

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

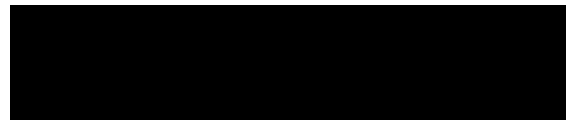
<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME (FIRST)</b>
	)	
v.	)	Before Panel No. 2
	)	
<b>JORDAN P. GOODWATER,</b>	)	No. ACM 40304
Airman (E-2)	)	
United States Air Force	)	1 September 2022
<i>Appellant</i>	)	

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file an Assignment of Errors. Appellant requests an enlargement for a period of 60 days, which will end on **10 November 2022**. The record of trial was docketed with this Court on 13 July 2022. 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 enlargement of time.

Respectfully submitted,



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force



**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 1 September 2022.



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force



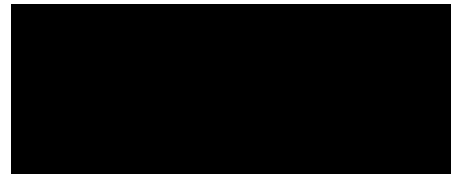
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman (E-2)	)	ACM 40304
JORDAN P. GOODWATER, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

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



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

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 7 September 2022.



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

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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(SECOND)</b>
v.	)	
	)	Before Panel No. 2
<b>JORDAN P. GOODWATER,</b>	)	
Airman (E-2)	)	No. ACM 40304
United States Air Force	)	
<i>Appellant</i>	)	3 November 2022

**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 (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **10 December 2022**. The record of trial was docketed with this Court on 13 July 2022. From the date of docketing to the present date, 113 days have elapsed. On the date requested, 150 days will have elapsed.

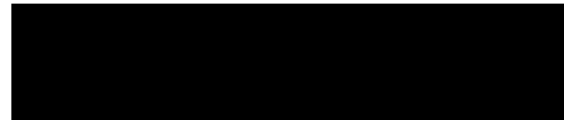
Appellant was tried by a general court-martial composed of a military judge alone at Nellis Air Force Base, Nevada. (Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1.) One specification was litigated. On 12 April 2022, Appellant plead guilty to Specification 1 of the Charge, not guilty to Specification 2 of the Charge, and guilty to the Charge. (*Id.*) On 13 April 2022, the military judge found Appellant guilty of the Charge and its Specifications. (*Id.*) On 13 April 2022, the military judge sentenced Appellant to be reduced to the grade of E-1; forfeit all pay and allowances; for Specification 1 of the Charge, to be confined for 2 years; for Specification 2 of the Charge, to be confined for 8 months; all sentences to confinement will run consecutively; and to be discharged from the service with a bad conduct discharge. (*Id.* at 2.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action

at 1.) The record of trial consists of 26 appellate exhibits, 18 prosecution exhibits, and 5 defense exhibits. The transcript is 413 pages. Appellant is confined.

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

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

Respectfully submitted,

A large black rectangular redaction box covering the signature of Samantha P. Golseth.

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

A large black rectangular redaction box covering the contact information of Samantha P. Golseth.

**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 3 November 2022.

[REDACTED]

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

[REDACTED]

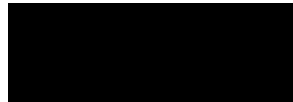
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman (E-2)	)	ACM 40304
JORDAN P. GOODWATER, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

**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.



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





**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 7 November 2022.



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



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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME (THIRD)</b>
	)	
v.	)	Before Panel No. 2
	)	
<b>JORDAN P. GOODWATER,</b>	)	No. ACM 40304
Airman (E-2)	)	
United States Air Force	)	28 November 2022
<i>Appellant</i>	)	

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **9 January 2023**. The record of trial was docketed with this Court on 13 July 2022. From the date of docketing to the present date, 138 days have elapsed. On the date requested, 180 days will have elapsed.

Appellant was tried by a general court-martial composed of a military judge alone at Nellis Air Force Base, Nevada. (Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1.) One specification was litigated. On 12 April 2022, Appellant plead guilty to Specification 1 of the Charge, not guilty to Specification 2 of the Charge, and guilty to the Charge. (*Id.*) On 13 April 2022, the military judge found Appellant guilty of the Charge and its Specifications. (*Id.*) On 13 April 2022, the military judge sentenced Appellant to be reduced to the grade of E-1; forfeit all pay and allowances; for Specification 1 of the Charge, to be confined for 2 years; for Specification 2 of the Charge, to be confined for 8 months; all sentences to confinement will run consecutively; and to be discharged from the service with a bad conduct discharge. (*Id.* at 2.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action

at 1.) The record of trial consists of 26 appellate exhibits, 18 prosecution exhibits, and 5 defense exhibits. The transcript is 413 pages. Appellant is confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and concurs with this request for an enlargement of time.

