

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

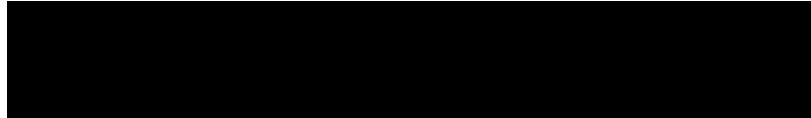
UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME (FIRST)
<i>Appellee,</i>)	
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force	)	29 October 2024
<i>Appellant.</i>)	

**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 his first enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **7 January 2025**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 50 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,

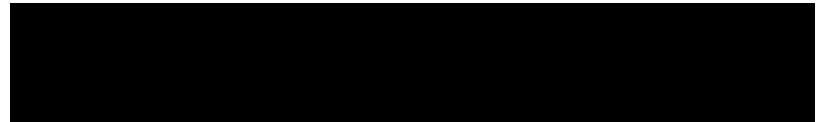


TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 29 October 2024.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
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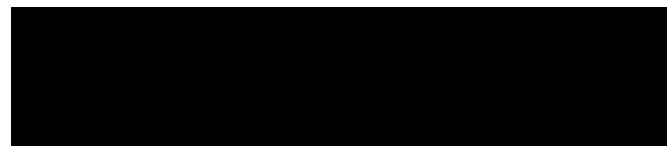
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	AMENDED MOTION FOR
v.	)	ENLARGEMENT OF TIME
)	
Senior Airman (E-4)	)	ACM 40671
BRIAN Z. HON, 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.

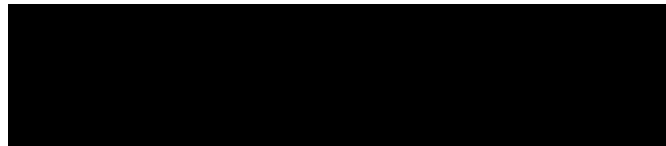
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 31 October 2024.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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

UNITED STATES	)	No. ACM 40671
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Brian Z. HON)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 29 October 2024, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, this court's Rules of Practice and Procedure, and applicable case law.

Accordingly, it is by the court on this 1st day of November, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error **not later than 7 January 2025**.

Counsel should not rely on any subsequent requests for enlargement of time being granted. Each request will be considered on its merits.

Appellant's counsel is advised that any subsequent motions for enlargement of time shall include, in addition to the matters required under this court's Rules of Practice and Procedure, statements as to: (1) whether Appellant was advised of Appellant's right to a timely appeal, (2) whether Appellant was provided an update of the status of counsel's progress on Appellant's case, (3) whether Appellant was advised of the request for an enlargement of time, and (4) whether Appellant agrees with the request for an enlargement of time. Counsel is not required to re-address item (1) in each subsequent motion for enlargement of time if counsel previously replied in the affirmative.

Counsel may request, and the court may order *sua sponte*, a status conference to facilitate timely processing of this appeal.

Appellant's counsel is further advised that any future requests for enlargements of time that, if granted, would expire more than 360 days after docketing, will not be granted absent exceptional circumstances.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES) No. ACM 40671
Appellee)
)
v.)
) ORDER
Brian Z. HON)
Senior Airman (E-4))
U.S. Air Force)
Appellant) Panel 2

On 27 December 2024, counsel for Appellant submitted a Motion for Enlargement of Time (Second) requesting additional days to submit Appellant's assignments of error. In its opposition, the Government noted a probable typographical error in the Defense motion: Appellant's counsel requested an enlargement of 60 days, but calculated a 30-day enlargement. Based on Rule 23.3(m)(3) of this court's Rules of Practice and Procedure, which states second and subsequent enlargements of time "may be granted for periods not to exceed 30 calendar days," we also presume Appellant's counsel intended to request an enlargement of only 30 days.

The court has considered Appellant's motion, the Government's opposition, this court's Rules of Practice and Procedure, judicial economy, and applicable case law.

Accordingly, it is by the court on this 30th day of December, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (Second) is **GRANTED**. Appellant shall file any assignments of error **not later than 6 February 2025**.



FOR THE COURT

OLGA STANFORD, *Yapt*, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME (SECOND)
<i>Appellee,</i>)	
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force	)	27 December 2024
<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 his second enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **6 February 2025**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 109 days have elapsed. On the date requested, 150 days will have elapsed.

On 18 December 2023 and 3-5 June 2024, R. at 1, 69, 483, Appellant was tried by a general court-martial comprised of a military judge sitting alone. R. at 81. Contrary to his pleas, R. at 87, Appellant was found guilty of one charge and two specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ), and one charge and specification of indecent conduct, in violation of Article 134, UCMJ. R. at 424-25. The military judge sentenced Appellant to a bad-conduct discharge,¹ confinement for 12 months, reduction to the pay grade of E-1, and a reprimand. R. at 483. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is confined.

¹ The military judge recommended suspension of the bad-conduct discharge. R. at 483. The convening authority did not suspend the bad-conduct discharge. Entry of Judgement at 4.

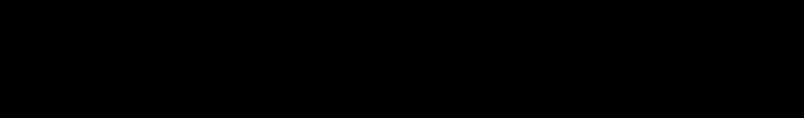
The ROT is six volumes consisting of 14 prosecution exhibits, seven defense exhibit, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,



TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 27 December 2024.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

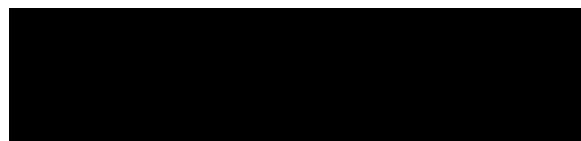
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	AMENDED MOTION FOR
v.	)	ENLARGEMENT OF TIME
)	
Senior Airman (E-4)	)	ACM 40671
BRIAN Z. HON, 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. Although Appellant's motion states he requests a 60-day enlargement of time, it appears that is a typo, and he is only requesting 30 days as is allowed under this Court's rules. Should this Court require Appellant to refile his motion, the United States maintains its opposition to any new filing requesting a 30-day enlargement.

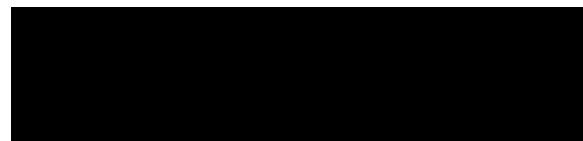
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(240) 612-4800

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 30 December 2024.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME (THIRD)
<i>Appellee,</i>)	
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force	)	27 January 2025
<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 his third enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **8 March 2025**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

On 18 December 2023 and 3-5 June 2024, R. at 1, 69, 483, Appellant was tried by a general court-martial comprised of a military judge sitting alone. R. at 81. Contrary to his pleas, R. at 87, Appellant was found guilty of one charge and two specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ), and one charge and specification of ¹ recent conduct, in violation of Article 134, UCMJ. R. at 424-25. The military judge sentenced Appellant to a bad-conduct discharge,¹ confinement for 12 months, reduction to the pay grade of E-4, and a reprimand. R. at 483. The convening authority took no action with respect to the



GRANTED in its discretion. Convening Authority Decision on Action. Appellant is confined.

