

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

<b>UNITED STATES</b>	)	<b>No. ACM 39825 (reh)</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	<b>NOTICE OF</b>
<b>Sean W. HARRINGTON</b>	)	<b>DOCKETING</b>
<b>Airman First Class (E-3)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	

The record of trial in the above-styled case was returned to this court by the Military Appellate Records Branch (JAJM) on 13 March 2025.

Due to an oversight in docketing this case at the time the court received for the record of trial from JAJM, the court now docketed Appellant's case. Appellant's brief shall be filed not later than 60 days from docketing. *See* JT. CT. CRIM. APP. R. 18(d)(2) (as amended 17 May 2024).

Accordingly, it is by the court on this 16th day of June, 2025,

**ORDERED:**

That the Record of Trial in the above styled matter is referred to Panel 2 for appellate review. Appellant may file his brief not later than 15 August 2025, unless this court grants an enlargement of time pursuant to Rule 23.3(m) of this court's Rules of Practice and Procedure. A.F. CT. CRIM. APP. R. 23.3(m).



FOR THE COURT



TANICA S. BAGMON  
Appellate Court Paralegal



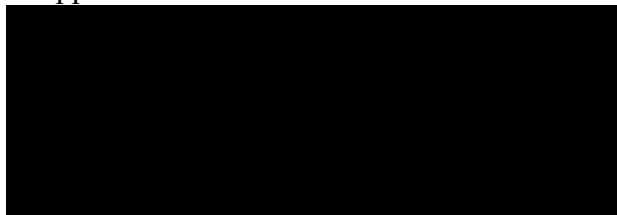


**CERTIFICATE OF FILING AND SERVICE**

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 5 August 2025.



JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel



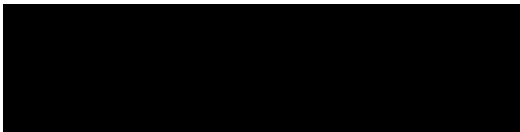
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 2
Airman First Class (E-3)	)	
<b>SEAN W. HARRINGTON,</b>	)	No. ACM 39825 (reh)
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	6 August 2025

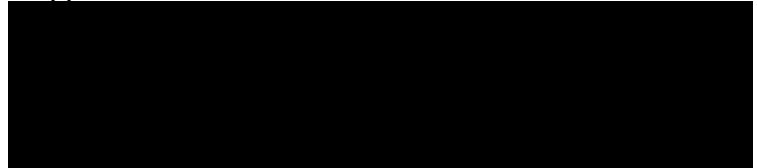
**TO THE HONORABLE, THE JUDGES OF  
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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.



VANESSA BAIROS, Maj, USAF  
Appellate Government Counsel

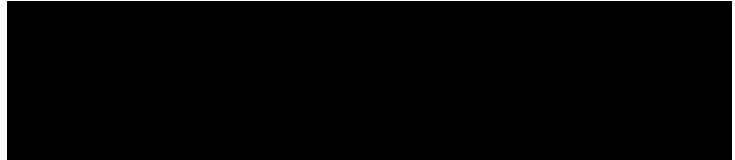


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 6 August 2025.



VANESSA BAIROS, Maj, USAF  
Appellate Government Counsel



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

<b>UNITED STATES</b>	)	<b>APPELLANT'S</b>
<i>Appellee</i>	)	<b>MOTION FOR ENLARGEMENT</b>
	)	<b>OF TIME (SECOND) OUT OF TIME</b>
	)	
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3)	)	No. ACM 39825 (reh)
<b>SEAN W. HARRINGTON</b>	)	
United States Air Force	)	9 October 2025
<i>Appellant</i>	)	

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

Pursuant to Rules 18.5 and 23.3(m)(1) and (3) of this Honorable Court's Rules of Practice and Procedure, Airman First Class Sean W. Harrington, the Appellant, hereby moves for a second enlargement of time, out of time, to file an Assignment of Errors brief. Appellant requests an enlargement for a period of thirty days, which will end on **13 November 2025**.

Appellant's case was docketed with this Court on 16 June 2025.<sup>1</sup> From the date of docketing to the present date, 115 days have elapsed. On the date requested, 150 days will have elapsed since docketing.

There is good cause to grant this motion out of time. On 8 August 2025, this Court issued an Order granting Appellant's First Motion for an Enlargement of Time and further ordered that Counsel include several statements regarding advisements to Appellant in any subsequent motions for enlargement of time. As of today's date, Counsel is unable to comply with this Order due to difficulty reaching Appellant,



\_\_\_\_\_  
Date of Docketing, dated 16 June 2025.

**GRANTED**  
**20 OCT 2025**

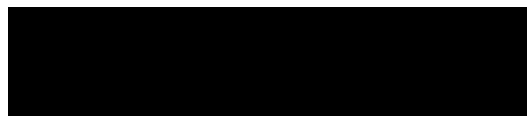
though she has been diligently attempting to do so. Counsel requests this Court grant this Motion Out of Time to afford undersigned counsel additional time to reach Appellant to properly advise him and comply with the Court's 8 August 2025 Order.

From 21 through 24 October 2024, a general court-martial comprised of officer members convened for a sentencing rehearing at Cannon Air Force Base, New Mexico. R. at 1-3, 20.<sup>2</sup> The members sentenced Appellant to be reduced to the grade of E-1, to be confined for ten years, and to be dishonorably discharged. R. at 660.

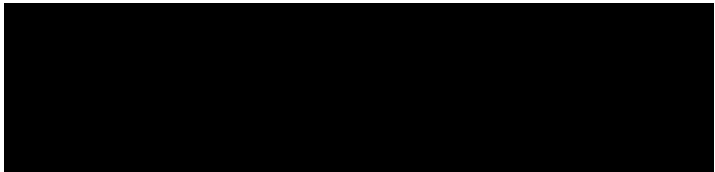
Counsel has completed her review of the record in this case. Through no fault of Appellant, counsel has been unable to advise Appellant appropriately, and prepare an Assignments of Error brief, and will be unable to do so before this Court's current filing deadline.

**WHEREFORE**, Appellant respectfully requests this Honorable Court grant this requested second enlargement of time, out of time, for the submission of an Assignment of Errors brief for good cause shown.

Respectfully submitted,



JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel



---

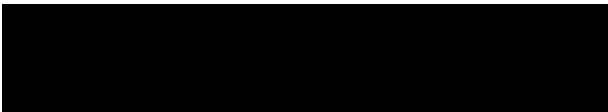
<sup>2</sup> On 1 July 2019, Appellant was convicted, contrary to his pleas, by a general court-martial composed of officer members of one specification of involuntary manslaughter, in violation of Article 119, Uniform Code of Military Justice (UCMJ); one specification of communicating a threat, in violation of Article 134, UCMJ. Appellant was also convicted, consistent with his pleas, of one specification of divers use of cocaine and one specification of divers use of marijuana, both in violation of Article 112a, UCMJ.



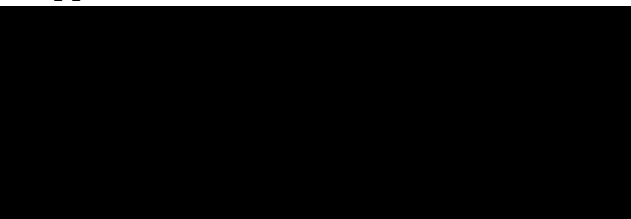
**CERTIFICATE OF FILING AND SERVICE**

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 9 October 2025.

Respectfully submitted,

A solid black rectangular redaction box covering the signature of the sender.

JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel

A large solid black rectangular redaction box covering the contact information of the sender.

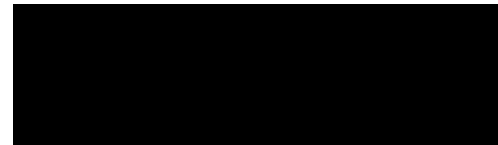
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 2
Airman First Class (E-3)	)	
<b>SEAN W. HARRINGTON,</b>	)	No. ACM 39825 (reh)
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	14 October 2025

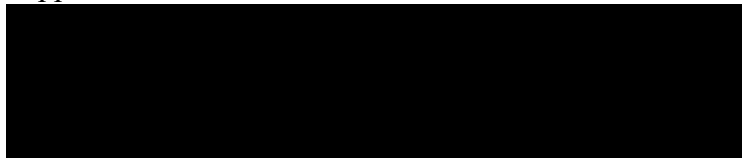
**TO THE HONORABLE, THE JUDGES OF  
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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.