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

Respectfully submitted,



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



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 28 November 2022.

[REDACTED]

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

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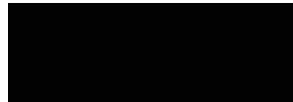
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman (E-2)	)	ACM 40304
JORDAN P. GOODWATER, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

**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.

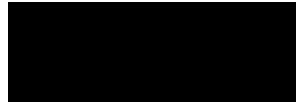


OLIVIA B. HOFF, Capt, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 29 November 2022.



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



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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(FOURTH)</b>
v.	)	
	)	Before Panel No. 2
<b>JORDAN P. GOODWATER,</b>	)	
Airman (E-2)	)	No. ACM 40304
United States Air Force	)	
<i>Appellant</i>	)	29 December 2022

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **8 February 2023**. The record of trial was docketed with this Court on 13 July 2022. From the date of docketing to the present date, 169 days have elapsed. On the date requested, 210 days will have elapsed.

Appellant was tried by a general court-martial composed of a military judge alone at Nellis Air Force Base, Nevada. (Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1.) One specification was litigated. On 12 April 2022, Appellant plead guilty to Specification 1 of the Charge, not guilty to Specification 2 of the Charge, and guilty to the Charge. (*Id.*) On 13 April 2022, the military judge found Appellant guilty of the Charge and its Specifications. (*Id.*) On 13 April 2022, the military judge sentenced Appellant to be reduced to the grade of E-1; forfeit all pay and allowances; for Specification 1 of the Charge, to be confined for 2 years; for Specification 2 of the Charge, to be confined for 8 months; all sentences to confinement will run consecutively; and to be discharged from the service with a bad conduct discharge. (*Id.* at 2.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action

at 1.) The record of trial consists of 26 appellate exhibits, 18 prosecution exhibits, and 5 defense exhibits. The transcript is 413 pages. Appellant is confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

(1) Undersigned counsel currently represents 18 clients and is presently assigned 11 cases pending brief before this Court. Three cases pending brief before this Court currently have priority over the present case:

- a. *United States v. Johnson*, No. ACM 40291 – The record of trial consists of 28 prosecution exhibits, 4 defense exhibits, and 23 appellate exhibits. The transcript is 395 pages. Appellant is confined. Counsel has begun review of this record of trial.
- b. *United States v. Ross*, No. ACM 40289 – The record of trial consists of 11 prosecution exhibits, 1 defense exhibit, 2 court exhibits, and 4 appellate exhibits. The transcript is 130 pages. Appellant is not confined. Counsel has begun review of this record of trial.
- c. *United States v. Hernandez*, No. ACM 40287 – The record of trial consists of 7 prosecution exhibits, 27 defense exhibits, and 10 appellate exhibits. The transcript is 226 pages. Appellant is confined.
- d. *United States v. Gammage*, No. ACM S32731 – The record of trial consists of 3 prosecution exhibits, 4 defense exhibits, and 5 appellate exhibits. The transcript is 105 pages. Appellant is not confined.



e. *United States v. Portillos*, No. ACM 40305 – The record of trial consists of 4 prosecution exhibits, 8 defense exhibits, 17 appellate exhibits, and 1 court exhibit.

The transcript is 124 pages. Appellant is confined.

In addition, before the United States Court of Appeals for the Armed Forces, undersigned counsel has one case pending an answer *A.L. v. United States and Theodore J. Slusher, Captain, United States Air Force*, USCA Dkt. No. 23-0073/AF, Crim App. No. 2022-12; and one case pending petition and supplement, *United States v. Brown*, No. ACM 40066.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,



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



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 29 December 2022.



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



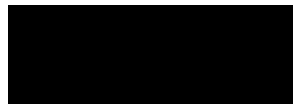
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman (E-2)	)	ACM 40304
JORDAN P. GOODWATER, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

**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.

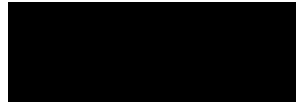


OLIVIA B. HOFF, Capt, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 3 January 2023.