30 JAN 2025

¹ The military judge recommended suspension of the bad-conduct discharge. R. at 483. The convening authority did not suspend the bad-conduct discharge. Entry of Judgement at 4.

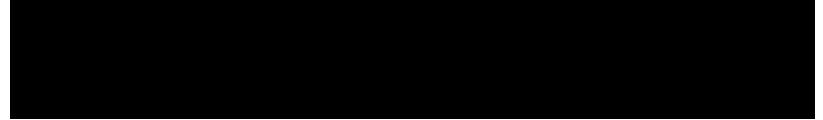
The ROT is six volumes consisting of 14 prosecution exhibits, seven defense exhibit, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,

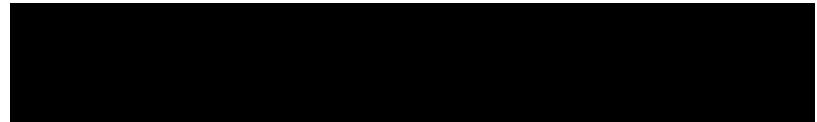


TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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 27 January 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

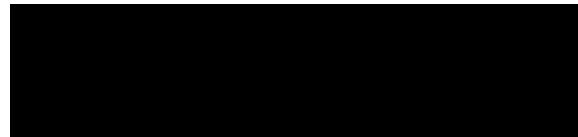
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40671
BRIAN Z. HON, 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.

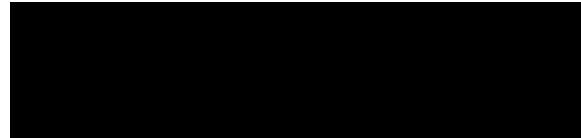
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(240) 612-4800

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 January 2025.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME (FOURTH)
<i>Appellee,</i>)	
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force,	)	27 February 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his fourth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **7 April 2025**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 171 days have elapsed. On the date requested, 210 days will have elapsed.

On 18 December 2023 and 3-5 June 2024, R. at 1, 69, 483, Appellant was tried by a general court-martial comprised of a military judge sitting alone. R. at 81. Contrary to his pleas, R. at 87, Appellant was found guilty of one charge and two specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ), and one charge and specification of indecent conduct, in violation of Article 134, UCMJ. R. at 424-25. The military judge sentenced



Appellant to a bad-conduct discharge,¹ confinement for 12 months, reduction to the pay grade of E-4, and a reprimand. R. at 483. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is confined.

GRANTED

3 MAR 2025

¹ The military judge recommended suspension of the bad-conduct discharge. R. at 483. The convening authority did not suspend the bad-conduct discharge. Entry of Judgement at 4.

The ROT is six volumes consisting of 14 prosecution exhibits, seven defense exhibit, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.

Undersigned counsel is assigned 30 cases, 18 cases are pending initial AOEs before this Court. Two cases before the Court of Appeals for the Armed Forces takes priority over this case: *United States v. Couty* and *United States v. Beyer*. Undersigned counsel has begun research in preparation for a supplement in *Couty*. Undersigned counsel has not yet begun work on *Beyer*. In addition, the following cases before this case take priority over this case:

- 1) *United States v. Barlow*, ACM 40552 – The record of trial is four volumes, consisting of six prosecution exhibits, nine defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 338 pages. Undersigned counsel has completed a review of all unsealed materials. A review of sealed materials will begin next week. A brief, if any, will be filed with this Court no later than 14 March 2025.
- 2) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel has reviewed approximately 850 pages of this record and filed a motion to review sealed materials, which this Court granted. This appellant recently retained civilian counsel. Civilian counsel are in the process of obtaining the record of trial in this case. Additionally, undersigned and civilian counsel will review sealed materials in this case today, 27 February 2025.
- 3) *United States v. Tyson*, ACM 40612 – The record of trial is an electronic record consisting of 924 pages. There are four prosecution exhibits, four defense exhibits, and 11 appellate exhibits. The transcript is 92 pages. Undersigned counsel has not begun a review of this record.

4) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibit, and 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned counsel has not begun a review of this record.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,

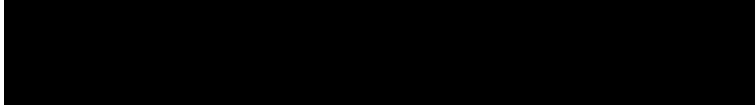


TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

CERTIFICATE OF FILING AND SERVICE

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Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

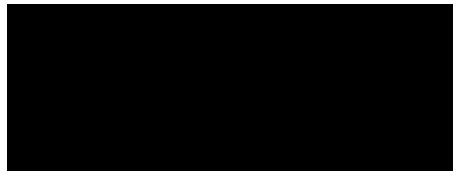
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40671
BRIAN Z. HON, 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.

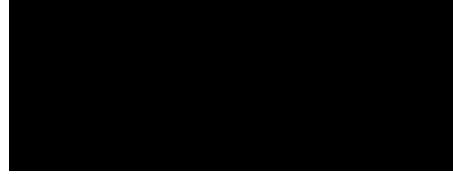
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



THOMAS J. ALFORD, Lt Col, USAFR
Appellate Government Counsel
Government Trial and
Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 28 February 2025.



THOMAS J. ALFORD, Lt Col, USAFR
Appellate Government Counsel
Government Trial and
Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME (FIFTH)
<i>Appellee,</i>)	
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force,	)	25 March 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his fifth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **7 May 2025**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 197 days have elapsed. On the date requested, 240 days will have elapsed.

On 18 December 2023 and 3-5 June 2024, R. at 1, 69, 483, Appellant was tried by a general court-martial comprised of a military judge sitting alone. R. at 81. Contrary to his pleas, R. at 87, Appellant was found guilty of one charge and two specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ), and one charge and specification of indecent conduct, in violation of Article 134, UCMJ. R. at 424-25. The military judge sentenced Appellant to a bad-conduct discharge,¹ confinement for 12 months, reduction to the pay grade of  a reprimand. R. at 483. The convening authority took no action with respect to the sentence. Convening Authority Decision on Action. Appellant is confined.

GRANTED
27 MAR 2025

¹ The military judge recommended suspension of the bad-conduct discharge. R. at 483. The convening authority did not suspend the bad-conduct discharge. Entry of Judgement at 4.

The ROT is six volumes consisting of 14 prosecution exhibits, seven defense exhibit, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.

Undersigned counsel is assigned 29 cases, 17 cases are pending initial AOEs before this Court. One case before the Supreme Court takes priority over this case: *United States v. Kelnhofer*. Undersigned counsel has not begun drafting this petition. Three cases before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: (1) *United States v. Couty*; *United States v. Beyer*; and (3) *United States v. Covitz*. Undersigned counsel has begun research in *Couty* but has not begun drafting; for the remaining CAAF cases, undersigned counsel has not begun work.

In addition, the following cases before this case take priority over this case:

- 1) *United States v. Barlow*, ACM 40552 – The record of trial is four volumes, consisting of six prosecution exhibits, nine defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 338 pages. The Government has sought an enlargement of time to file its Answer on 27 April 2025. If granted, this appellant’s reply would be due on 5 May 2025.
- 2) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel has completed a review of the record. Civilian co-counsel is presently reviewing the record. However, the copy received by the civilian co-counsel from this appellant was heavily redacted. It is unclear why the Government chose to redact non-sealed and non-sensitive information. Regardless, undersigned counsel spent considerable time scanning and sending the unsealed record to

civilian co-counsel. This copy of the record was sent to the civilian co-counsel and it is presently being reviewed.

