transcript is 96 pages. SrA Gerdes is not confined.

13. *United States v. Holst*, ACM No. 40873 – The ROT is 1 volume consisting of 5 prosecution exhibits, 9 defense exhibits, and 20 appellate exhibits; the transcript is 163. SrA Holst is confined.

14. *United States v. Matos*, ACM No. S32840 – The record of trial is 1 volume consisting of 13 prosecution exhibits, 2 defense exhibits, and 21 appellate exhibits; the transcript is 260 pages. AB Matos is not confined.

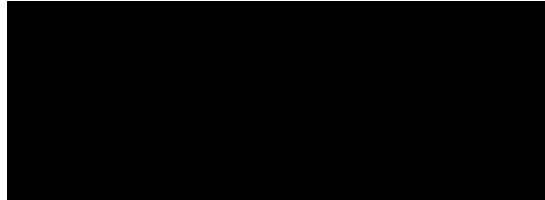
Since requesting Appellant's previous EOT, undersigned counsel prepared and filed a motion to withdraw from appellate review in *United States v. Fa*, ACM No. S32839, and prepared and filed an AOE brief and petition for new trial in *United States v. Robinson*, ACM No. 24044. Undersigned counsel also participated as a moot judge for ten moot arguments, and attended three oral arguments, requiring approximately thirty-six hours of work. Additionally, undersigned counsel has prepared and filed twenty-one motions for EOTs for the CAAF and this Court in other cases, requiring approximately ten hours of work. Lastly, undersigned counsel attended the Advanced Justice Course at the Army Judge Advocate General's Legal Center and School from 4-8 May 2026 and the CAAF 2026 CLE and Training Program from 13-14 May 2026.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of and prepare a brief for Appellant's case. Undersigned counsel has reviewed the Charge Sheet, EOJ, and exhibit lists, but has not completed a sufficient review of the record to competently advise Appellant on potential AOE's. An EOT is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an update on the status of counsel's progress, was advised of this request for an enlargement of time, and has expressed agreement with necessary requests for enlargement of time, to include this request.

WHEREFORE, Appellant requests that this Honorable Court grant the requested EOT.

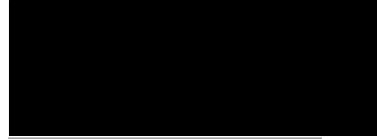


JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel

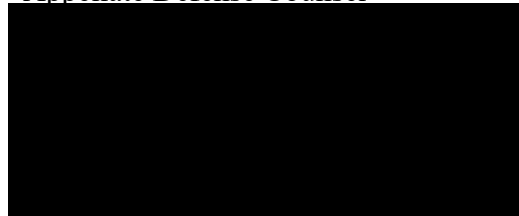


CERTIFICATE OF FILING AND SERVICE

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 23 May 2026.



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

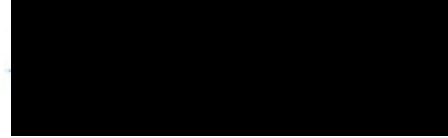
UNITED STATES,	)	UNITED STATES' OPPOSITION
	)	TO APPELLANT'S MOTION
<i>Appellee,</i>	)	FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Senior Master Sergeant (E-8)	)	
ROBERT R. FORMANTES,	)	No. ACM S32832
United States Air Force.	)	
<i>Appellant</i>	)	27 May 2026

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

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

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



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, Government

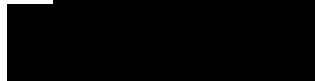
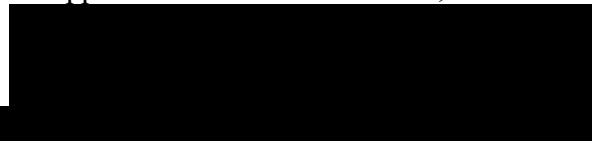


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 27 May 2026.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, Government



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Master Sergeant (E-8)

ROBERT R. FORMANTES,

United States Air Force

Appellant.

) **APPELLANT'S MOTION FOR**

) **ENLARGEMENT OF TIME**

) **(EIGHTH)**

) Before Panel No. 2

) No. ACM S32832

) 18 June 2026

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

Pursuant to Rule 23.3(m) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file his Assignments of Error (AOE) brief. Appellant requests an enlargement for a period of 30 days, which will end on 30 July 2026. Appellant's case was docketed with this Court on 3 September 2025. From the date of docketing to the present date, 288 days have elapsed. On the date requested, 330 days will have elapsed.