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





at 1.) The record of trial consists of 26 appellate exhibits, 18 prosecution exhibits, and 5 defense exhibits. The transcript is 413 pages. Appellant is confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

(1) Undersigned counsel currently represents 17 clients and is presently assigned 12 cases pending brief before this Court. Five cases pending brief before this Court currently have priority over the present case:

- a. *United States v. Johnson*, No. ACM 40291 – The record of trial consists of 28 prosecution exhibits, 4 defense exhibits, and 23 appellate exhibits. The transcript is 395 pages. Appellant is confined. Counsel has begun review of this record of trial.
- b. *United States v. Ross*, No. ACM 40289 – The record of trial consists of 11 prosecution exhibits, 1 defense exhibit, 2 court exhibits, and 4 appellate exhibits. The transcript is 130 pages. Appellant is not confined. Counsel has begun review of this record of trial.
- c. *United States v. Hernandez*, No. ACM 40287 – The record of trial consists of 7 prosecution exhibits, 27 defense exhibits, and 10 appellate exhibits. The transcript is 226 pages. Appellant is confined.
- d. *United States v. Gammage*, No. ACM S32731 – The record of trial consists of 3 prosecution exhibits, 4 defense exhibits, and 5 appellate exhibits. The transcript is 105 pages. Appellant is not confined.

e. *United States v. Portillos*, No. ACM 40305 – The record of trial consists of 4 prosecution exhibits, 8 defense exhibits, 17 appellate exhibits, and 1 court exhibit.

The transcript is 124 pages. Appellant is not confined.

(2) In addition, before the United States Court of Appeals for the Armed Forces, undersigned counsel has one case pending petition for grant of review and supplement to the petition, *United States v. Brown*, No. ACM 40066.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,



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



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 1 February 2023.

[REDACTED]

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

[REDACTED]



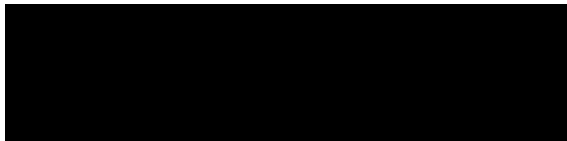
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman (E-2)	)	ACM 40304
JORDAN P. GOODWATER, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

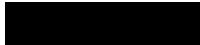
**TO THE HONORABLE, THE JUDGES OF  
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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

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

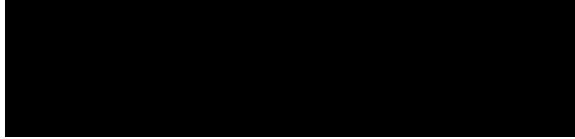


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 2 February 2023.



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



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

UNITED STATES	)	No. ACM 40304
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Jordan P. GOODWATER	)	
Airman (E-2)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 2</b>

On 1 February 2023, counsel for Appellant submitted a Motion for Enlargement of Time (Fifth) requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure. Accordingly, it is by the court on this 3d day of February, 2023,

**ORDERED:**

Appellant's Motion for Enlargement of Time (Fifth) is **GRANTED**. Appellant shall file any assignments of error not later than **10 March 2023**.

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



FOR THE COURT



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

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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME (SIXTH)</b>
	)	
v.	)	Before Panel No. 2
	)	
<b>JORDAN P. GOODWATER,</b>	)	No. ACM 40304
Airman (E-2)	)	
United States Air Force	)	1 March 2023
<i>Appellant</i>	)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **9 April 2023**. The record of trial was docketed with this Court on 13 July 2022. From the date of docketing to the present date, 231 days have elapsed. On the date requested, 270 days will have elapsed.

Appellant was tried by a general court-martial composed of a military judge alone at Nellis Air Force Base, Nevada. (Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1.) One specification was litigated. On 12 April 2022, Appellant plead guilty to Specification 1 of the Charge, not guilty to Specification 2 of the Charge, and guilty to the Charge. (*Id.*) On 13 April 2022, the military judge found Appellant guilty of the Charge and its Specifications. (*Id.*) On 13 April 2022, the military judge sentenced Appellant to be reduced to the grade of E-1; forfeit all pay and allowances; for Specification 1 of the Charge, to be confined for 2 years; for Specification 2 of the Charge, to be confined for 8 months; all sentences to confinement will run consecutively; and to be discharged from the service with a bad conduct discharge. (*Id.* at 2.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action

at 1.) The record of trial consists of 26 appellate exhibits, 18 prosecution exhibits, and 5 defense exhibits. The transcript is 413 pages. Appellant is confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

(1) Undersigned counsel currently represents 17 clients and is presently assigned 12 cases pending brief before this Court. Five cases pending brief before this Court currently have priority over the present case:

- a. *United States v. Johnson*, No. ACM 40291 – The record of trial consists of 28 prosecution exhibits, 4 defense exhibits, and 23 appellate exhibits. The transcript is 395 pages. Appellant is confined. Counsel is currently reviewing this record of trial.
- b. *United States v. Ross*, No. ACM 40289 – The record of trial consists of 11 prosecution exhibits, 1 defense exhibit, 2 court exhibits, and 4 appellate exhibits. The transcript is 130 pages. Appellant is not confined. Counsel has begun review of this record of trial.
- c. *United States v. Hernandez*, No. ACM 40287 – The record of trial consists of 7 prosecution exhibits, 27 defense exhibits, and 10 appellate exhibits. The transcript is 226 pages. Appellant is confined.
- d. *United States v. Gammage*, No. ACM S32731 – The record of trial consists of 3 prosecution exhibits, 4 defense exhibits, and 5 appellate exhibits. The transcript is 105 pages. Appellant is not confined.

e. *United States v. Portillos*, No. ACM 40305 – The record of trial consists of 4 prosecution exhibits, 8 defense exhibits, 17 appellate exhibits, and 1 court exhibit. The transcript is 124 pages. Appellant is not confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,

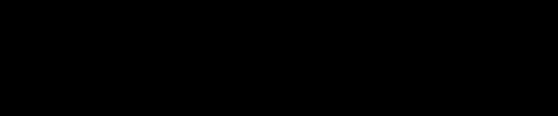


SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 1 March 2023.



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



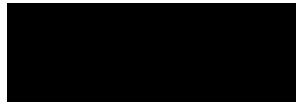
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman (E-2)	)	ACM 40304
JORDAN P. GOODWATER, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

**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.



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





**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and the Air Force Appellate Defense Division on 2 March 2023.



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





at 1.) The record of trial consists of 26 appellate exhibits, 18 prosecution exhibits, and 5 defense exhibits. The transcript is 413 pages. Appellant is confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

(1) Undersigned counsel currently represents 14 clients and is presently assigned 11 cases pending brief before this Court. Four cases pending brief before this Court currently have priority over the present case:

- a. *United States v. Ross*, No. ACM 40289 – The record of trial consists of 11 prosecution exhibits, 1 defense exhibit, 2 court exhibits, and 4 appellate exhibits. The transcript is 130 pages. Appellant is not confined. Counsel is currently reviewing this record of trial and anticipates filing this Appellant’s Assignments of Error in April 2023.
- b. *United States v. Johnson*, No. ACM 40291 – The record of trial consists of 28 prosecution exhibits, 4 defense exhibits, and 23 appellate exhibits. The transcript is 395 pages. Appellant is confined. Counsel is currently reviewing this record of trial and discussing potential issues with this Appellant.
- c. *United States v. Gammage*, No. ACM S32731 – The record of trial consists of 3 prosecution exhibits, 4 defense exhibits, and 5 appellate exhibits. The transcript is 105 pages. Appellant is not confined. Counsel has begun review of this record of trial.
- d. *United States v. Portillos*, No. ACM 40305 – The record of trial consists of 4 prosecution exhibits, 8 defense exhibits, 17 appellate exhibits, and 1 court exhibit. The transcript is 124 pages. Appellant is not confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature of Samantha P. Golseth.

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

A large black rectangular redaction box covering the contact information, including address and phone number.

**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 27 March 2023.

[REDACTED]

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

[REDACTED]

**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.	)	
	)	
Airman (E-2)	)	ACM 40304
JORDAN P. GOODWATER, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly 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 started review of the record of trial at this late stage of the appellate process.

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

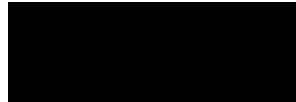


OLIVIA B. HOFF, Capt, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 27 March 2023.



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





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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(EIGHTH)</b>
v.	)	
	)	Before Panel No. 2
<b>JORDAN P. GOODWATER,</b>	)	
Airman (E-2)	)	No. ACM 40304
United States Air Force	)	
<i>Appellant</i>	)	2 May 2023

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an eighth enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **8 June 2023**. The record of trial was docketed with this Court on 13 July 2022. From the date of docketing to the present date, 293 days have elapsed. On the date requested, 330 days will have elapsed.

Appellant was tried by a general court-martial composed of a military judge alone at Nellis Air Force Base, Nevada. (Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1.) One specification was litigated. On 12 April 2022, Appellant pleaded guilty to Specification 1 of the Charge, not guilty to Specification 2 of the Charge, and guilty to the Charge. (*Id.*) On 13 April 2022, the military judge found Appellant guilty of the Charge and its Specifications. (*Id.*) On 13 April 2022, the military judge sentenced Appellant to be reduced to the grade of E-1; forfeit all pay and allowances; for Specification 1 of the Charge, to be confined for 2 years; for Specification 2 of the Charge, to be confined for 8 months; all sentences to confinement will run consecutively; and to be discharged from the service with a bad conduct discharge. (*Id.* at 2.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action

at 1.) The record of trial consists of 26 appellate exhibits, 18 prosecution exhibits, and 5 defense exhibits. The transcript is 413 pages. Appellant is confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