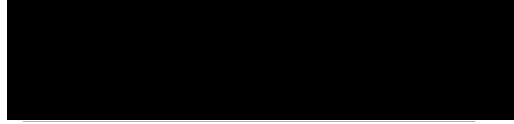


VANESSA BAIROS, Maj, USAF  
Appellate Government Counsel



**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 14 October 2025.



VANESSA BAIROS, Maj, USAF  
Appellate Government Counsel



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

<b>UNITED STATES</b> <i>Appellee</i>	)	<b>APPELLANT'S</b>
	)	<b>MOTION FOR ENLARGEMENT</b>
	)	<b>OF TIME (THIRD)</b>
	)	
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3)	)	No. ACM 39825 (reh)
<b>SEAN W. HARRINGTON</b>	)	
United States Air Force	)	6 November 2025
<i>Appellant</i>	)	

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

Pursuant to Rules 23.3(m)(1) and (3) of this Honorable Court's Rules of Practice and Procedure, Airman First Class Sean W. Harrington, the Appellant, hereby moves for a third enlargement of time to file an Assignment of Errors brief. Appellant requests an enlargement for a period of thirty days, which will end on **13 December 2025**.

Appellant's case was docketed with this Court on 16 June 2025.<sup>1</sup> From the date of docketing to the present date, 143 days have elapsed. On the date requested, 180 days will have elapsed since docketing.

From 21 through 24 October 2024, a general court-martial comprised of officer members convened for a sentencing rehearing at Cannon Air Force Base, New Mexico. R. at 1-3, 20.<sup>2</sup> The members sentenced Appellant to be reduced to the grade of E-1, to

---

<sup>1</sup> See Notice of Docketing, dated 16 June 2025.

<sup>2</sup> On 1 July 2019, Appellant was convicted, contrary to his pleas, by a general court-martial composed of officer members of one specification of involuntary manslaughter, in violation of Article 119, Uniform Code of Military Justice (UCMJ); one specification of communicating a threat, in violation of Article 134, UCMJ. Appellant was also convicted, consistent with his pleas, of one specification of divers use of cocaine and one specification of divers use of marijuana, both in violation of Article 112a, UCMJ.



**GRANTED**

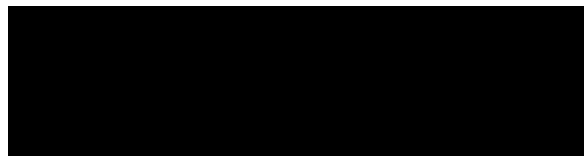
**13 Nov 2025**

be confined for ten years, and to be dishonorably discharged. R. at 660.

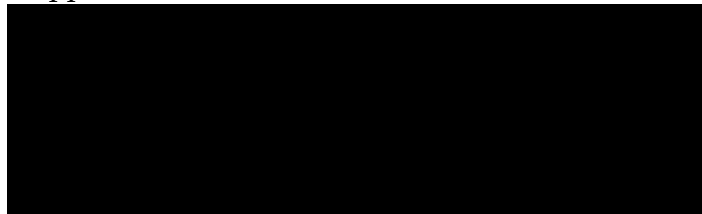
Counsel has completed her review of the record in this case. Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to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

**WHEREFORE**, Appellant respectfully requests this Honorable Court grant this requested third enlargement of time for the submission of an Assignment of Errors brief for good cause shown.

Respectfully submitted,

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

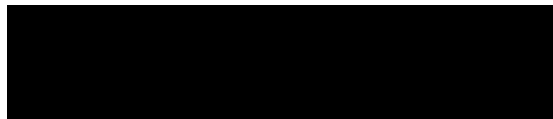
JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel

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

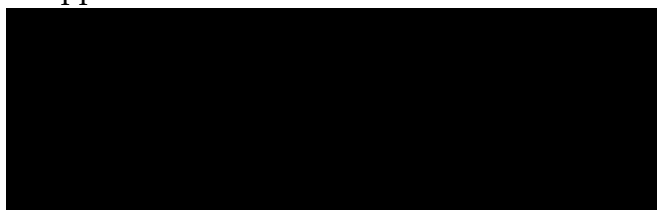
**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 9 October 2025.

Respectfully submitted,

A solid black rectangular redaction box covering the signature of the sender.

JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel

A large solid black rectangular redaction box covering the contact information of the sender.

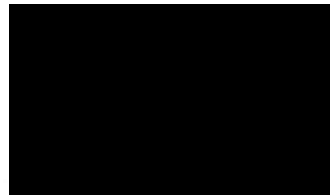
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	Before Panel No. 2
<b>SEAN W. HARRINGTON,</b>	)	
United States Air Force,	)	No. ACM 39825 (reh)
<i>Appellant.</i>	)	
	)	10 November 2025
	)	

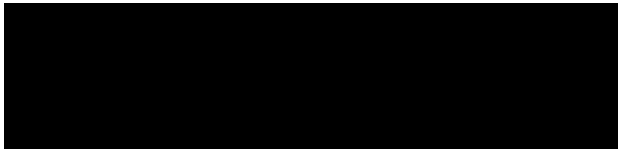
**TO THE HONORABLE, THE JUDGES OF  
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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.

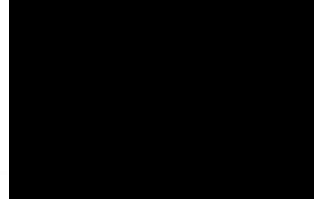


KATE E. LEE, Maj, USAF  
Appellate Government Counsel

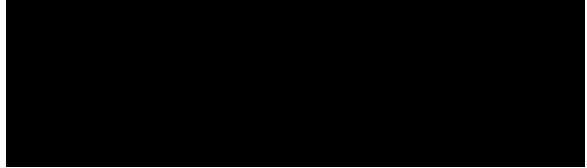


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 10 November 2025.



KATE E. LEE, Maj, USAF  
Appellate Government Counsel



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

<b>UNITED STATES</b> <i>Appellee</i>	)	<b>APPELLANT’S</b>
	)	<b>MOTION FOR ENLARGEMENT</b>
	)	<b>OF TIME (FOURTH)</b>
	)	
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3)	)	No. ACM 39825 (reh)
<b>SEAN W. HARRINGTON</b>	)	
United States Air Force	)	7 December 2025
<i>Appellant</i>	)	

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

Pursuant to Rules 23.3(m)(1), (4), and (6) of this Honorable Court’s Rules of Practice and Procedure, Airman First Class Sean W. Harrington, the Appellant, hereby moves for a third enlargement of time to file an Assignment of Errors brief. Appellant requests an enlargement for a period of thirty days, which will end on **12 January**



Appellant’s case was docketed with this Court on 16 June 2025.<sup>1</sup> From the date of docketing to the present date, 174 days have elapsed.<sup>2</sup> On the date requested, 210

**GRANTED**  
**8 DEC 2025**

<sup>1</sup> See Notice of Docketing, dated 16 June 2025.  
<sup>2</sup> The filing of this Motion is timely in accordance with Rule 23.3(m)(1) of this Court’s Rules of Practice and Procedure. In accordance with JT. CT. CRIM. APP. R. 15 and Rule 15 of this Court’s Rules of Practice and Procedure, the seventh calendar day before this AOE is due is calculated as 8 December 2025 because 6 December 2025 was a Saturday on which this Court was closed. This Court clarified its calculation of time in accordance with JT. CT. CRIM. APP. R. 15 in its 12 February 2025 Order in *United States v. Vongphachanh*, No. ACM 40741. In accordance with JT. CT. CRIM. APP. R. 15, when the last day of a period of time to be computed ends on “a Saturday, Sunday, holiday, or day on which the Court is closed,” that period of time, “runs until the end of the next day that is not a Saturday, Sunday, holiday, or day on which the Court is closed.” The last day of the period of time to be computed in this case (the seventh day before this AOE is due) was a Saturday, and therefore, in accordance with JT. CT. CRIM. APP. R. 15 and Rule 15 of this Court’s Rules of Practice and

days will have elapsed since docketing.