On 22 July 2025, a special court-martial composed of a military judge alone found Appellant guilty, consistent with his pleas, of one specification of dereliction of duty, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892, and two specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. R. at 106; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the grade of E-6 and to be discharged from the service with a bad conduct discharge. R. at 124; EOJ. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Senior Master Sergeant Robert R. Formantes*, dated 1

August 2025.



GRANTED
23 JUN 2026

The electronic record of trial contains 1 volume consisting of 3 prosecution exhibits, 7 defense exhibits, and 9 appellate exhibits; the transcript is 124 pages. Appellant is not confined.

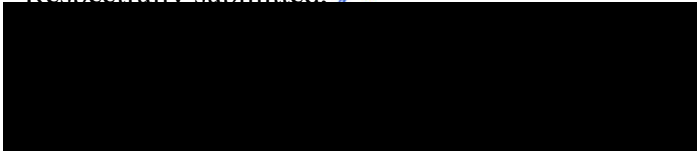
Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently a reservist and assigned two cases pending before this Court. One case, *United States v. Owens*, ACM No. 40833, has priority over the present case. The record of trial in *Owens* contains four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit; the transcript is 135 pages. Appellant Owens remains confined, having been sentenced to sixteen years of confinement, which makes that case undersigned counsel's most time-sensitive matter. Undersigned counsel has completed a comprehensive review of the entire record of trial in Owens, has identified specific assignments of error, has consulted with Appellant Owens, and is in the process of drafting the Assignments of Error brief.

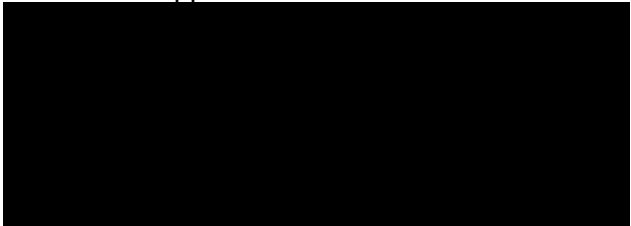
Undersigned counsel formed an attorney-client relationship and entered her notice of appearance in the instant case on 16 June 2026, during her annual tour, and contemporaneous with the withdrawal of previous appellate defense counsel, Capt Joshua L. Lopes. Undersigned counsel has completed a comprehensive turnover of the case file from predecessor counsel and has begun an independent review of the record. Prior to undersigned counsel's appearance, seven enlargements of time had already been granted. Undersigned counsel has not yet had the opportunity to complete an independent review of the record.

Through no fault of Appellant, undersigned counsel has been unable to complete a review of Appellant's case and prepare his Assignments of Error brief. An enlargement of time is necessary to allow undersigned counsel to conduct a full and independent review of the record of trial, consult further with Appellant, and identify and brief any potential assignments of error.

Appellant has been advised of his right to timely appellate review, has been informed of the change in appellate defense counsel and the status of his case, and has been advised of this request for an enlargement of time. Appellant consents to this request and understands that additional enlargements of time may be necessary to allow undersigned counsel to complete his Assignments of Error. This request is made in good faith and not for purposes of delay.

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

Respectfully submitted, 

JENNIFER M. HARRINGTON, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division


CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 18 June 2026.



JENNIFER M. HARRINGTON, Maj, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' OPPOSITION
	)	TO APPELLANT'S MOTION
<i>Appellee,</i>	)	FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Senior Master Sergeant (E-8)	)	
ROBERT R. FORMANTES,	)	No. ACM S32832
United States Air Force.	)	
<i>Appellant</i>	)	23 June 2026

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

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

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

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

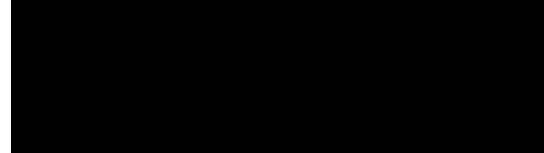


REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, Government

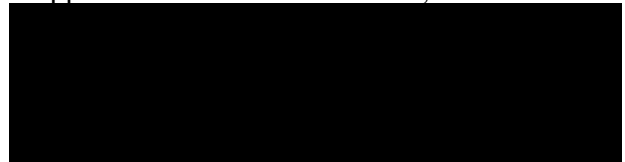


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 23 June 2026.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, Government



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Master Sergeant (E-8)

ROBERT R. FORMANTES,

United States Air Force

Appellant.