- 3) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibit, and 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned counsel has not begun a review of this record.
- 4) *United States v. Ehly*, ACM 23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits. The transcript is 183 pages long. Undersigned counsel has not begun a review of this record.
- 5) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has not begun a review of this record.
Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:
 - (1) Appellant has been advised of his right to a timely appeal.
 - (2) Appellant has been advised of this request for enlargement of time.
 - (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
 - (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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
	)	OF TIME
v.)	
)	
	)	Before Panel No. 2
Senior Airman (E-4))	
BRIAN Z. HON,	)	No. ACM 40671
United States Air Force,)	
<i>Appellant.</i>)	
	)	26 March 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
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 26 March 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME (SIXTH)
<i>Appellee,</i>)	
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force,	)	28 April 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his sixth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **6 June 2025**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 231 days have elapsed. On the date requested, 270 days will have elapsed.

On 18 December 2023 and 3-5 June 2024, R. at 1, 69, 483, Appellant was tried by a general court-martial comprised of a military judge sitting alone. R. at 81. Contrary to his pleas, R. at 87, Appellant was found guilty of one charge and two specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ), and one charge and specification of indecent conduct, in violation of Article 134, UCMJ. R. at 424-25. The military judge sentenced Appellant to a bad-conduct discharge,¹ confinement for 12 months, reduction to the pay grade of  and a reprimand. R. at 483. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is confined.

GRANTED
30 APR 2025

¹ The military judge recommended suspension of the bad-conduct discharge. R. at 483. The convening authority did not suspend the bad-conduct discharge. Entry of Judgement at 4.

The ROT is six volumes consisting of 14 prosecution exhibits, seven defense exhibit, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.

Undersigned counsel is assigned 31 cases, 19 cases are pending initial AOEs before this Court. One case before the Supreme Court takes priority over this case: *United States v. Kelnhofer*. Undersigned counsel has completed research but not begun drafting this petition. Three cases before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: (1) *United States v. Washington*; *United States v. Beyer*; and (3) *United States v. Covitz*. Undersigned counsel has begun drafting in *Washington* as well as begun work on the joint appendix. Undersigned counsel has begun research in *Beyer*.

In addition, the following cases before this case take priority over this case:

- 1) *United States v. Barlow*, ACM 40552 – The record of trial is four volumes, consisting of six prosecution exhibits, nine defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 338 pages. The Government's Answer is due on 15 May 2025, with any reply being due on 22 May 2025.
- 2) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel has completed a review of the record. Civilian co-counsel is presently reviewing the record.
- 3) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibit, and 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned counsel has not begun a review of this record, but civilian co-counsel has completed a review of the record.

4) *United States v. Ehly*, ACM 23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits. The transcript is 183 pages long. Undersigned counsel has not begun a review of this record.

5) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has not begun a review of this record.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,

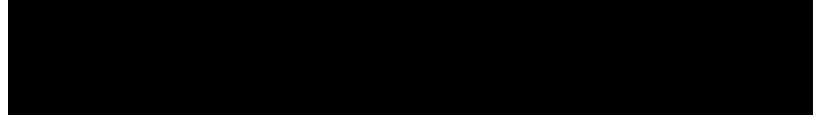
A large black rectangular redaction box covering the signature of Trevor N. Ward.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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 28 April 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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
	)	OF TIME
v.)	
)	
	)	Before Panel No. 2
Senior Airman (E-4))	
BRIAN Z. HON,	)	No. ACM 40671
United States Air Force,)	
<i>Appellant.</i>)	
	)	29 April 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
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 April 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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

UNITED STATES) **No. ACM 40671**
Appellee)
)
 v.)
)
Brian Z. HON)
Senior Airman (E-4))
U.S. Air Force)
Appellant) **Panel 2**

On 27 May 2025, 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, prior filings in this case, case law, and this court's Rules of Practice and Procedure.

Accordingly, it is by the court on this 29th day of May, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (Seventh) is **GRANTED**. Appellant shall file any assignments of error not later than **6 July 2025**.

Further requests by Appellant for enlargements of time may necessitate a status conference.



FOR THE COURT

[Redacted]
OLGA STANFORD, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME(SEVENTH)
<i>Appellee,</i>)	
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force,	)	27 May 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his seventh enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **6 July 2025**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 260 days have elapsed. On the date requested, 300 days will have elapsed.

On 18 December 2023 and 3-5 June 2024, R. at 1, 69, 483, Appellant was tried by a general court-martial comprised of a military judge sitting alone. R. at 81. Contrary to his pleas, R. at 87, Appellant was found guilty of one charge and two specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ), and one charge and specification of indecent conduct, in violation of Article 134, UCMJ. R. at 424-25. The military judge sentenced Appellant to a bad-conduct discharge,¹ confinement for 12 months, reduction to the pay grade of E-1, and a reprimand. R. at 483. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is confined.

¹ The military judge recommended suspension of the bad-conduct discharge. R. at 483. The convening authority did not suspend the bad-conduct discharge. Entry of Judgement at 4.

The ROT is six volumes consisting of 14 prosecution exhibits, seven defense exhibit, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.

Undersigned counsel is assigned 31 cases, 19 cases are pending initial AOEs before this Court. Two cases before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: (1) *United States v. Washington*; and (2) *United States v. Covitz*. The Government's Answer in *Washington* is due on 30 May 2025, with any reply due on 6 June 2025. Undersigned counsel has completed research and has begun drafting the supplement brief in *Covitz*.

In addition, the following cases before this case take priority over this case:

- 1) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel has completed a review of the record. Civilian co-counsel is presently reviewing the record.
- 2) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibit, and 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned counsel has not begun a review of this record, but civilian co-counsel has completed a review of the record.
- 3) *United States v. Ehly*, ACM 23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits. The transcript is 183 pages long. Undersigned counsel has not begun a review of this record.
- 4) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has not begun a review of this record.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,

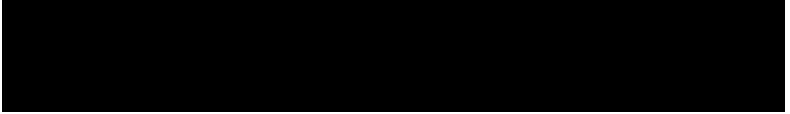


TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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 27 May 2025.

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
	)	Before Panel No. 2
Senior Airman (E-4))	
BRIAN Z. HON,	)	No. ACM 40671
United States Air Force,)	
<i>Appellant.</i>)	
	)	28 May 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 opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If appellant's new delay request is granted, the defense delay in this case will be 300 days in length. Appellant's nearly year long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two-thirds of the 18 months standard for this Court to issue a decision, which only leaves about 8 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

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



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 28 May 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME (EIGHTH)
<i>Appellee,</i>)	
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force,	)	26 June 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his eighth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **5 August 2025**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 290 days have elapsed. On the date requested, 330 days will have elapsed.

On 18 December 2023 and 3-5 June 2024, R. at 1, 69, 483, Appellant was tried by a general court-martial comprised of a military judge sitting alone. R. at 81. Contrary to his pleas, R. at 87, Appellant was found guilty of one charge and two specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ), and one charge and specification of indecent conduct, in violation of Article 134, UCMJ. R. at 424-25. The military judge sentenced Appellant to a bad-conduct discharge,¹ confinement for 12 months, reduction to the pay grade of E-1, and a reprimand. R. at 483. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.