From 21 through 24 October 2024, a general court-martial comprised of officer members convened for a sentencing rehearing at Cannon Air Force Base, New Mexico. R. at 1-3, 20.<sup>3</sup> The members sentenced Appellant to be reduced to the grade of E-1, to be confined for ten years, and to be dishonorably discharged. R. at 660.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 21 cases; 17 cases are pending before this Court (10 cases are pending AOE). Seven cases have priority over the present case:

1. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. The AEO for this case is currently being reviewed.
2. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249

---

Procedure, the end of that period runs until the next day this Court is not closed, which is 8 December 2025.

<sup>3</sup> On 1 July 2019, Appellant was convicted, contrary to his pleas, by a general court-martial composed of officer members of one specification of involuntary manslaughter, in violation of Article 119, Uniform Code of Military Justice (UCMJ); one specification of communicating a threat, in violation of Article 134, UCMJ. Appellant was also convicted, consistent with his pleas, of one specification of divers use of cocaine and one specification of divers use of marijuana, both in violation of Article 112a, UCMJ.

pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case and is drafting the AOE.

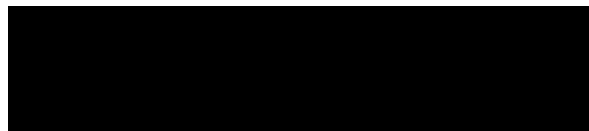
3. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
4. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
5. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.
6. *United States v. Ward*, ACM No. 40749 – The record of trial consists of one e-ROT with eleven volumes, with four Prosecution Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits. The transcript is 370 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

7. *United States v. Echavarria*, ACM No. S32810 - The record of trial consists of one e-ROT with three Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits; the transcript is 101 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

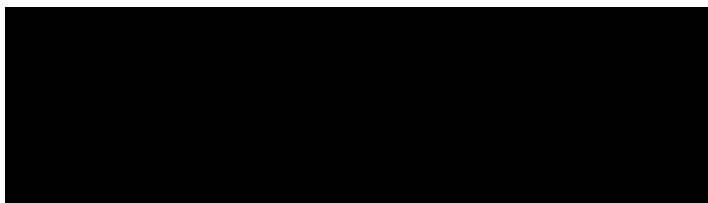
Counsel has completed her review of the record in this case. Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to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

**WHEREFORE**, Appellant respectfully requests this Honorable Court grant this requested third enlargement of time for the submission of an Assignment of Errors brief for good cause shown.

Respectfully submitted,



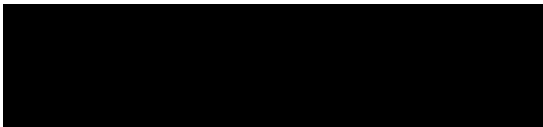
JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel



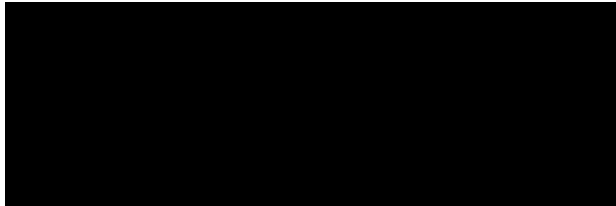
**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 7 December 2025.

Respectfully submitted,

A solid black rectangular redaction box covering the signature of the submitter.

JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel

A solid black rectangular redaction box covering the contact information of the submitter.

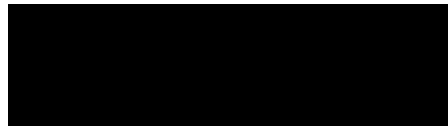
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
Airman First Class (E-3)	)	Before Panel No. 2
<b>SEAN W. HARRINGTON,</b>	)	No. ACM 39825 (reh)
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	8 December 2025

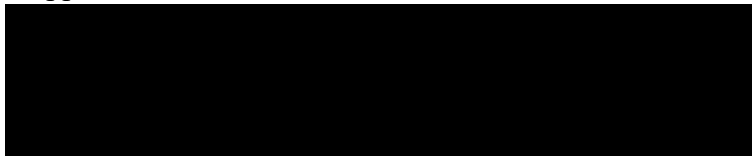
**TO THE HONORABLE, THE JUDGES OF  
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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.



VANESSA BAIROS, Maj, USAF  
Appellate Government Counsel

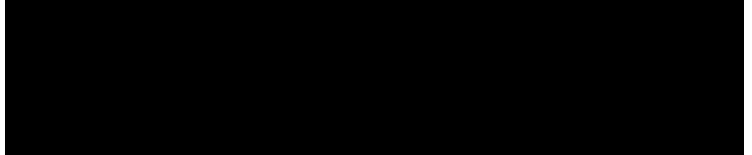


**CERTIFICATE OF FILING AND SERVICE**

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



VANESSA BAIROS, Maj, USAF  
Appellate Government Counsel



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

<b>UNITED STATES</b> <i>Appellee</i>	)	<b>APPELLANT’S</b>
	)	<b>MOTION FOR ENLARGEMENT</b>
	)	<b>OF TIME (FIFTH)</b>
	)	
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3)	)	No. ACM 39825 (reh)
<b>SEAN W. HARRINGTON</b>	)	
United States Air Force	)	5 January 2026
<i>Appellant</i>	)	

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

Pursuant to Rules 23.3(m)(1), (4), and (6) of this Honorable Court’s Rules of Practice and Procedure, Airman First Class Sean W. Harrington, the Appellant, hereby moves for a third enlargement of time to file an Assignment of Errors brief. Appellant requests an enlargement for a period of thirty days, which will end on **11 February 2026**.

Appellant’s case was docketed with this Court on 16 June 2025.<sup>1</sup> From the date of docketing to the present date, 203 days have elapsed. On the date requested, 240 days will have elapsed since docketing.



On 21 through 24 October 2024, a general court-martial comprised of officer members convened for a sentencing rehearing at Cannon Air Force Base, New Mexico.

**GRANTED** The members sentenced Appellant to be reduced to the grade of E-1, to **8 JAN 2026**

<sup>1</sup> See Notice of Docketing, dated 16 June 2025.

<sup>2</sup> On 1 July 2019, Appellant was convicted, contrary to his pleas, by a general court-martial composed of officer members of one specification of involuntary manslaughter, in violation of Article 119, Uniform Code of Military Justice (UCMJ); one specification of communicating a threat, in violation of Article 134, UCMJ. Appellant was also convicted, consistent with his pleas, of one specification of divers use of cocaine and one

be confined for ten years, and to be dishonorably discharged. R. at 660.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 21 cases; 17 cases are pending before this Court (10 cases are pending AOE's). Six cases have priority over the present case:

1. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. Undersigned counsel anticipates filing this AOE by early next week.
2. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case and anticipates a filing by the end of the week.
3. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case and anticipates filing a two-issue AOE.

4. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of the record for this case.
5. *United States v. Ward*, ACM No. 40749 – The record of trial consists of one e-ROT with eleven volumes, with four Prosecution Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits. The transcript is 370 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of the record for this case.
6. *United States v. Echavarria*, ACM No. S32810 - The record of trial consists of one e-ROT with three Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits; the transcript is 101 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

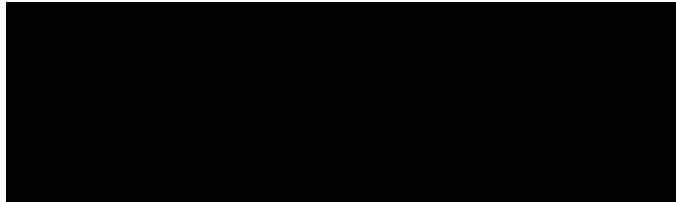
Counsel has completed her review of the record in this case. Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to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

**WHEREFORE**, Appellant respectfully requests this Honorable Court grant this requested enlargement of time for the submission of an Assignment of Errors brief for good cause shown.