) **APPELLANT'S MOTION FOR**
) **ENLARGEMENT OF TIME (NINTH)**

)
) Before Panel No. 2

)
) No. ACM S32832

)
) 20 July 2026

)

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

Pursuant to Rule 24.3 of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file his Assignments of Error (AOE) brief. Appellant requests an enlargement for a period of 30 days, which will end on 29 August 2026. Appellant's case was docketed with this Court on 3 September 2025. From the date of docketing to the present date, 320 days have elapsed. On the date requested, 360 days will have elapsed.

On 22 July 2025, a special court-martial composed of a military judge alone found Appellant guilty, consistent with his pleas, of one specification of dereliction of duty, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892, and two specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. R. at 106; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the grade of E-6 and to be discharged from the service with a bad conduct discharge. R. at 124; EOJ. The convening authority took no action on the findings or sentence. Convening Authority Decision *United States v. Senior Master Sergeant Robert R. Formantes*, dated 1 August 2025.



GRANTED

23 JULY 2026

The electronic record of trial contains 1 volume consisting of 3 prosecution exhibits, 7 defense exhibits, and 9 appellate exhibits; the transcript is 124 pages. The size of the electronic record of trial is approximately 93 MB and a total of 689 pages (including the transcript). Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following information: undersigned counsel is currently a reservist assigned three cases. *United States v. Owens*, ACM No. 40833, has priority over the present case; Appellant Owens remains confined, having been sentenced to sixteen years of confinement. Undersigned counsel has completed the Assignments of Error brief in *Owens*, which is currently in the process of finalization prior to filing. Undersigned counsel is also currently preparing a petition for writ of certiorari for filing with the United States Supreme Court in *United States v. Augustin*, No. 26-0160/AF (C.A.A.F. June 3, 2026) (review denied). With respect to the instant case, undersigned counsel has completed an independent review of the record of trial and has identified potential issues; drafting of the Assignments of Error brief has not yet begun pending consultation with Appellant regarding those issues.

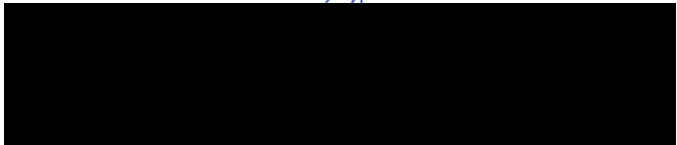
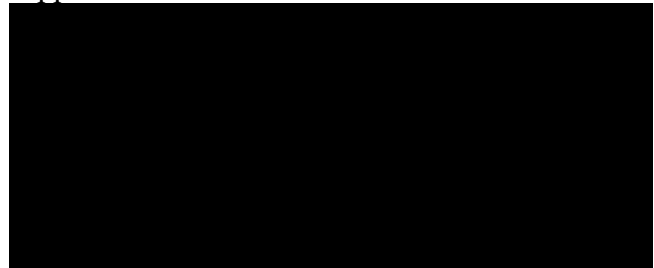
Undersigned counsel formed an attorney-client relationship and entered her notice of appearance in the instant case on 16 June 2026, during her annual tour, and contemporaneous with the withdrawal of previous appellate defense counsel, Capt Joshua L. Lopes. Prior to undersigned counsel's appearance, seven enlargements of time had already been granted. Since the last enlargement of time was granted, undersigned counsel has completed her review of the record and identified potential issues that require additional client consultation.

An enlargement of time is necessary to allow undersigned counsel to consult with Appellant regarding the identified issues. Undersigned counsel anticipates that this will be the final enlargement of time necessary.

Appellant (1) has been advised of his right to a timely appeal; (2) has been provided an update on the status of undersigned counsel's progress on his case; (3) has been advised of this request for an enlargement of time; and (4) agrees with the request. This request is made in good faith and not for purposes of delay.

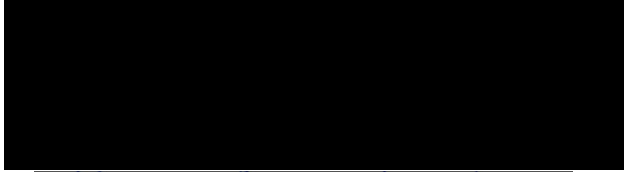
WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested ninth enlargement of time.