Military judge recommended suspension of the bad-conduct discharge. R. at 483. The authority did not suspend the bad-conduct discharge. Entry of Judgement at 4.

GRANTED
27 JUN 2025

The ROT is six volumes consisting of 14 prosecution exhibits, seven defense exhibit, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.

Undersigned counsel is assigned 34 cases, 21 cases are pending initial AOEs before this Court. One case before the United States Supreme Court takes priority over this case: *United States v. Kelnhofe*. Undersigned counsel has not yet begun work on the petition for writ of certiorari. In addition, two cases before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: (1) *United States v. Washington*; and (2) *United States v. Gibbs*. The reply in *Washington* is due on 27 June 2025. Undersigned and civilian co-counsel are presently drafting the reply. Undersigned counsel has not yet begun work on *Gibbs*.

In addition, the following cases before this case take priority over this case:

- 1) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. The Government has requested an open-ended enlargement for its Answer, which this Court has not yet granted. However, undersigned counsel anticipates a reply brief in this case, ostensibly due seven days after the Government files its answer.
- 2) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibit, and 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned counsel has completed a review of the unsealed record, with the exception of the transcript. Civilian co-counsel has completed a review of the record.
- 3) *United States v. Ehly*, ACM 23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits. The transcript is 183 pages long.

Undersigned counsel has completed a review of the record and has begun drafting an AOE brief.

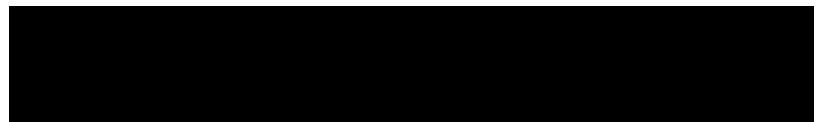
4) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has not begun a review of this record.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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 26 June 2025.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
	)	Before Panel No. 2
Senior Airman (E-4))	
BRIAN Z. HON,	)	No. ACM 40671
United States Air Force,)	
<i>Appellant.</i>)	
	)	27 June 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 opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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

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



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 June 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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

UNITED STATES	)	No. ACM 40671
Appellee)	
)	
v.)	
	)	ORDER
Brian Z. HON)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 25 July 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Ninth) requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

On 30 July 2025, the court held a status conference to discuss the progress of this case. Appellant was represented by Major Trevor N. Ward; Lieutenant Colonel Allen S. Abrams and Mr. Dwight H. Sullivan from the Appellate Defense Division were also present. Major Vanessa Bairois represented the Government. In response to questions from the court, Major Ward provided additional information regarding his current workload. Given his other obligations, Major Ward anticipated Appellant would need to file at least two additional motions for enlargement of time in order to file the assignments of error. Lieutenant Colonel Abrams provided additional information regarding the Appellate Defense Division's workload and manning more generally. Major Bairois maintained the Government's opposition to the motion but did not specifically challenge or dispute any written or oral representation by the Defense.

The court has considered Appellant's motion, the Government's opposition, prior filings and orders in this case, case law, and this court's Rules of Practice and Procedure.

Accordingly, it is by the court on this 30th day of July, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (Ninth) is **GRANTED**. Appellant shall file any assignments of error not later than **4 September 2025**.



FOR THE COURT

[REDACTED]
AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME (NINTH)
<i>Appellee,</i>)	
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force,	)	25 July 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his ninth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **4 September 2025**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 319 days have elapsed. On the date requested, 360 days will have elapsed.

On 18 December 2023 and 3-5 June 2024, R. at 1, 69, 483, Appellant was tried by a general court-martial comprised of a military judge sitting alone. R. at 81. Contrary to his pleas, R. at 87, Appellant was found guilty of one charge and two specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ), and one charge and specification of indecent conduct, in violation of Article 134, UCMJ. R. at 424-25. The military judge sentenced Appellant to a bad-conduct discharge,¹ confinement for 12 months, reduction to the pay grade of E-1, and a reprimand. R. at 483. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

¹ The military judge recommended suspension of the bad-conduct discharge. R. at 483. The convening authority did not suspend the bad-conduct discharge. Entry of Judgement at 4.

The ROT is six volumes consisting of 14 prosecution exhibits, seven defense exhibit, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.

Undersigned counsel is assigned 34 cases, 21 cases are pending initial AOEs before this Court. Four cases before the United States Supreme Court take priority over this case: (1) *United States v. Beyer*; (2) *United States v. Covitz*; (3) *United States v. Pulley*; and (4) *United States v. Arizpe*. Undersigned counsel has not begun work on any of these petitions. Additionally, two cases before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: (1) *United States v. Gibbs*; and (2) *United States v. Barlow*. Drafting is nearly complete in *Gibbs* and undersigned counsel has completed research in *Barlow*.

In addition, the following cases before this case take priority over this case:

- 1) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel is awaiting the Government’s answer.
- 2) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibit, and 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned and civilian co-counsel have completed a review of this case. However, drafting has not yet begun.
- 3) *United States v. Ehly*, ACM 23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits. The transcript is 183 pages long. Undersigned counsel is awaiting the Government’s answer.
- 4) *United States v. Sawyer*, ACM 40670 – The record of trial is five volumes consisting of 10 prosecution exhibits, 16 defense exhibits, and 25 appellate exhibits. The transcript is

245 pages long. Undersigned counsel has completed a review of the record, identified several potential errors, and has begun research and drafting.

5) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has not begun a review of this record.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,

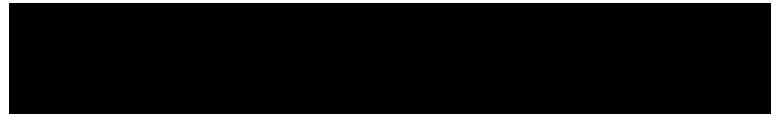


TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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 July 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
	)	Before Panel No. 2
Senior Airman (E-4))	
BRIAN Z. HON,	)	No. ACM 40671
United States Air Force,)	
<i>Appellant.</i>)	
	)	25 July 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 opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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

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



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 25 July 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME (TENTH)
<i>Appellee,</i>)	
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force,	)	26 August 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his tenth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **4 October 2025**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 351 days have elapsed. On the date requested, 390 days will have elapsed.

On 18 December 2023 and 3-5 June 2024, R. at 1, 69, 483, Appellant was tried by a general court-martial comprised of a military judge sitting alone. R. at 81. Contrary to his pleas, R. at 87, Appellant was found guilty of one charge and two specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ), and one charge and specification of indecent conduct, in violation of Article 134, UCMJ. R. at 424-25. The military judge sentenced Appellant to a bad-conduct discharge,¹ confinement for 12 months, reduction to the pay grade of E-1, and a reprimand. R. at 483. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

¹  Judge recommended suspension of the bad-conduct discharge. R. at 483. The court did not suspend the bad-conduct discharge. Entry of Judgement at 4.

The ROT is six volumes consisting of 14 prosecution exhibits, seven defense exhibit, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.

Undersigned counsel is assigned 25 cases, 11 cases are pending initial AOEs before this Court. Three cases before the United States Supreme Court take priority over this case: (1) *United States v. Beyer*; (2) *United States v. Covitz*; (3) *United States v. Pulley*.² Undersigned counsel has not begun work on any of these petitions. One case before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: *United States v. Barlow*. Undersigned counsel was preparing a brief in *Barlow*. However, newly discovered, potentially exculpatory evidence was presented to undersigned counsel last week. This required an extension request for the supplement brief and additional post-trial discovery work on the part of undersigned counsel, to include interviewing various witnesses.