Respectfully submitted,



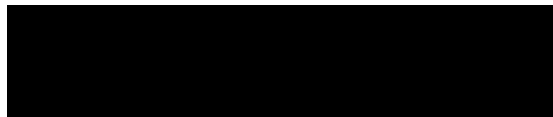
JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel



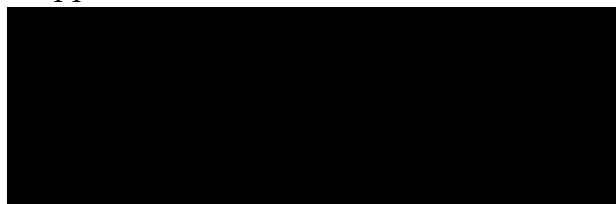
**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 5 January 2026.

Respectfully submitted,

A solid black rectangular box redacting the signature of the sender.

JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel

A large solid black rectangular box redacting the contact information of the sender.

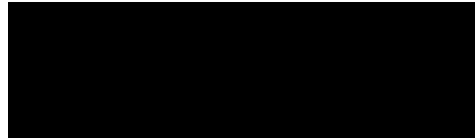
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Airman First Class (E-3)	)	
<b>SEAN W. HARRINGTON,</b>	)	No. ACM 39825 (reh)
United States Air Force.	)	
<i>Appellant</i>	)	7 January 2026

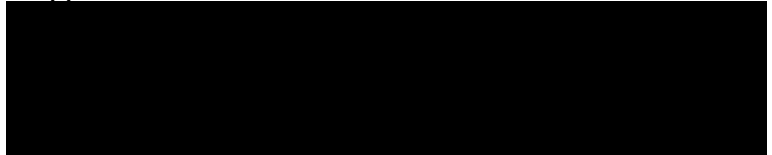
**TO THE HONORABLE, THE JUDGES OF  
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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

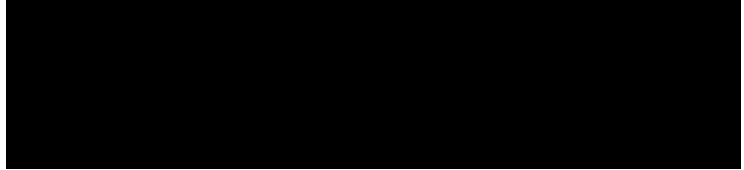


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 7 January 2026.



VANESSA BAIROS, Maj, USAF  
Appellate Government Counsel



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

<b>UNITED STATES</b> <i>Appellee</i>	)	<b>APPELLANT’S</b>
	)	<b>MOTION FOR ENLARGEMENT</b>
	)	<b>OF TIME (SIXTH)</b>
	)	
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3)	)	No. ACM 39825 (reh)
<b>SEAN W. HARRINGTON</b>	)	
United States Air Force	)	4 February 2026
<i>Appellant</i>	)	

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

Pursuant to Rules 23.3(m)(1), (4), and (6) of this Honorable Court’s Rules of Practice and Procedure, Airman First Class Sean W. Harrington, the Appellant, hereby moves for a third enlargement of time to file an Assignment of Errors brief. Appellant requests an enlargement for a period of thirty days, which will end on **13 March 2026**.

Appellant’s case was docketed with this Court on 16 June 2025.<sup>1</sup> From the date of docketing to the present date, 233 days have elapsed. On the date requested, 270 days will have elapsed since docketing.

From 21 through 24 October 2024, a general court-martial comprised of officer members convened for a sentencing rehearing at Cannon Air Force Base, New Mexico.

At 1-3, 20.<sup>2</sup> The members sentenced Appellant to be reduced to the grade of E-1, to



**GRANTED**  
**10 FEB 2025**

<sup>1</sup> See Notice of Docketing, dated 16 June 2025.

<sup>2</sup> On 1 July 2019, Appellant was convicted, contrary to his pleas, by a general court-martial composed of officer members of one specification of involuntary manslaughter, in violation of Article 119, Uniform Code of Military Justice (UCMJ); one specification of communicating a threat, in violation of Article 134, UCMJ. Appellant was also convicted, consistent with his pleas, of one specification of divers use of cocaine and one specification of divers use of marijuana, both in violation of Article 112a, UCMJ.

be confined for ten years, and to be dishonorably discharged. R. at 660. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned nineteen cases; sixteen cases are pending before this Court (four cases are pending AOE's). Maj Grande is currently preparing for oral argument in two cases: *United States v. Hunt*, USCA Dkt. No. 25-0257/AF; ACM No. 40563, scheduled at CAAF on 25 February 2026; and *United States v. Reese*, ACM No. 24069, scheduled at Syracuse Law School on 27 February 2026. Two cases have priority over the present case:

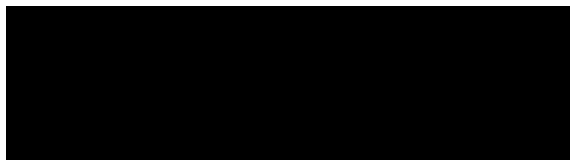
1. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. The appellant is not currently confined. Undersigned counsel has completed her review of the record for this case.
2. *United States v. Hepburn*, ACM No. 40778 – The record of trial consists of one e-ROT with five Prosecution Exhibits, seven Defense Exhibits, and thirteen Appellate Exhibits; the transcript is 107 pages long. The appellant is currently confined. Undersigned counsel has completed her review of this case. If the EOT filed 2 February 2026 is approved, the AOE will be due on 10 March 2026. Undersigned counsel does not anticipate requesting an additional EOT in this case.

Counsel has completed her review of the record in this case. Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case.

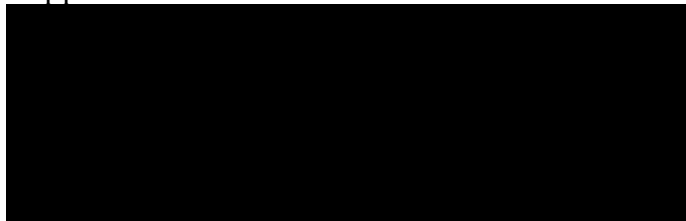
An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Despite efforts by undersigned counsel, Appellant was not advised of the request for this enlargement of time.

**WHEREFORE**, Appellant requests this Honorable Court grant this requested enlargement of time for the submission of an Assignment of Errors brief for good cause shown.

Respectfully submitted,

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

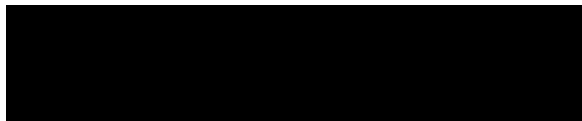
JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel

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

**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 4 February 2026.

Respectfully submitted,

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

Appellate Defense Counsel

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

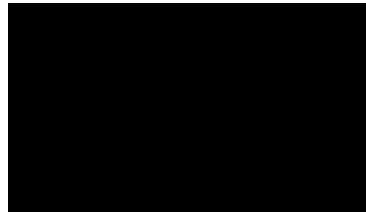
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	Before Panel No. 2
<b>SEAN W. HARRINGTON,</b>	)	
United States Air Force,	)	No. ACM 39825 (reh)
<i>Appellant.</i>	)	
	)	6 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.



KATE E. LEE, Maj, USAF  
Appellate Government Counsel

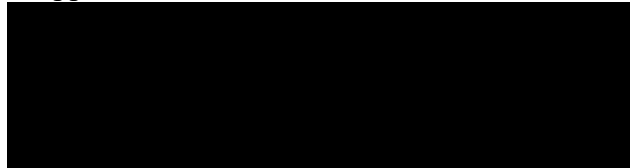


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 6 February 2026.