Respectfully submitted, 

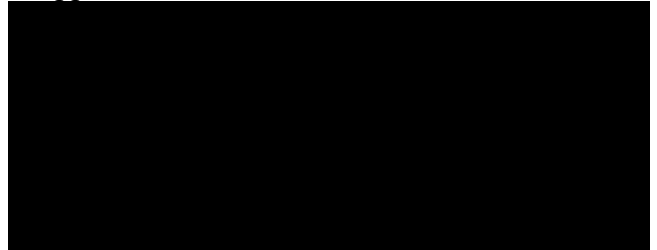

JENNIFER M. HARRINGTON, Maj, USAF
Appellate Defense Counsel


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 Air Force Government Trial and Appellate Operations Division on 20 July 2026.



JENNIFER M. HARRINGTON, Maj, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO APPELLANT'S MOTION
	)	FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Senior Master Sergeant (E-8)	)	
ROBERT R. FORMANTES,	)	No. ACM S32832
United States Air Force.	)	
<i>Appellant</i>	)	22 July 2026

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

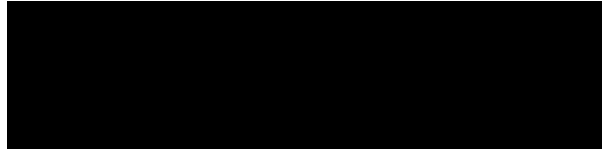
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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

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



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, Government



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 July 2026.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, Government



UNITED STATES) APPELLANT'S MOTION FOR
Appellee,) ENLARGEMENT OF TIME
) (TENTH)
v.)
) Before Panel No. 2
Senior Master Sergeant (E-8))
ROBERT R. FORMANTES,) No. ACM S32832
United States Air Force)
Appellant.) 19 August 2026

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

Pursuant to Rule 24.3 of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file his Assignments of Error (AOE) brief. Appellant requests an enlargement for a period of 30 days, which will end on 28 September 2026. Appellant's case was docketed with this Court on 3 September 2025. From the date of docketing to the present date, 350 days have elapsed. On the date requested, 390 days will have elapsed.

On 22 July 2025, a special court-martial composed of a military judge alone found Appellant guilty, consistent with his pleas, of one specification of dereliction of duty, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892, and two specifications of wrongful use of a controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. R. at 106; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the grade of E-6 and to be dishonorablely discharged from the service with a bad conduct discharge. R. at 124; EOJ. The convening authority took no action on the findings or sentence. Convening



GRANTED
21 AUG 2026

Authority Decision on Action – *United States v. Senior Master Sergeant Robert R. Formantes*, dated 1 August 2025.

The electronic record of trial contains 1 volume consisting of 3 prosecution exhibits, 7 defense exhibits, and 9 appellate exhibits; the transcript is 124 pages. The size of the electronic record of trial is approximately 93 MB and a total of 689 pages (including the transcript). Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following information: undersigned counsel is currently a reservist assigned five cases. *United States v. Owens*, ACM No. 40833, previously had priority over the present case; Appellant Owens remains confined, having been sentenced to sixteen years of confinement. Undersigned counsel filed the Assignments of Error brief in *Owens* on 10 August 2026. Undersigned counsel is also co-counsel on a petition for writ of certiorari to the United States Supreme Court in *United States v. Augustin*, No. 26-0160/AF (C.A.A.F. June 3, 2026) (review denied); that petition is due 1 September 2026. On or about 17 August 2026, undersigned counsel was additionally detailed to two cases previously handled solely by other appellate defense counsel: *United States v. Brown*, ACM No. 25055, in which this Court granted a tenth enlargement of time on 12 August 2026 and Appellant's assignments of error are due 15 September 2026; and *United States v. Davis*, ACM No. S32829, in which a tenth enlargement of time was granted on 24 July 2026 and Appellant's assignments of error are due 30 August 2026. With respect to the instant case, undersigned counsel has consulted with Appellant regarding the record of trial and

has identified the potential assignments of error; drafting of the Assignments of Error brief is underway. Undersigned counsel is simultaneously reviewing the records of trial in Appellant Davis's and Appellant Brown's cases, both of which were docketed prior to the instant case and only recently assigned to undersigned counsel, while finalizing the Assignments of Error brief in the instant case.