In addition, the following cases before this case take priority over this case:

- 1) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibit, and 24 appellate exhibits, and one court exhibit. This brief was filed last week and the Government’s Answer is due on 15 September 2025. Any reply will be due on 22 September 2025.
- 2) *United States v. Sawyer*, ACM 40670 – The record of trial is five volumes consisting of 10 prosecution exhibits, 16 defense exhibits, and 25 appellate exhibits. The transcript is 245 pages long. Undersigned counsel has completed a draft brief in this case, and it will be filed this week.

² Appellant’s Motion for EOT (Ninth) included a fourth case at the Supreme Court which took priority over this case: *United States v. Arizpe*. However, since that filing, that appellant has joined a group petition on unanimous verdict. Undersigned counsel is not counsel of record for that petition, but will likely still have administrative duties related to that petition, such as compiling lower court opinions, formatting those opinions, and creating a summary of the case.

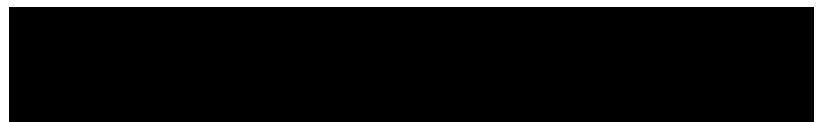
3) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has not begun a review of this record but this Court ordered that future enlargements in this case will be looked above disfavorably.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,

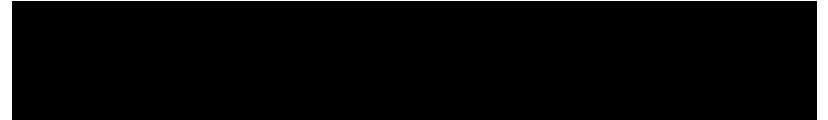
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TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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 26 August 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
	)	Before Panel No. 2
Senior Airman (E-4))	
BRIAN Z. HON,	)	No. ACM 40671
United States Air Force,)	
<i>Appellant.</i>)	
	)	26 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 opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over 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 390 days in length. Appellant's over a 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 months standard for this Court to issue a decision, which only leaves about 5 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

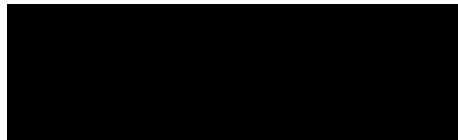
WHEREFORE, the United States respectfully requests that this Court deny Appellant's
enlargement motion.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 26 August 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
	)	(ELEVENTH)
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force,	)	26 September 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his eleventh enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **3 November 2025**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 382 days have elapsed. On the date requested, 420 days will have elapsed.

On 18 December 2023 and 3-5 June 2024, R. at 1, 69, 483, Appellant was tried by a general court-martial comprised of a military judge sitting alone. R. at 81. Contrary to his pleas, R. at 87, Appellant was found guilty of one charge and two specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ), and one charge and specification of indecent conduct, in violation of Article 134, UCMJ. R. at 424-25. The military judge sentenced Appellant to a bad-conduct discharge,¹ confinement for 12 months, reduction to the pay grade of

¹ The military judge recommended suspension of the bad-conduct discharge. R. at 483. The convening authority did not suspend the bad-conduct discharge. Entry of Judgement at 4.

E-1, and a reprimand. R. at 483. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The ROT is six volumes consisting of 14 prosecution exhibits, seven defense exhibit, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.

Undersigned counsel is assigned 25 cases, 11 cases are pending initial AOEs before this Court. Three cases before the United States Supreme Court take priority over this case: (1) *United States v. Beyer*; (2) *United States v. Covitz*; (3) *United States v. Pulley*. Undersigned counsel has not begun work on any of these petitions and counsel has sought extensions on these petitions based on the undersigned counsel's case at the Court of Appeals for the Armed Forces.

One case before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: *United States v. Barlow*. Undersigned counsel was preparing a brief in *Barlow*. However, newly discovered, potentially exculpatory evidence was presented to undersigned counsel. Undersigned counsel has conducted witness interviews and is currently researching to determine an appropriate course of action. This work required two extension requests at the CAAF.

In addition, the following cases before this case take priority over this case:

- 1) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibit, and 24 appellate exhibits, and one court exhibit. The Government sought and obtained a second enlargement in this case; its answer is due 6 October 2025. Any reply is due on 13 October 2025.
- 2) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has reviewed the record and identified several errors. Undersigned counsel has also begun research. However, in the course of that research,

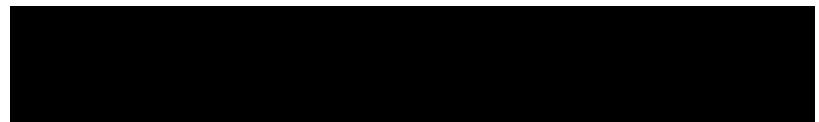
undersigned counsel determined that an expert in forensic toxicology was necessary. That request is pending approval.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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 26 September 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
	)	Before Panel No. 2
Senior Airman (E-4))	
BRIAN Z. HON,	)	No. ACM 40671
United States Air Force,)	
<i>Appellant.</i>)	
	)	29 September 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 opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over 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 420 days in length. Appellant's over a 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 months standard for this Court to issue a decision, which only leaves about 4 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

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



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 September 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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

UNITED STATES	)	No. ACM 40671
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Brian Z. HON)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 26 September 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Eleventh) 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. At this point Appellant's counsel has already requested nearly a year of enlargements of time in order to review and prepare a brief of Appellant's case.

Accordingly, it is by the court on this 29th day of September, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (Eleventh) is **GRANTED**. Appellant shall file any assignments of error not later than 3 November 2025.

Appellant's counsel is advised that given the nature of this case and the number of enlargements granted thus far, no further enlargement of time will be granted absent exceptional circumstances.



FOR THE COURT

[REDACTED]

JACOB B. HOEFERKAMP, *Capt*, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION TO ATTACH	
	<i>Appellee,</i>	)	APPENDIX
)	
)	
	v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671	
BRIAN Z. HON,)		
United States Air Force,	)	26 October 2025	
	<i>Appellant.</i>)	

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

Pursuant to Rules 23.3(b) of this Honorable Court's Rules of Practice and Procedure, Appellant moves to attach the Appendix to this motion to the record of trial. The Appendix is a declaration from Lieutenant Colonel Allen Abrams, Deputy Chief of the Appellate Defense Division. The declaration outlines the manning and workload challenges facing the Appellate Defense Division.

This declaration is relevant and necessary for two reasons: (1) to substantiate exceptional circumstances to comply with this Court's order; and (2) demonstrate that the post-trial delay in this case is caused by the Government's failure to adequately staff the Appellate Defense Division and this Court's failure to request additional personnel be assigned.

WHEREFORE, Appellant requests this Court grant this motion to attach.