KATE E. LEE, Maj, USAF  
Appellate Government Counsel





members convened for a sentencing rehearing at Cannon Air Force Base, New Mexico. R. at 1-3, 20.<sup>2</sup> The members sentenced Appellant to be reduced to the grade of E-1, to be confined for ten years, and to be dishonorably discharged. R. at 660. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned sixteen cases; eleven cases are pending before this Court (four cases are pending AOE's). Two cases have priority over the present case:

1. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. The appellant is not currently confined. Undersigned counsel is completing a draft AOE in this case.
2. *United States v. Hepburn*, ACM No. 40778 – The record of trial consists of one e-ROT with five Prosecution Exhibits, seven Defense Exhibits, and thirteen Appellate Exhibits; the transcript is 107 pages long. The appellant is currently confined. Undersigned counsel has completed her review of this case. Undersigned counsel anticipates a filing in this case by early next week.

Counsel has completed her review of the record in this case. Through no fault of

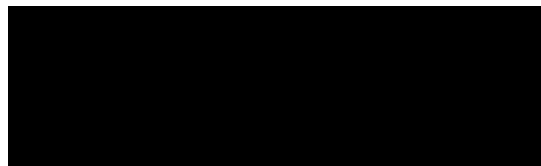
---

<sup>2</sup> On 1 July 2019, Appellant was convicted, contrary to his pleas, by a general court-martial composed of officer members of one specification of involuntary manslaughter, in violation of Article 119, Uniform Code of Military Justice (UCMJ); one specification of communicating a threat, in violation of Article 134, UCMJ. Appellant was also convicted, consistent with his pleas, of one specification of divers use of cocaine and one specification of divers use of marijuana, both in violation of Article 112a, UCMJ.

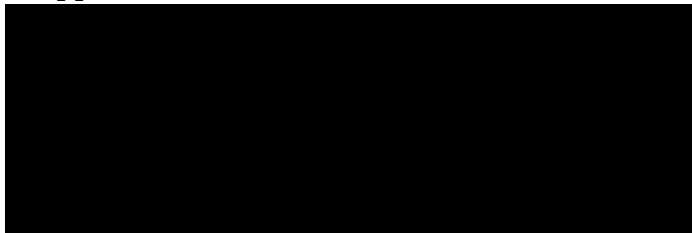
Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time.

**WHEREFORE**, Appellant requests this Honorable Court grant this requested enlargement of time out of time for the submission of an Assignment of Errors brief for good cause shown.

Respectfully submitted,

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

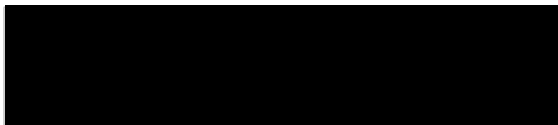
JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel

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

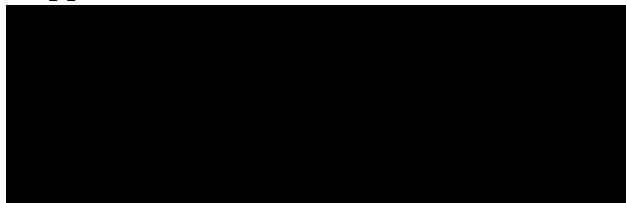
**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 11 March 2026.

Respectfully submitted,

A solid black rectangular redaction box covering the signature of the sender.

JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel

A large solid black rectangular redaction box covering the contact information of the sender.

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

<b>UNITED STATES</b> <i>Appellee</i>	)	<b>APPELLANT’S</b>
	)	<b>MOTION FOR ENLARGEMENT</b>
	)	<b>OF TIME (EIGHTH)</b>
	)	<b>OUT OF TIME</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3)	)	No. ACM 39825 (reh)
<b>SEAN W. HARRINGTON</b>	)	
United States Air Force	)	25 March 2026
<i>Appellant</i>	)	

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

Pursuant to Rules 23.3(m)(1), (4), (6), and (7), of this Honorable Court’s Rules of Practice and Procedure, Airman First Class Sean W. Harrington, the Appellant, hereby moves for an eighth enlargement of time to file an Assignment of Errors brief, out of time (OOT). Appellant requests an enlargement for a period of seven days, which will end on **1 April 2026**.

Appellant’s case was docketed with this Court on 16 June 2025.<sup>1</sup> From the date of docketing to the present date, 282 days have elapsed. On the date requested, 289 days will have elapsed since docketing.

There is good cause for this Court to grant this EOT OOT. Appellant has provided limited consent to disclose an attorney-client communication wherein Appellant now desires to raise an additional issue, not previously disclosed before this evening to undersigned counsel, that will require additional research and time to



brief this Court and fulfill undersigned counsel’s Article 70, Uniform Code of

**GRANTED** Docketing, dated 16 June 2025.

**26 MAR 2026**

Military Justice duties. *See United States v. Grostefon*, 12 M.J. 431 (C.A.A.F. 1982).

From 21 through 24 October 2024, a general court-martial comprised of officer members convened for a sentencing rehearing at Cannon Air Force Base, New Mexico. R. at 1-3, 20.<sup>2</sup> The members sentenced Appellant to be reduced to the grade of E-1, to be confined for ten years, and to be dishonorably discharged. R. at 660. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned sixteen cases; ten cases are pending before this Court (two cases are pending AOE's). No case has priority over the present case. Undersigned counsel does not anticipate requesting an additional EOT in this case, absent exceptional circumstances.

Counsel has completed her review of the record in this case. Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time.

**WHEREFORE**, Appellant requests this Honorable Court grant this requested enlargement of time out of time for the submission of an Assignment of Errors brief for

---

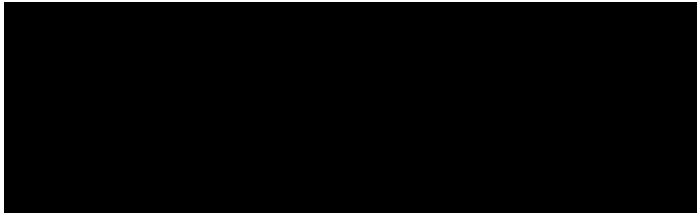
<sup>2</sup> On 1 July 2019, Appellant was convicted, contrary to his pleas, by a general court-martial composed of officer members of one specification of involuntary manslaughter, in violation of Article 119, Uniform Code of Military Justice (UCMJ); one specification of communicating a threat, in violation of Article 134, UCMJ. Appellant was also convicted, consistent with his pleas, of one specification of divers use of cocaine and one specification of divers use of marijuana, both in violation of Article 112a, UCMJ.

good cause shown.

Respectfully submitted,



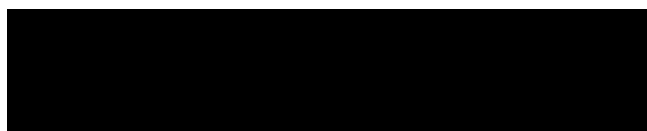
JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel



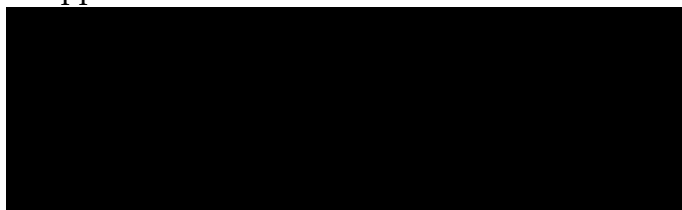
**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 25 March 2026.

Respectfully submitted,

A solid black rectangular box redacting the signature of the sender.

JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel

A solid black rectangular box redacting the contact information of the sender.



**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 1 April 2026.



JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel



## APPENDIX

Pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), Appellant, Airman First Class (A1C) Sean W. Harrington, through appellate defense counsel, personally requests that this Court consider the following matters:

- I. **WHETHER AIRMAN FIRST CLASS HARRINGTON WAS PREJUDICED BY THE FAILURE OF THE CHARLESTON BRIG TO ACCOUNT FOR THE EARNED TIME HE ACCRUED AT THE UNITED STATES DISCIPLINARY BARRACKS PRIOR TO HIS TRANSFER.**
  
- II. **WHETHER AIRMAN FIRST CLASS HARRINGTON WAS PREJUDICED BY THE CHARLESTON BRIG LOSING AN ITEM HE MAILED, INCLUDING HIS NOTES ABOUT HIS APPEAL.**

From 21 through 24 October 2024, a general court-martial comprised of officer members convened for a sentencing rehearing at Cannon Air Force Base, New Mexico. R. at 1-3, 20.<sup>1</sup> The members sentenced A1C Harrington to be reduced to the grade of E-1, to be confined for ten years, and to be dishonorably discharged. R. at 660.