Undersigned counsel formed an attorney-client relationship and entered her notice of appearance in the instant case on 16 June 2026, during her annual tour, and contemporaneous with the withdrawal of previous appellate defense counsel, Capt Joshua L. Lopes. Prior to undersigned counsel's appearance, seven enlargements of time had already been granted. Since assuming the case, undersigned counsel has completed an independent review of the record of trial, consulted with Appellant, and identified the potential assignments of error, the primary of which is a claim that trial defense counsel were ineffective in negotiating a plea agreement that mandated a bad conduct discharge for Appellant, a retirement-eligible senior noncommissioned officer with twenty-four years and nine months of service. That issue cannot be resolved on the face of the record alone and requires a declaration from Appellant addressing matters outside the record, including what he was advised regarding the interaction between the mandatory discharge term and his then-pending request for retirement in lieu of court-martial. Appellant is currently on appellate leave, and undersigned counsel is in the process of obtaining that declaration.

In the ninth enlargement of time, undersigned counsel represented that she anticipated that request would be the final enlargement of time necessary. As explained above, however, consultation with Appellant since that filing identified that resolution of the primary assignment of error requires a declaration from Appellant addressing matters outside the record. An enlargement of time is necessary to allow undersigned counsel to obtain Appellant's declaration and complete drafting of the Assignments of Error brief.

Appellant (1) has been advised of his right to a timely appeal; (2) has been provided an update on the status of undersigned counsel's progress on his case; (3) has been advised of this request for an enlargement of time; and (4) agrees with the request. This request is made in good faith and not for purposes of delay.

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

Respectfully submitted,

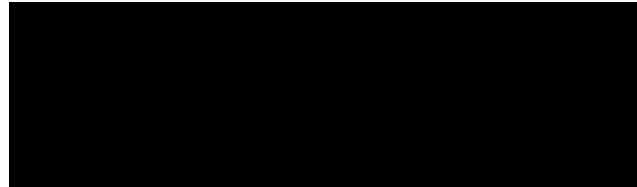
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Appellate Defense Counsel
Air Force Appellate Defense Division

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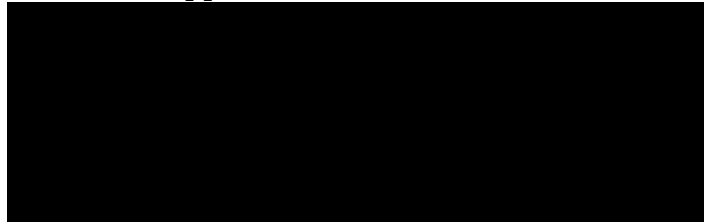
CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 19 August 2026.



F

Appellate Defense Counsel
Air Force Appellate Defense Division



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' OPPOSITION
	)	TO APPELLANT'S MOTION
<i>Appellee,</i>	)	FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Senior Master Sergeant (E-8)	)	
ROBERT R. FORMANTES,	)	No. ACM S32832
United States Air Force.	)	
<i>Appellant</i>	)	21 August 2026

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

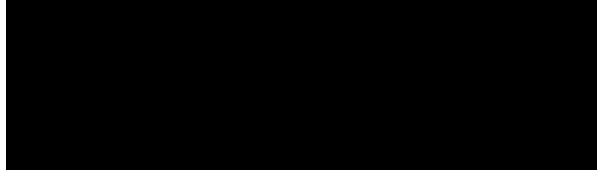
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 350 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 11 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.

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



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, Government



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 21 August 2026.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, Government



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Master Sergeant (E-8)

ROBERT R. FORMANTES,

United States Air Force

Appellant.

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

)
) Before Panel No. 2

)
) No. ACM S32832

)
) 16 June 2026

)

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

Pursuant to Rules 12(b), 12.4, and 23.3(h) of this Honorable Court's Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. Undersigned counsel is no longer detailed under Article 70, Uniform Code of Military Justice (UCMJ), to represent Appellant. Maj Jennifer Harrington has been detailed substitute appellate military counsel in undersigned counsel's stead and makes her notice of appearance via the instant filing, on 16 June 2026. Counsel have completed a thorough turnover of the record.

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



GRANTED

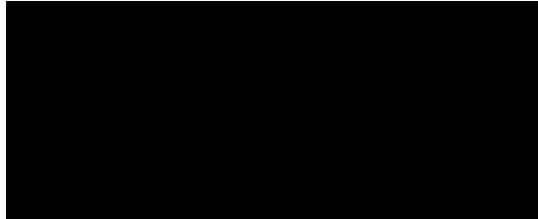
25 JUN 2026

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

Respectfully submitted,

A black rectangular redaction box covering the signature of Joshua L. Lopes.

JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel

A large black rectangular redaction box covering several lines of text, likely a certificate of representation or a declaration.

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 2026.



JENNIFER M. HARRINGTON, Maj, USAF
Appellate Defense Counsel