(1) Undersigned counsel currently represents 14 clients and is presently assigned 9 cases pending brief before this Court. Two cases pending brief before this Court currently have priority over the present case:

a. *United States v. Gammage*, No. ACM S32731 – The record of trial consists of 3 prosecution exhibits, 4 defense exhibits, and 5 appellate exhibits. The transcript is 105 pages. Appellant is not confined. Undersigned counsel anticipates filing the brief on behalf of this appellant within the week.

b. *United States v. Manzano-Tarin*, No. ACM S32734 – The record of trial consists of four prosecution exhibits, seven defense exhibits, and four appellate exhibits. The transcript is 75 pages. Appellant is not confined. Undersigned counsel anticipates filing this brief on behalf of the appellant by or before 9 May 2023.

(2) In addition, before the United States Court of Appeals for the Armed Forces, undersigned counsel has one case pending supplement to the petition for grant of review, *United States v. Lopez*, USCA Dkt. No. 23-0164/AF, No. ACM 40161, which is due no later than 22 May 2023. This case involved seven attorney raised assignments of error and undersigned counsel is the sole counsel representing this appellant.

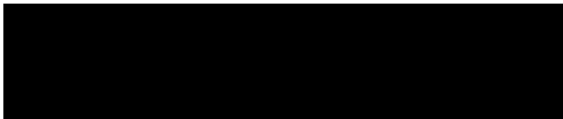
Since EOT 7, undersigned counsel completed the following: review of *United States v. Ross*, No. ACM 40289, however, a final brief was not submitted as the appellant ultimately decided to withdraw from appellate review; briefs for *United States v. Portillos*, No. ACM 40305, and *United*

*States v. Hernandez*, No. ACM 40287; and a substantive opposition motion in *United States v. Rocha*, USCA Dkt. No. 23-0134/AF, No. ACM 40134. Undersigned counsel also prepared for and went on temporary duty to Maxwell Air Force Base, AL, to teach at a Defense Orientation Course from 20-21 April 2023. Lastly, during the requested enlargement of time, undersigned counsel will be attending the United States Court of Appeals for the Armed Forces' 2023 Continuing Legal Education and Training Program on 10-11 May 2023.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,



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



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 2 May 2023.



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



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

UNITED STATES,	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	
Airman (E-2)	)	ACM 40304
JORDAN P. GOODWATER, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly 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 her review of the record of trial at this late stage of the appellate process.

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



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



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 3 May 2023.



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



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

UNITED STATES	)	No. ACM 40304
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Jordan P. GOODWATER	)	
Airman (E-2)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 2</b>

On 27 March 2023, counsel for Appellant submitted a Motion for Enlargement of Time (Seventh) 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 28th day of March, 2023,

**ORDERED:**

Appellant's Motion for Enlargement of Time (Seventh) is **GRANTED**. Appellant shall file any assignments of error not later than **9 May 2023**.

Appellant's counsel is advised that given the number of enlargements granted thus far, the court will continue to closely examine any further requests for an enlargement of time.



FOR THE COURT

[Redacted signature]

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



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

<b>UNITED STATES</b> <i>Appellee,</i>	)	<b>MOTION FOR LEAVE TO FILE MOTION FOR REMAND</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman (E-2)	)	No. ACM 40304
<b>JORDAN P. GOODWATER</b>	)	
United States Air Force	)	18 May 2023
<i>Appellant</i>	)	

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

Pursuant to Rule 23(d) and 23.3 of this Honorable Court’s Rules of Practice and Procedure, Airman Jordan P. Goodwater, Appellant, hereby moves this Honorable Court for leave to file a motion for remand. Pursuant to the same rule, the motion for leave to file the pleading and pleading are combined herein.

The Record of Trial in Appellant’s case is missing two Prosecution Exhibits which were each admitted into evidence, argued by trial counsel, and reviewed by the factfinder. *See* Motion *infra*. Addressing the incompleteness of the Record of Trial now as opposed to in Appellant’s assignments of error avoids piecemeal review of Appellant’s court-martial and allows this Court and undersigned counsel to meaningfully fulfill their individual roles under Article 66 and Article 70, Uniform Code of Military Justice (UCMJ), 10 U.S.C. §§ 866, 870.

**WHEREFORE**, Appellant respectfully requests this Honorable Court grant his motion for leave and consider the motion below.

**MOTION**

**Facts**

On 3 December 2021, 4 January 2022, and 11-13 April 2022, Appellant was tried by a general court-martial composed of a military judge alone at Nellis Air Force Base, Nevada.