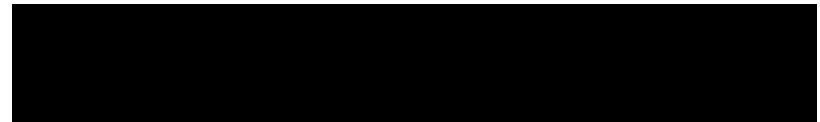
Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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 26 October 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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

UNITED STATES	)	No. ACM 40671
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Brian Z. HON)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 26 October 2025, Appellant submitted a motion to attach the following document to the record; specifically, a declaration from Lieutenant Colonel Allen Abrams, Deputy Chief of the Appellate Defense Division, which outlines the manning and workload challenges facing the Appellate Defense Division. The Government did not file a response to the motion.

The court has considered Appellant's motion and the applicable law. The court grants Appellant's motion; however, it specifically defers consideration of the applicability of *United States v. Jessie*, 79 M.J. 437 (C.A.A.F. 2020), and related case law to the attachment until it completes its Article 66, Uniform Code of Military Justice, 10 U.S.C. § 866, review of Appellant's entire case.

Accordingly, it is by the court on this 12th day of November 2025,

ORDERED:

Appellant's Motion to Attach is **GRANTED**.



FOR THE COURT

[Redacted signature box]

JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

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

UNITED STATES	)	No. ACM 40671
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Brian Z. HON)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 28 October 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Twelfth) requesting an additional 30 days to submit Appellant's assignments of error. Appellant avers that exceptional circumstances exist in this case due to "(1) the number of cases older than Appellant's on undersigned counsel's docket; (2) the [number] of cases on undersigned counsel's docket before the [United States Court of Appeals for the Armed Forces (CAAF)] and the Supreme Court of the United States; and (3) the staffing shortages at the Appellate Defense Division coupled with a severe increase in workload." The Government opposed the motion and notes that "[i]f Appellant's new delay request is granted, the defense delay in this case will be 450 days in length."

On 2 November 2025, the court held a status conference to discuss the progress of this case. Appellant was represented by Major (Maj) Trevor Ward; Mr. Dwight Sullivan from the Appellate Defense Division was also present. Maj Kate E. Lee represented the Government. In response to questions from the court, Maj Ward provided additional information regarding his current workload before the United States Supreme Court, the CAAF, and this court. Maj Ward indicated that he had two additional cases in front of Appellant's case that takes precedence over this case and with his current workload he did not anticipate being able to prepare a brief until after Christmas. Maj Ward also indicated he had not begun reviewing Appellant's case. Mr. Sullivan indicated that he had reviewed Appellant's motion for a twelfth enlargement of time prior to the meeting and was aware of the information raised by Maj Ward. Maj Lee did not dispute any representation made by the Defense and maintains the arguments raised in her opposition to Appellant's motion.

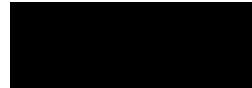
Accordingly, it is by the court on this 3d day of November, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (Twelfth) is **GRANTED**. Appellant shall file any assignments of error not later than **3 December 2025**.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
	)	(TWELFTH)
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force,	)	26 October 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his twelfth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **3 December 2025**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 412 days have elapsed. On the date requested, 450 days will have elapsed.

On 18 December 2023 and 3-5 June 2024, R. at 1, 69, 483, Appellant was tried by a general court-martial comprised of a military judge sitting alone. R. at 81. Contrary to his pleas, R. at 87, Appellant was found guilty of one charge and two specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ), and one charge and specification of indecent conduct, in violation of Article 134, UCMJ. R. at 424-25. The military judge sentenced Appellant to a bad-conduct discharge,¹ confinement for 12 months, reduction to the pay grade of

¹ The military judge recommended suspension of the bad-conduct discharge. R. at 483. The convening authority did not suspend the bad-conduct discharge. Entry of Judgement at 4.

E-1, and a reprimand. R. at 483. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The ROT is six volumes consisting of 14 prosecution exhibits, seven defense exhibit, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.

Undersigned counsel is assigned 27 cases, 9 cases are pending initial AOEs before this Court. Three cases before the United States Supreme Court take priority over this case: (1) *United States v. Beyer*; (2) *United States v. Covitz*; (3) *United States v. Pulley*. Undersigned counsel has not begun drafting in *Beyer* and *Covitz*. All three petitions are due to the Supreme Court in late November and early December.

One case before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: *United States v. Cooley*. Undersigned counsel received this case as a transfer from another attorney who has left the division. He has reviewed the record and has begun work on the supplement brief to the CAAF.

In addition, the following cases before this case take priority over this case:

- 1) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibit, and 24 appellate exhibits, and one court exhibit. The reply is due on 3 November 2025. Undersigned counsel has begun research on this reply.
- 2) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has reviewed the record and identified several errors. Undersigned counsel has also begun research and started drafting on some of those errors. However, in the course of research, undersigned counsel determined that an expert in

forensic toxicology was necessary. The Government denied that request, so this appellant will be moving this Court to compel production of an expert.

On 29 September 2025, this Court ordered that no additional enlargements would be granted absent exceptional circumstances. Exceptional circumstances exist in this case. They are: (1) the number of cases older than Appellant's on undersigned counsel's docket; (2) the of cases on undersigned counsel's docket before the CAAF and the Supreme Court of the United States; and (3) the staffing shortages at the Appellate Defense Division coupled with a severe increase in workload.

As noted in *United States v. May*, 47 M.J. 478, 481 (C.A.A.F. 1998), there is no substitute for the briefing by appellate defense counsel on behalf of an individual appellant, even considering this Court's broad mandate for independent review. Appellant requested representation under Article 70, UCMJ, when he elected to appeal. Undersigned counsel's limited progress so far is not due to an unwillingness to familiarize himself with the case or file a brief raising substantive issues, nor is it a deliberate tactical decision in order to create an appellate issue. *See United States v. Roach*, 66 M.J. 410, 418 (C.A.A.F. 2008).

Undersigned counsel regularly examines his docket with supervisory counsel to assess the possibility of assigning substitute counsel to expedite review of Appellant's case. However, no such substitute counsel has been identified due to the Appellate Defense Division's workload. Further, the division currently does not have a paralegal working in the office, which requires appellate counsel to format Supreme Court filings—a task that takes substantial time to complete. For a more detailed accounting of the staffing shortages at the Appellate Defense Division, our dramatically increased workload, and the attempts to mitigate these problems, please see the attached appendix. *See generally* Mot. to Atch., App'x A.

Because of mission needs, undersigned counsel has not taken leave without working substantial hours (i.e., more than five hours each day) since becoming an area defense counsel in November of 2021 (four years ago). As articulated in several motions to this Court in the Fall and Winter of 2024 and 2025, this has seriously impacted undersigned counsel's health and work product. *See, e.g., United States v. Barlow*, No. ACM 40552, (order granting motion for enlargement of time (tenth)), at 4-5.

Counsel simply cannot work faster without sacrificing his competent representation, which he owes to his clients. For example, in *United States v. Gibbs*, this Court thought it appropriate to deny an enlargement of time when assigned appellate counsel had not begun a review of the record. No. ACM 40523, slip op. at 21 (A.F. Ct. Crim. App. May 20, 2025). As this Court noted, its denial of that enlargement resulted in subpar representation. *See id.* at 23 n.10 (acknowledging that this Court identified an error that assigned appellate defense counsel failed to identify). As in *Gibbs*, this Court cannot deny this enlargement without sacrificing Appellant's right to effective representation.

In addition to the above workload, undersigned counsel was selected to serve as the backfill director of staff for the military justice and discipline directorate. In the previous EOT period for this case, that required one week of work to be trained and fill that position.