A1C Harrington contends that after he was first sentenced in his general court-martial in July 2019, he was confined at the United States Disciplinary Barracks (USDB) at Fort Leavenworth, Kansas. Declaration of Sean Harrington, dated 1 April 2026, at 1. He was originally sentenced to fourteen years' confinement and while confined to the USDB, he accrued earned time from the work abatement program. *Id.* at 2. After his October 2024 sentencing rehearing, he was transferred from the USDB to the Naval Consolidated Brig Charleston (NCBC) in South

---

<sup>1</sup> On 1 July 2019, Appellant was convicted, contrary to his pleas, by a general court-martial composed of officer members of one specification of involuntary manslaughter, in violation of Article 119, Uniform Code of Military Justice (UCMJ); and one specification of communicating a threat, in violation of Article 134, UCMJ. Appellant was also convicted, consistent with his pleas, of one specification of divers use of cocaine and one specification of divers use of marijuana, both in violation of Article 112a, UCMJ.

Carolina. *Id.* at 3. He was confined there until he was eventually released from confinement in January 2026. *Id.*

When he was transferred from the USDB to the NCBC, he was told by Brig personnel that any earned time he accrued at the USDB would not be carried over and applied to his new sentence. *Id.* This was despite that A1C Harrington had already served over five years in confinement by the time he was transferred. *Id.* While A1C Harrington has been released from confinement, he is currently on parole. *Id.* The elimination of the earned time he accrued for the time he was confined to the USDB impacted his release from confinement date and has resulted in an otherwise longer term of parole. *Id.* at 4.

In December 2025, while preparing for his release from the NCBC, A1C Harrington paid \$32.00 to Brig personnel to mail a box of items from the NCBC to his mother in Indianapolis, Indiana. *Id.* at 4. He received a receipt for this payment. *Id.* One of the items included in the package was his notes that he had taken about his case and in preparation for his appeal. *Id.* The package never arrived at his mother's house in Indianapolis. *Id.* The loss of A1C Harrington's notes about his case and his appeal has negatively affected his ability to assist in his appeal.

**WHEREFORE,** A1C Harrington personally and respectfully requests that this Court reduce his sentence of confinement to account for the prejudice suffered.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION TO
<i>Appellee,</i>	)	ATTACH A DOCUMENT
	)	
v.	)	
	)	Before Panel No. 2
Airman First Class (E-3)	)	
<b>SEAN W. HARRINGTON,</b>	)	No. ACM 39825 (reh)
United States Air Force,	)	
<i>Appellant.</i>	)	1 April 2026

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

Pursuant to Rule 23.3(b) of this Honorable Court’s Rules of Practice and Procedure, Airman First Class (A1C) Sean W. Harrington, Appellant, moves to attach the following document to the Record of Trial: A1C Sean Harrington’s Declaration, dated 1 April 2026. [hereinafter April Decl.].

The declaration is relevant and necessary to this Court’s evaluation of the errors personally raised by A1C Harrington regarding the issues he experienced at the Naval Consolidated Brig Charleston (NCBC). Merits Brief on Behalf of Appellant at Appendix (1 April 2026). This declaration supports A1C Harrington’s brief. Specifically, A1C Harrington provides the factual predicate for his arguments about 1) how the elimination of his earned time from work abatement at the United States Disciplinary Barracks resulted in an otherwise longer term of parole and 2) how the loss of his mail at the NCBC negatively impacted his ability to prepare for his appeal. See Appendix (1 April 2026).

In *United States v. Jessie*, 79 M.J. 437, 445 (C.A.A.F. 2020), the Court of Appeals for the Air Force continued the practice of allowing consideration of matters outside the record to reasonably raised by materials in the record but not fully resolvable by those means that A1C Harrington raises were not experienced until after his sentencing

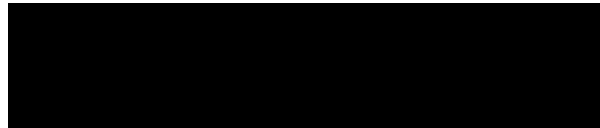


**DENIED**  
**9 APR 2026**

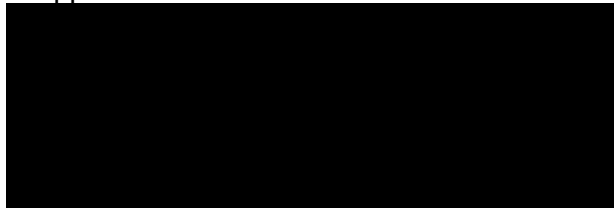
rehearing and the factual predicate is not otherwise contained within the record. The declaration provides the relevant circumstances to explain the prejudice in his case. April Decl. Without the information in the declaration, this Court cannot consider all the relevant circumstances and resolve the issues A1C Harrington raised.

**WHEREFORE**, A1C Harrington requests this Court grant this motion to attach.

Respectfully submitted,

A large black rectangular redaction box covering the signature of the appellant's defense counsel.

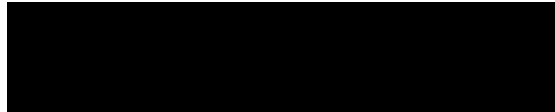
JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel

A large black rectangular redaction box covering the contact information of the appellant's defense counsel.

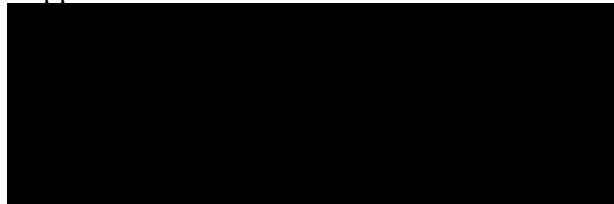
**CERTIFICATE OF FILING AND SERVICE**

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 1 April 2026.

Respectfully submitted,

A solid black rectangular redaction box covering the signature of the sender.

JORDAN L. GRANDE, Maj, USAF  
Appellate Defense Counsel

A large solid black rectangular redaction box covering the contact information of the sender.

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

<b>UNITED STATES,</b>	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO MOTION TO ATTACH
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3)	)	No. ACM 39825 (reh)
<b>SEAN W. HARRINGTON</b>	)	
United States Air Force	)	8 April 2026
<i>Appellant.</i>	)	

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

Pursuant to Rules 23(c) and 23.3(b) of this Court's Rules of Practice and Procedure, the United States respectfully requests this Honorable Court deny Appellant's Motion to Attach, dated 1 April 2026.

***Opposition to Motion to Attach***

The United States opposes the attachment of Appellant's Declaration because it contains matters outside the record and are not "necessary to resolve an issue raised by the record" pursuant to United States v. Jessie, 79 M.J. 437 (C.A.A.F. 2020).

Appellant was convicted, consistent with his pleas, of wrongful use of cocaine and marijuana on divers occasions, in violation of Article 112a, UCMJ, between on or about January 2014 and on or about 24 July 2017. (Entry of Judgment, ROT, Vol. 1.) Contrary to his pleas, Appellant was convicted of communicating a threat in violation of Article 134, UCMJ, on or about 23 July 2017 and involuntary manslaughter in violation of Article 119, UCMJ on or about July 2018. (Id.) Appellant's case was preferred on 3 January 2019 and referred on 27 February 2019. Because the case was preferred and referred after 1 January 2019 and prior to 27 December 2023, 10 U.S.C. § 866 (2018) is the applicable statute. See Exec. Order. No. 13,825,

§3, 83 Fed. Reg. 9889; *see also* United States v. Brubaker-Escobar, 81 M.J. 471, 474 (C.A.A.F. 2021).

Pursuant to 10 U.S.C. § 866(d) (2018), when reviewing whether findings and sentence are correct in law and fact in accordance with Article 66, a “CCA cannot consider matters outside the ‘entire record.’” Jessie, at 444. The “entire record” includes those matters listed in R.C.M. 1103(b)(2)-(3) and the briefs and arguments counsel present “regarding matters in the record of trial and ‘allied papers.’” Id. at 440-41. “[T]he practice of considering material outside the record *should not be expanded* beyond the context of Article 55, UCMJ, and the Eighth Amendment.” Id. at 445 (emphasis added). 10 U.S.C. § 866(e) (2018) further notes that courts of criminal appeals may consider whether the sentence violates the law and whether the sentence is plainly unreasonable.