Record (R.) at 1, 18, 92. On 12 April 2022, Appellant pleaded guilty to Specification 1 of the Charge, not guilty to Specification 2 of the Charge, and guilty to the Charge. R. at 133. On 13 April 2022, the military judge found Appellant guilty of the Charge and its Specifications of possessing and distributing child pornography under Article 134, UCMJ, 10 U.S.C. § 934.<sup>1</sup> R. at 366. The same day, the military judge sentenced Appellant to reduction to the grade of E-1, forfeiture of all pay and allowances, confinement for two years and eight months, and a bad conduct discharge. R. at 413. The convening authority took no action on the findings or sentence. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action, dated 28 April 2022.

#### *Prosecution Exhibit 2*

During the findings proceedings and over defense objection, the military judge admitted Prosecution Exhibit 2. R. at 189-90. Prosecution Exhibit 2 is a CD which is purported to contain an image derived from a National Center for Missing and Exploited Children CyberTipline Report. R. at 163, 188-89. The military judge sealed Prosecution Exhibit 2 and granted trial counsel's request for "permission for the government to maintain custody of the contraband as it is contraband." R. at 189-90. After reviewing Prosecution Exhibit 2 during findings deliberations, the military judge gave Prosecution Exhibit 2 "back to trial counsel" rather than the court reporter. R. at 365. The Master Index in the ROT states Prosecution Exhibit 2 is "(Maintained at base)." ROT, Vol. 2, Master Index at 1.

#### *Prosecution Exhibit 18*

During sentencing proceedings, the military judge also admitted Prosecution Exhibit 18. R. at 387. Prosecution Exhibit 18 is a CD containing images and videos which are purported to be child pornography. R. at 385-86. Appellate Exhibit XXV contains screenshots of the names of the

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<sup>1</sup> All references to the UCMJ and Rules for Courts-Martial are to the *Manual for Courts-Martial, United States* (2019 ed.) (MCM 2019).

files that are contained on Prosecution Exhibit 18. R. at 385. It does not appear the military judge sealed Prosecution Exhibit 18. However, like Prosecution Exhibit 2, the Master Index in the ROT states Prosecution Exhibit 18 is “(Contraband- Maintained at base).” ROT, Vol. 2, Master Index at 2.

### **Law**

Article 54(c)(2), UCMJ, requires that a “complete record of proceedings and testimony shall be prepared in any case” where the sentence includes a discharge. 10 U.S.C. § 854. The ROT in every general or special court-martial contains “any evidence or exhibits considered by the court-martial in determining the findings or sentence” including “[e]xhibits, or, if permitted by the military judge, copies, photographs, or descriptions of any exhibits that were received in evidence.” Rules for Courts-Martial (R.C.M.) 1112(b)(6). An incomplete record may be returned to the military judge for correction. R.C.M. 1112(d)(2) (“[a] superior competent authority may return a [ROT] to the military judge for correction under this rule. The military judge shall give notice of the proposed correction to all parties and permit them to examine and respond to the proposed correction.”).

This Court may grant relief “on the basis of the entire record” of trial. Article 66, UCMJ, 10 U.S.C. § 866. Appellate defense counsel so detailed by the Judge Advocate General shall represent accused servicemembers before this Court. Article 70, UCMJ, 10 U.S.C. § 870.

Appellate counsel may examine materials presented or reviewed at trial and sealed, as well as materials reviewed *in camera*, released to trial or defense counsel, and sealed, upon a colorable showing to the appellate authority that examination is reasonably necessary to a proper fulfillment of the appellate counsel’s responsibilities under the UCMJ, the *MCM*, governing directives, instructions, regulations, applicable rules for practice and procedure, or rules of professional conduct. R.C.M. 1113(b)(3)(B)(i).

Air Force regulations governing professional duties and conduct of appellate defense counsel impose upon counsel, *inter alia*, a duty to provide “competent representation,”<sup>2</sup> perform “reasonable diligence,”<sup>3</sup> and to “give a client his or her best professional evaluation of the questions that might be presented on appeal...[to] consider all issues that might affect the validity of the judgment of conviction and sentence...[to] advise on the probable outcome of a challenge to the conviction or sentence...[and to] endeavor to persuade the client to abandon a wholly frivolous appeal or to eliminate contentions lacking in substance.”<sup>4</sup>