This Court has authority to ask the Judge Advocate General to provide the appellate defense division with additional manning. *Roach*, 66 M.J. at 418. It has failed to do so, despite this division's repeated requests. Instead, it has denied enlargements of time resulting in deficient performance of counsel. *See Gibbs*, slip. op. at 21. This Court should not deprive appellants of their constitutional right to counsel who, due to no fault of their own, have had their appeals

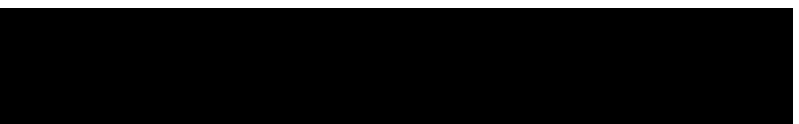
substantially delayed by the Government's failure to adequately staff this division. This Court can and should request additional personnel be assigned before ever considering denying an EOT.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown. Should this Court believe denial of this motion is appropriate, undersigned counsel requests a status conference.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Trevor N. Ward.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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 26 October 2025.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	Before Panel No. 2
BRIAN Z. HON,)	
United States Air Force,	)	No. ACM 40671
<i>Appellant.</i>)	
	)	28 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 opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over 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 450 days in length. Appellant's over 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 more than two thirds of the 18 month standard for this Court to issue a decision, which only leaves about 3 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record at this late stage in the process.

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



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4804

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 28 October 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4804

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
	)	(THIRTEENTH)
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force,	)	24 November 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his thirteenth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **2 January 2026**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 441 days have elapsed. On the date requested, 480 days will have elapsed.

On 18 December 2023 and 3-5 June 2024, R. at 1, 69, 483, Appellant was tried by a general court-martial comprised of a military judge sitting alone. R. at 81. Contrary to his pleas, R. at 87, Appellant was found guilty of one charge and two specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ), and one charge and specification of

 conduct, in violation of Article 134, UCMJ. R. at 424-25. The military judge sentenced Appellant to a bad-conduct discharge,¹ confinement for 12 months, reduction to the pay grade of

GRANTED

26 Nov 2025

¹ The military judge recommended suspension of the bad-conduct discharge. R. at 483. The convening authority did not suspend the bad-conduct discharge. Entry of Judgement at 4.

E-1, and a reprimand. R. at 483. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The ROT is six volumes consisting of 14 prosecution exhibits, seven defense exhibit, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.

Undersigned counsel is assigned 27 cases, 9 cases are pending initial AOEs before this Court. Three cases before the United States Supreme Court take priority over this case: (1) *United States v. Beyer*; (2) *United States v. Covitz*; (3) *United States v. Pulley*. Undersigned counsel has not begun drafting in *Beyer* and *Covitz*. All three petitions are due to the Supreme Court in late November and early December.

One case before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: *United States v. Cooley*. One case before the United States Supreme Court take priority over this case: *United States v. Pulley*. Since the last EOT in this case, undersigned counsel has completed drafting in two Supreme Court cases (*Beyer* and *Covitz*). Those petitions are pending filing at the Supreme Court. Undersigned counsel is the lead attorney in *Pulley*, which consolidates another case, *United States v. Folts*. Undersigned counsel plans to have this filing drafted by the end of the Thanksgiving holiday.

In addition, the following case before this case take priority over this case: *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has completed a review of this record, identified several errors, and has begun drafting. Additionally, one of the assignments of error likely requires the appointment of a confidential expert consultant. Undersigned counsel has moved this Court to compel the Government to appoint such an expert.

On 29 September 2025, this Court ordered that no additional enlargements would be granted absent exceptional circumstances. Exceptional circumstances exist in this case. They are: (1) the number of cases older than Appellant's on undersigned counsel's docket; (2) the of cases on undersigned counsel's docket before the CAAF and the Supreme Court of the United States; and (3) the staffing shortages at the Appellate Defense Division coupled with a severe increase in workload.

As noted in *United States v. May*, 47 M.J. 478, 481 (C.A.A.F. 1998), there is no substitute for the briefing by appellate defense counsel on behalf of an individual appellant, even considering this Court's broad mandate for independent review. Appellant requested representation under Article 70, UCMJ, when he elected to appeal. Undersigned counsel's limited progress so far is not due to an unwillingness to familiarize himself with the case or file a brief raising substantive issues, nor is it a deliberate tactical decision in order to create an appellate issue. *See United States v. Roach*, 66 M.J. 410, 418 (C.A.A.F. 2008).

Undersigned counsel regularly examines his docket with supervisory counsel to assess the possibility of assigning substitute counsel to expedite review of Appellant's case. However, no such substitute counsel has been identified due to the Appellate Defense Division's workload. Further, the division currently does not have a paralegal working in the office, which requires appellate counsel to format Supreme Court filings—a task that takes substantial time to complete. For a more detailed accounting of the staffing shortages at the Appellate Defense Division, our dramatically increased workload, and the attempts to mitigate these problems, please see the attached appendix. *See generally* Mot. to Atch., App'x A.

Because of mission needs, undersigned counsel has not taken leave without working substantial hours (i.e., more than five hours each day) since becoming an area defense counsel in

November of 2021 (four years ago). As articulated in several motions to this Court in the Fall and Winter of 2024 and 2025, this has seriously impacted undersigned counsel's health. *See, e.g.*, *United States v. Barlow*, No. ACM 40552, (order granting motion for enlargement of time (tenth)), at 4-5.

Counsel simply cannot work faster without sacrificing his competent representation, which he owes to his clients. For example, in *United States v. Gibbs*, this Court thought it appropriate to deny an enlargement of time when assigned appellate counsel had not begun a review of the record. No. ACM 40523, slip op. at 21 (A.F. Ct. Crim. App. May 20, 2025). As this Court noted, its denial of that enlargement resulted in subpar representation. *See id.* at 23 n.10 (acknowledging that this Court identified an error that assigned appellate defense counsel failed to identify). As in *Gibbs*, this Court cannot deny this enlargement without sacrificing Appellant's right to effective representation.

In addition to his duties at the appellate defense division, undersigned counsel was selected to serve as the backfill director of staff for the military justice and discipline directorate. This position has required several days of training and the performance of backfill duties, which have taken undersigned counsel away from his appellate duties. Further, undersigned counsel anticipates serving as the backfill director around and during the Christmas holiday. However, exact dates are not yet known.

This Court has authority to ask the Judge Advocate General to provide the appellate defense division with additional manning. *Roach*, 66 M.J. at 418. It has failed to do so, despite this division's repeated requests. Instead, it has denied enlargements of time resulting in deficient performance of counsel. *See Gibbs*, slip. op. at 21. This Court should not deprive appellants of their constitutional right to counsel who, due to no fault of their own, have had their appeals

substantially delayed by the Government's failure to adequately staff this division. This Court can and should request additional personnel be assigned before ever considering denying an EOT.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. Undersigned counsel has been diligently working other matters older than Appellant's. During the last enlargement period, undersigned counsel completed the following:

- (1) A petition for writ of certiorari in *United States v. Beyer*;
- (2) A petition for writ of certiorari in *United States v. Covitz*;
- (3) A supplement brief to the Court of Appeals for the Armed Forces in *United States v. Cooley*, which also included reviewing over 1,000 pages of a record because undersigned counsel inherited this case from another military attorney;
- (4) A reply to a Government motion for reconsideration in *United States v. Echasluse*, which also required reviewing over 1,000 pages of record because undersigned counsel inherited this case from another military attorney;
- (5) A first draft review of six filings from other attorneys in the Appellate Defense Division, amounting to 141 pages reviewed; and
- (6) Participating in four moot argument for oral arguments at the Court of Appeals for the Armed Forces.