The Court may consider matters outside the record where: (1) such documents are “necessary for resolving issues raised by materials in the record”; and (2) the issues are not “fully resolvable by those materials” already in the record. Id. at 444-45. The default is a rule of exclusion “because the text of Article 66(c), UCMJ, does not permit the [courts of criminal appeals] to consider matters that are outside the entire record.” Id. at 445. This rule of exclusion reflects the notion that, for military justice proceedings to be “truly judicial in nature,” appellate courts cannot consider information when it “formed no part of the record.” *See* United States v. Fagnan, 30 C.M.R. 192, 195 (U.S.C.M.A. 1961).

Here, Appellant asks this Court to attach Appellant’s Declaration to the record on the grounds that the factual basis for the two issues raised by Appellant in his brief are not contained in the record. (App. Mot. at 1-2.) In the brief, Appellant asks for this Court to get involved in a dispute about earned time and the loss of a parcel of his mail. (App Br. at 3-4.) Appellant

requests this Court reduce his confinement to account for the prejudice he alleges he has suffered. (Id.)

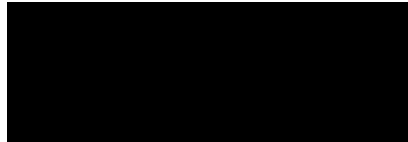
However, this Court's review under Article 66(d) is limited to matters contained within the record itself and does not extend to matters wholly outside the record, pursuant to Jessie and Fagan. The administrative rules which apply to earned time and the loss of mail can only be raised using matters outside the record. (*See generally* App. Mot. at 2; App Br. at 3-4.) Appellant has not articulated how any alleged prejudice is raised by any materials *currently* in the record, such that the attachment of the Declaration would resolve it. Jessie, 79 M.J. at 442. Additionally, Appellant has not raised an issue of cruel or unusual punishment pursuant to Article 55, UCMJ, or the Eighth Amendment. Id. at 445. *See also* United States v. Willman, 81 M.J. 355, 359 (C.A.A.F. 2021) (finding that the CCA could not consider an appellant's declaration regarding confinement conditions pursuant to its duties under Article 66, UCMJ.)

The mere fact of an appellant's sentence to confinement does not "raise[] an issue regarding [the confinement facility's] policies," or Department of Defense policies regarding confinement, generally. Jessie, at 444. As to Appellant's earned time, CAAF has recognized that the calculation of earned credit is primarily a matter for confinement officials and judicial review of disputed time "occurs only upon application for an extraordinary writ, not on direct review of a sentence." United States v. Spaustat, 57 M.J. 256, 263 (C.A.A.F. 2002); *see also* Richard v. James, 2018 CCA LEXIS 507, \*9-10 (A.F. Ct. Crim. App. 19 Oct 2018). Likewise, the confinement facility administration of a parcel of mail is a matter to take up either with the confinement facility or the United States Postal Service—depending where along the path the parcel was lost, which is not clear from Appellant's Declaration. Thus, the matters raised in

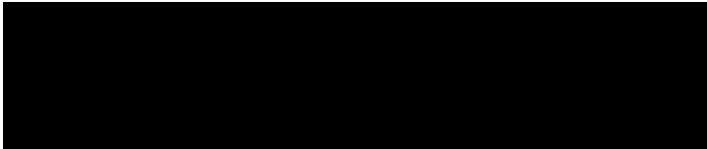
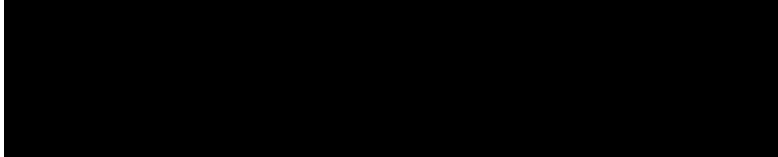
Appellant's motion to attach and Appellant's Declaration are not relevant to any matter this Court can consider.

**CONCLUSION**

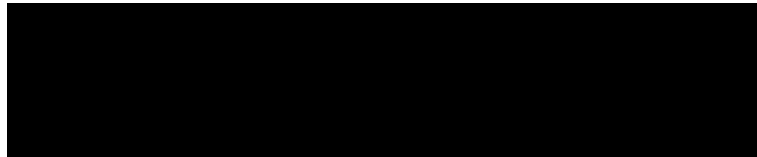
The issues raised by Appellant are not "raised by materials in the record," so outside materials are not necessary and, therefore, not authorized to resolve them. Jessie, 79 M.J. at 444-45. Appellant's request that this Court become involved in his disputes regarding earned time and mail processing are outside the parameters of 10 U.S.C. § 866 (2018). Therefore, the matters contained in Appellant's Declaration are not relevant to any consideration or review this Court may conduct. Since Appellant's Declaration is neither necessary nor relevant, the United States respectfully requests that this Honorable Court deny Appellant's motion to attach.



CATHERINE D. MUMFORD, Maj, USAF  
Appellate Government Counsel



MARY ELLEN PAYNE  
Associate Chief



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and the Air Force  
Appellate Defense Division on 8 April 2026.



CATHERINE D. MUMFORD, Maj, USAF  
Appellate Government Counsel



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

<b>UNITED STATES,</b>	)	UNITED STATES ANSWER
<i>Appellee,</i>	)	BRIEF
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3)	)	No. ACM 39825 (reh)
<b>SEAN W. HARRINGTON</b>	)	
United States Air Force	)	1 May 2026
<i>Appellant.</i>	)	

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

**ISSUES PRESENTED**

**I.<sup>1</sup>**

**WHETHER AIRMAN FIRST CLASS HARRINGTON WAS PREJUDICED BY THE FAILURE OF THE CHARLESTON BRIG TO ACCOUNT FOR THE EARNED TIME HE ACCRUED AT THE UNITED STATES DISCIPLINARY BARRACKS PRIOR TO HIS TRANSFER.**

**II.**

**WHETHER AIRMAN FIRST CLASS HARRINGTON WAS PREJUDICED BY THE CHARLESTON BRIG LOSING AN ITEM HE MAILED, INCLUDING HIS NOTES ABOUT HIS APPEAL.**

**STATEMENT OF CASE**

On 11 March 2019, 6 May 2019, and 24 June – 1 July 2019, Appellant was tried by General Court-Martial at Cannon Air Force Base (AFB), New Mexico. Appellant was found guilty, in accordance with his pleas, of two specifications of wrongful use of controlled substances on divers occasions in violation of Article 112a, Uniform Code of Military Justice

---

<sup>1</sup> Issues I and II were raised pursuant to United States v. Grostefon, 12 M.J. 431 (C.M.A. 1982).

(UCMJ). (*Entry of Judgment*, ROT, Vol. 1.) A panel of officers acquitted Appellant of one specification of assault in violation of Article 128, UCMJ, and found Appellant guilty – contrary to his pleas – of one charge and one specification of communicating a threat in violation of Article 134, UCMJ, and involuntary manslaughter in violation of Article 119, UCMJ. (Id.) Following a sentencing hearing, the panel sentenced Appellant to a reprimand, reduction to E-1, 14 years of confinement, and a dishonorable discharge. (Id.) The convening authority did not take any action on the findings or sentence. (*CADA*, ROT, Vol. 1.) Appellant filed his appeal at this Court on 26 January 2021, and the findings and sentence were affirmed on 14 October 2021. United States v. Harrington, 2021 CCA LEXIS 524 (A.F. Ct. Crim. App. 14 Oct 2021). Appellant petitioned the Court of Appeals of the Armed Forces (CAAF), who affirmed the findings but remanded to this Court to reassess the sentence or order a sentence rehearing on 10 August 2023. United States v. Harrington, 83 M.J. 408 (C.A.A.F. 2023). On 3 May 2024, this Court authorized a sentencing rehearing. United States v. Harrington, 2024 CCA LEXIS 168 (A.F. Ct. Crim. App. 3 May 2024). The sentencing rehearing took place from 21 to 24 October 2024 and Appellant was sentenced to a dishonorable discharge, reduction to E-1, and ten years of confinement. (R. at 660.) On 1 April 2026, Appellant filed his brief and a motion to attach a declaration. The government filed an opposition to the motion to attach on 8 April 2026, and this Court denied the motion to attach on 9 April 2026.