### **Analysis**

Prosecution Exhibits 2 and 18 were admitted as evidence (R. at 189-90, 387), argued by trial counsel (R. at 346, 393-95, 405-06), and considered by the military judge (R. at 362-63, 365, 411). On 17 May 2023, undersigned counsel confirmed this Honorable Court’s copy of the record of trial is missing Prosecution Exhibits 2 and 18.<sup>5</sup> While undersigned counsel had earlier on the same day obtained the Government’s consent to file a consent motion to examine these exhibits, this Court respectfully cannot currently review the record and complete its own determination of whether such a motion should be granted nor can it meaningfully complete its Article 66, UCMJ, review. Likewise, undersigned counsel cannot meaningfully complete her duties under Article 70, UCMJ. For example, she cannot assess whether to assign as error the military judge’s decision to admit the exhibits or whether Appellant’s conviction of Specification 2 of the Charge is legally and factually sufficient (which was raised by trial defense counsel in his clemency submission). ROT, Vol. 3, Submission of Matters – Airman Basic Jordan P. Goodwater, dated 22 April 2022.

The failure to provide Prosecution Exhibits 2 and 18 in the ROT is a prejudicial omission

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<sup>2</sup> Air Force Instruction (AFI) 51-110, *Professional Responsibility Program*, Attachment 2: Air Force Rules of Professional Conduct, Rule 1.1 (11 Dec. 2018).

<sup>3</sup> *Id.* at Rule 1.3.

<sup>4</sup> AFI 51-110, Attachment 7: Air Force Standards for Criminal Justice, Standard 4-8.3(b).

<sup>5</sup> Undersigned counsel’s copy of the ROT also does not contain Prosecution Exhibits 2 or 18.

from the ROT and this Court should remand this case for the record to be completed in accordance with R.C.M. 1112(d)(2). Remanding this case would align with this Court’s action in similar cases, such as *United States v. Johnson*, where this Court discovered several prosecution exhibits were missing and returned the case to the Chief Trial Judge, Air Force Trial Judiciary, for correction under R.C.M. 1112 (d). *United States v. Johnson*, ACM 40291, 2023 CCA LEXIS 169 (A.F. Ct. Crim. App. 11 Apr. 2023) (Order). It would also help to educate practitioners on the guidance provided in the Department of the Air Force Manual (DAFMAN) 51-203, *Records of Trial*, paragraph 9.3 and 9.3.6., which explains sealed materials, such as contraband items, should be included in the original ROT and ROT maintained at the base legal office, if confusion exists.

**WHEREFORE**, Appellant respectfully requests this Honorable Court grant this motion and return this case to the Chief Trial Judge, Air Force Trial Judiciary, for correction under R.C.M. 1112(d).

Respectfully submitted,



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



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 18 May 2023.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Samantha P. Golseth.

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

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

UNITED STATES, <i>Appellee,</i>	)	<b>UNITED STATES' RESPONSE TO MOTION FOR LEAVE TO FILE MOTION FOR REMAND</b>
	)	
v.	)	
	)	No. ACM 40304
Airman (E-2)	)	
<b>JORDAN P. GOODWATER,</b>	)	Before Panel No. 2
USAF,	)	
<i>Appellant.</i>	)	24 May 2023

**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 responds to Appellant's motion for leave to file a motion for remand. The United States does not oppose the motion for leave and agrees that remand is appropriate.

The United States agrees that Prosecution Exhibits 2 and 18 are missing from Appellant's record of trial. The absence of these exhibits renders Appellant's record of trial incomplete, in violation of Article 54(c)(2), UCMJ. Therefore, as this Court recently did in United States v. Pulley, No. ACM 40438, 2023 CCA LEXIS 155 (A.F. Ct. Crim. App. 31 Mar. 2023) (Order) and United States v. Johnson, No. ACM 40291, 2023 CCA LEXIS 169 (A.F. Ct. Crim. App. 11 Apr. 2023) (Order), this Court should return the record of trial to the Chief Trial Judge, Air Force Trial Judiciary, for correction under R.C.M. 1112(d) to account for the missing exhibits.

***Conclusion***

**WHEREFORE**, the United States agrees that remand is appropriate and respectfully requests this Honorable Court return the record of trial to the Chief Trial Judge, Air Force Trial Judiciary, for correction under R.C.M. 1112(d).

[REDACTED]

JAY S. PEER, Maj, USAF  
Appellate Government Counsel, Government Trial  
and Appellate Operations Division  
United States Air Force

[REDACTED]

[REDACTED]

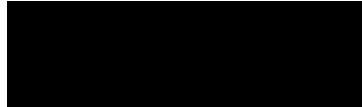
MARY ELLEN PAYNE  
Associate Chief, Government Trial  
and Appellate Counsel Division  
United States Air Force

[REDACTED]



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and the Appellate  
Defense Division on 24 May 2023.