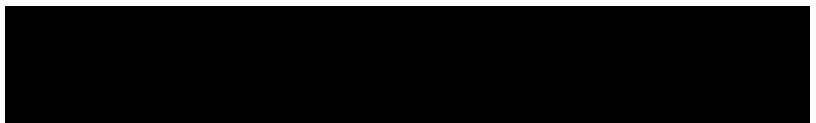
An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this request for enlargement of time.

- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown. Should this Court believe denial of this motion is appropriate, undersigned counsel requests a status conference.

Respectfully submitted,

A large black rectangular redaction box covering the signature of the attorney.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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 24 November 2025.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 2
Senior Airman (E-4))	
BRIAN Z. HON,	)	No. ACM 40671
United States Air Force.)	
<i>Appellant</i>	)	26 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 opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over 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 480 days in length. Appellant's over 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 more than two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 2 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

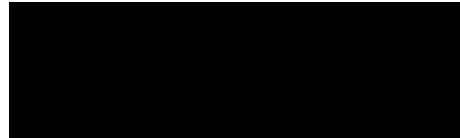
WHEREFORE, the United States respectfully requests that this Court deny Appellant's
enlargement motion.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 26 November 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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

UNITED STATES	)	No. ACM 40671
<i>Appellee</i>)	
)	
v.)	
	)	NOTICE OF PANEL
Brian Z. HON	)	CHANGE
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>)	

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

ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from Panel 2 and referred to Panel 1 for appellate review.

This panel letter supersedes all previous panel assignments.



FOR THE COURT

JACOB B. HOEFERKAMP, *Capt*, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
	)	(FOURTEENTH)
)	
v.	)	Before Panel 1
)	
Senior Airman (E-4)	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force,	)	23 December 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his fourteenth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 7 days, which will end on **12 January 2026**. This case was docketed with this Court on 9 September 2024. From the date of docketing to the present date, 470 days have elapsed. On the date requested, 490 days will have elapsed.

On 18 December 2023 and 3-5 June 2024, R. at 1, 69, 483, Appellant was tried by a general court-martial comprised of a military judge sitting alone. R. at 81. Contrary to his pleas, R. at 87, Appellant was found guilty of one charge and two specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ), and one charge and specification of indecent conduct, in violation of Article 134, UCMJ. R. at 424-25. The military judge sentenced Appellant to a bad-conduct discharge,¹ confinement for 12 months, reduction to the pay grade of



GRANTED
30 DEC 2025

¹ The military judge recommended suspension of the bad-conduct discharge. R. at 483. The convening authority did not suspend the bad-conduct discharge. Entry of Judgement at 4.

E-1, and a reprimand. R. at 483. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The ROT is six volumes consisting of 14 prosecution exhibits, seven defense exhibit, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.

Undersigned counsel is assigned 26 cases, 11 cases are pending initial AOEs before this Court. No case before any court has priority over this case. Undersigned counsel believes that he can complete research, consultation with his client, and drafting of any assignments of error before the 2 January 2025 deadline. But, due to the Christmas and New Year holiday, this seven day extension will ensure that delays in communications between Appellant and the undersigned counsel, as well as delays in internal review of any drafted product, will not interfere with a timely filing.

On 29 September 2025, this Court ordered that no additional enlargements would be granted absent exceptional circumstances. Exceptional circumstances exist in this case. They are: (1) the number of cases older than Appellant's on undersigned counsel's docket; (2) the of cases on undersigned counsel's docket before the CAAF and the Supreme Court of the United States; and (3) the staffing shortages at the Appellate Defense Division coupled with a severe increase in workload.

As noted in *United States v. May*, 47 M.J. 478, 481 (C.A.A.F. 1998), there is no substitute for the briefing by appellate defense counsel on behalf of an individual appellant, even considering this Court's broad mandate for independent review. Appellant requested representation under Article 70, UCMJ, when he elected to appeal. Undersigned counsel's limited progress so far is not due to an unwillingness to familiarize himself with the case or file a brief raising substantive issues,

nor is it a deliberate tactical decision in order to create an appellate issue. *See United States v. Roach*, 66 M.J. 410, 418 (C.A.A.F. 2008).

Undersigned counsel regularly examines his docket with supervisory counsel to assess the possibility of assigning substitute counsel to expedite review of Appellant's case. However, no such substitute counsel has been identified due to the Appellate Defense Division's workload. Further, the division currently does not have a paralegal working in the office, which requires appellate counsel to format Supreme Court filings—a task that takes substantial time to complete. For a more detailed accounting of the staffing shortages at the Appellate Defense Division, our dramatically increased workload, and the attempts to mitigate these problems, please see the attached appendix. *See generally* Mot. to Atch., App'x A.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. Undersigned counsel has been diligently working other matters older than Appellant's, as well as diligently working on this case. At present, undersigned counsel has completed a review of the record, identified several potential errors, and is conducting research on those errors.

An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding those potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown. Should this Court believe denial of this motion is appropriate, undersigned counsel requests a status conference.

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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 23 December 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
BRIAN Z. HON,	)	No. ACM 40671
United States Air Force.)	
<i>Appellant</i>	)	29 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 opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over 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 490 days in length. Appellant's over 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 more than two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 2 months combined for the United States and this Court to perform their separate statutory responsibilities.

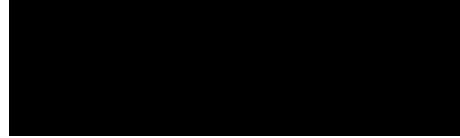
WHEREFORE, the United States respectfully requests that this Court deny Appellant's
enlargement motion.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 December 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION TO WITHDRAW FROM
	)	APPELLATE REVIEW AND
<i>Appellee,</i>	)	MOTION TO ATTACH
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40671
BRIAN Z. HON,)	
United States Air Force,	)	12 January 2026
<i>Appellant.</i>)	

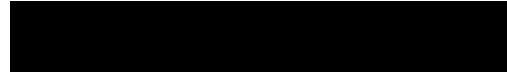
**TO THE HONORABLE, THE JUDGES OF THE
UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

Pursuant to Rule 16 of this Honorable Court's Rules of Practice and Procedure, and Rule for Courts-Martial (R.C.M.) 1115, Appellant hereby moves to withdraw his case from appellate review. Appellant has fully consulted with Maj Trevor N. Ward, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promises of clemency, or otherwise to withdraw his case from appellate review.

Further, pursuant to Rules 23(b) and 23.3(b) of this Honorable Court's Rules of Practice and Procedure, undersigned counsel asks this Court to attach the two-page document appended to this pleading to Appellant's Record of Trial. The appended document is a Department of Defense Form 2330, signed by Appellant and undersigned counsel. The appended document is necessary to comply with R.C.M. 1115(d) and Rule 16.1 of this Honorable Court's Rules of Practice and Procedure.

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

Respectfully submitted,

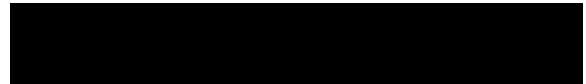


TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807

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 12 January 2026.

Respectfully submitted,

A rectangular black box used to redact a handwritten signature.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force
(240) 612-2807