### **STATEMENT OF FACTS**

Following the sentencing hearing, Appellant was confined first at Cannon AFB confinement and then transferred to the United States Disciplinary Barracks (USDB) on 30 July 2019. (*DD Form 2708*, ROT, Vol. 6.) Following the sentencing rehearing, Appellant was

transferred from the USDB to Naval Consolidated Brig Charleston (NCBC) on 12 December 2024. (*DD Form 2708*, rehearing ROT, Vol. 3.)

## **ARGUMENT**

### **I.<sup>2</sup>**

#### **EARNED CREDIT DISPUTES ARE A MATTER FOR THE CONFINEMENT OFFICIALS, NOT THIS COURT.**

##### *Standard of Review*

The calculation of earned credit is primarily a matter for confinement officials. United States v. Spaustat, 57 M.J. 256, 263 (C.A.A.F. 2002). Judicial review of disputed time “occurs only upon application for an extraordinary writ, not on direct review of a sentence.” Id.; *see also* Richard v. James, 2018 CCA LEXIS 507, \*9-10 (A.F. Ct. Crim. App. 19 Oct 2018). Confinees are tasked with exhausting all available administrative remedies before obtaining judicial review regarding earned credit. Spaustat, 57 M.J. at 263. Courts of Criminal Appeals may not consider anything outside of the entire record when reviewing a sentence under 10 U.S.C. § 866 (2018).<sup>3</sup> United States v. Fagnan, 30 C.M.R. 192, 195 (U.S.C.M.A. 1961); United States v. Jessie, 79 M.J. 437, 441 (C.A.A.F. 2020).

##### *Law and Analysis*

Appellant’s request for confinement relief should be denied for three reasons: (1) there is no factual support for Appellant’s claim, because this Court is not authorized to consider matters outside the record; (2) Appellant has failed to meet his burden to trigger judicial review; and

---

<sup>2</sup> This issue was raised pursuant to United States v. Grostefon, 12 M.J. 431 (C.M.A. 1982).

<sup>3</sup> All references to 10 U.S.C. § 866 are to the 2018-version of the statute, which is the controlling statute here because Appellant’s case was preferred and referred after 1 January 2019 and prior to 27 December 2023 and encompassed offenses which occurred between 2014 and 2018. *See* Exec. Order. No. 13,825, §3, 83 Red. Reg. 9889; *see also* United States v. Brubaker-Escobar, 81 M.J. 471, 474 (C.A.A.F. 2021).

(3) there is no evidence to support that Appellant's conditions were cruel or unusual or unlawfully increased his punishment.

First, this Court is a court of limited jurisdiction, defined by statute in 10 U.S.C. § 866 (2018). This Court's authority to review under 10 U.S.C. § 866(d) is limited to matters contained within the record itself and does not extend to matters outside the record. United States v. Jessie, 79 M.J. 437, 444 (C.A.A.F. 2020). The mere fact of an Appellant's sentence to confinement does not "raise[] an issue regarding [the confinement facility's] policies," or Department of Defense policies regarding confinement, generally. Id. Nothing in The record contains no evidence that would support Appellant's claim about earned time credit. Consideration of this issue is therefore outside the authority granted this Court under 10 U.S.C. § 866. Thus, Appellant's request for relief should be denied.

Second, even if the record contained information to support Appellant's claim about earned credit time, this Court has no authority to grant relief. Under United States v. Pena, review of post-trial release conditions on direct appeal focuses on whether post-trial conditions are cruel or unusual or unlawfully increased Appellant's punishment. 64 M.J. 259, 264 (C.A.A.F. 2007). Appellant has not alleged cruel or unusual punishment or an unlawful increase in punishment. Appellant only contends that his date of release from confinement was affected and has resulted in a longer term of parole than he was expecting. (App. Br. at 2). There are no matters contained within the record which raise cruel or unusual punishment or an unlawful increase in punishment. Therefore, Appellant's request for confinement relief should be denied.

Third, Appellant has failed to meet his burden to trigger judicial review of any disputed earned confinement credit. No evidence in the record exists to support that Appellant exhausted administrative remedies, and Appellant has not applied for an extraordinary writ for this Court's

consideration. As in Spaustat, determination of any earned credit “is an administrative responsibility, vested in the commander of the confinement facility,” and military courts “need not resolve the disagreements about the computation of good time.” 57 M.J. at 263. Thus, Appellant’s request for reduction in confinement should be denied.

## II.<sup>4</sup>

### **A DISPUTE OVER LOST MAIL IS NOT A MATTER FOR THIS COURT’S CONSIDERATION.**

#### *Standard of Review*

Courts of Criminal Appeals may not consider anything outside of the entire record when reviewing a sentence under 10 U.S.C. § 866 (2018). United States v. Fagnan, 30 C.M.R. 192, 195 (U.S.C.M.A. 1961); United States v. Jessie, 79 M.J. 437, 441 (C.A.A.F. 2020).

#### *Law and Analysis*

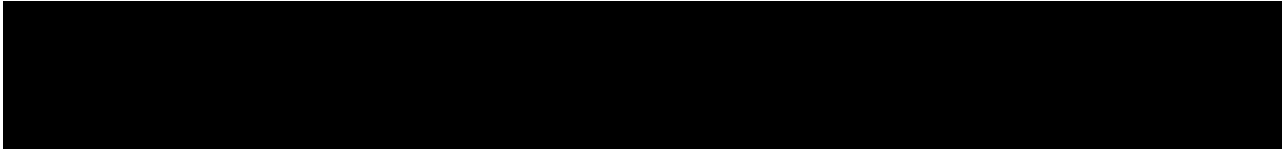
No information exists in the record of trial regarding Appellant attempting to mail a parcel during confinement. There being no factual predicate, there is nothing for this Court to consider regarding this issue. Additionally, Appellant’s allegation regarding lost mail is not a part of a finding or sentence, and therefore this Court has no authority to act or grant relief on this allegation. *See* Article 66(d)(1). Therefore, Appellant’s request for sentencing relief should be denied.

---

<sup>4</sup> This issue was raised pursuant to United States v. Grostefon, 12 M.J. 431 (C.M.A. 1982).

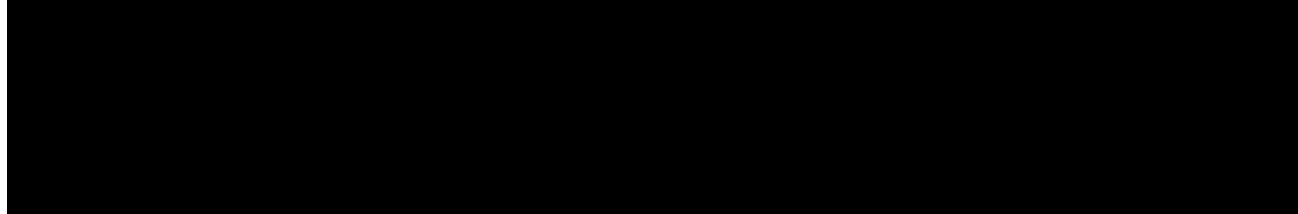
**CONCLUSION**

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



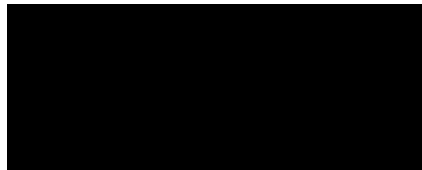
CATHERINE D. MUMFORD, Maj, USAF  
Appellate Government Counsel

MARY ELLEN PAYNE  
Associate Chief



**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 1 May 2026.



CATHERINE D. MUMFORD, Maj, USAF  
Appellate Government Counsel