JAY S. PEER, Maj, USAF  
Appellate Government Counsel, Government Trial  
and Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



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

<b>UNITED STATES</b>	)	<b>No. ACM 40304</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	<b>ORDER</b>
<b>Jordan P. GOODWATER</b>	)	
<b>Airman (E-2)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	<b>Panel 2</b>

On 13 April 2022, Appellant was convicted by a general court-martial at Nellis Air Force Base, Nevada, of one specification each of possessing and distributing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 934. The military judge sentenced Appellant to a bad-conduct discharge, confinement for 2 years and 8 months, forfeiture of all pay and allowances, and reduction to the grade of E-1.

On 18 May 2023, Appellant’s counsel submitted a “Motion for Leave to File Motion for Remand,” advising this court that Prosecution Exhibit 2 and Prosecution Exhibit 18 were missing from the record of trial (ROT). Prosecution Exhibit 2 was admitted during findings proceedings and is a CD purported to contain an image derived from a National Center for Missing and Exploited Children CyberTipline Report. The military judge ordered Prosecution Exhibit 2 sealed. Prosecution Exhibit 18 was admitted during sentencing proceedings and is a CD containing images and videos purported to be child pornography. On 24 May 2023, the Government stated it did not oppose Appellant’s motion, the above-mentioned exhibits were missing from the ROT, and that remand was appropriate.

Upon this court’s review of the record, we see Prosecution Exhibits 2 and 18 are missing. Consequently, the record of trial in Appellant’s case is to be returned to the Chief Trial Judge, Air Force Trial Judiciary, for correction under Rule for Court-Martial (R.C.M.) 1112(d).

Accordingly, it is by the court on this 31st day of May, 2023,

**ORDERED:**

Appellant’s Motion for Leave to File Motion for Remand is **GRANTED**. The record of trial in Appellant’s case is returned to the Chief Trial Judge, Air Force Trial Judiciary, for correction under R.C.M. 1112(d) to account for Prosecution Exhibits 2 and 18, and any other portion of the record that is

determined to be missing or defective hereafter, after consultation with the parties. *See* Article 66(g), UCMJ, 10 U.S.C. § 866(g); R.C.M. 1112(d)(2)–(3). Thereafter, the record of trial will be returned to this court for completion of its appellate review under Article 66(d), UCMJ, 10 U.S.C. § 866(d).

The record of trial will be returned to the court not later than **15 June 2023**. If the record cannot be returned to the court by that date, the Government will inform the court in writing not later than **8 June 2023** of the status of the Government's compliance with this order.



FOR THE COURT



CAROL K. JOYCE  
Clerk of the Court

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

UNITED STATES,	)	<b>MOTION FOR LEAVE TO FILE</b>
<i>Appellee</i>	)	<b>UNITED STATES' STATUS</b>
	)	<b>OF COMPLIANCE</b>
v.	)	
	)	
Airman (E-2)	)	Before Panel No. 2
<b>JORDAN P. GOODWATER,</b>	)	
USAF,	)	No. ACM 40304
<i>Appellant.</i>	)	

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

Pursuant to Rule 23(d) of this Court’s Rules of Practice and Procedure, the United States moves this Honorable Court for leave to file a status of compliance with this Court’s 31 May 2023 Order returning the record of trial to the Chief Trial Judge for correction under Rule for Courts-Martial (R.C.M.) 1112(d).

On 31 May 2023, this Court determined certain content was missing from Appellant’s record of trial and returned the record to the Chief Trial Judge, Air Force Trial Judiciary, for correction under R.C.M. 1112(d). This Court ordered the United States to provide a status of compliance by 8 June 2023 if the record of trial cannot be returned to this Court by 15 June 2023. As of 15 June 2023, the record of trial has not been returned to this Court. Therefore, the United States provides the following status of compliance:

***Status of Compliance***

The United States anticipated the record of trial would be returned to this Court by 15 June 2023 and therefore did not file a status of compliance on 8 June 2023. On 15 June 2023, the missing exhibits arrived at JAJM. When the detailed court reporter sent the draft certificate of correction to the detailed military judge for the military judge’s signature, the court reporter received an out-of-office message indicating that the military judge would be on leave until 20

June 2023. Based on the foregoing, the United States anticipates the record of trial will be returned to this Court no later than 23 June 2023.

*Conclusion*

**WHEREFORE**, the United States respectfully requests this Honorable Court grant the United States' motion for leave to file a status of compliance.

[REDACTED]

JAY S. PEER, Maj, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
United States Air Force

[REDACTED]

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Appellate Defense Division on 15 June 2023.

[REDACTED]

JAY S. PEER, Maj, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
United States Air Force

[REDACTED]