



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

<b>UNITED STATES</b>	)	<b>APPELLANT'S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(FIRST)</b>
v.	)	
	)	Before Panel No. 1
Senior Airman (E-4)	)	
<b>GREGORY V. HOVERSTEN</b>	)	No. ACM S32711
United States Air Force	)	
<i>Appellant</i>	)	17 November 2021

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

Pursuant to Rule 23.3(m) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Errors. Appellant requests an enlargement of time for a period of 60 days, which will end on 21 January 2021. The record of trial was docketed with this Court on 23 September 2021. From the date of docketing to the present date, 53 days have elapsed. On the date requested, 120 days will have elapsed.

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

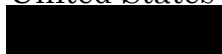
  
RYAN S. CRNKOVICH, Capt, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force  


CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Appellate Government Division on 17 November 2021.



Appellate Defense Counsel  
AF/JAJA  
United States Air Force



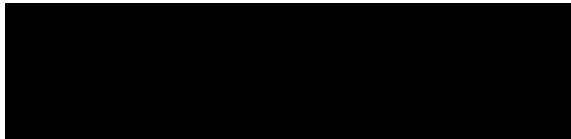
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM S32711
GREGORY V. HOVERSTEN, USAF,	)	
<i>Appellant.</i>	)	Panel No. 1
	)	

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

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

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

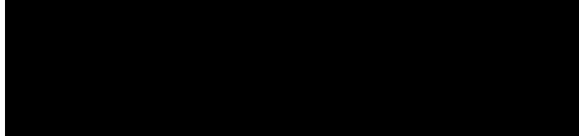


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 17 November 2021.



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



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

<b>UNITED STATES</b>	)	<b>APPELLANT'S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(SECOND)</b>
v.	)	
	)	Before Panel No. 1
Senior Airman (E-4)	)	
<b>GREGORY V. HOVERSTEN</b>	)	No. ACM S32711
United States Air Force	)	
<i>Appellant</i>	)	13 January 2022

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

Pursuant to Rule 23.3(m) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Errors. Appellant requests an enlargement of time for a period of 30 days, which will end on 20 February 2022. The record of trial was docketed with this Court on 23 September 2021. From the date of docketing to the present date, 112 days have elapsed. On the date requested, 150 days will have elapsed.



On 25 May 2021, Appellant was tried before a special court-martial consisting of a military judge sitting alone. Record of Trial (ROT) at Vol. 1 – Entry of Judgment, dated 15 June 2021 (EOJ). Consistent with his pleas, and pursuant to a plea agreement, Appellant was convicted of: one charge and specification of child endangerment in violation of Article 119b, UCMJ; one charge and specification of aggravated assault with a force likely to produce death or grievous bodily harm in violation of Article 128, UCMJ (prior to 1 January 2019); and one charge and five

specifications alleging violations of Article 128, UCMJ (post 1 January 2019). ROT at Vol. 1 – EOJ; Appellate Exhibit (App. Ex.) IV.

The military judge sentenced Appellant to a combined total of 11 months confinement, reduction to the grade of E-1, and to be discharged from the service with a bad-conduct discharge. R. at 207. By memorandum dated 4 June 2021, the Convening Authority took no action on Appellant's case. ROT at Vol. 1 – Convening Authority Decision on Action, dated 4 June 2021. The Convening Authority suspended Appellant's rank reduction for two months or until the expiration of his term of service, whichever occurred sooner. *Id.* He also waived \$1,886.00 pay per month of the automatic forfeitures Appellant incurred for a period of two months or until the expiration of his term of service, whichever occurred sooner. *Id.* Of this \$1,886.00, the sum of \$1,414.00 was directed to be paid to Appellant's spouse and the remaining sum of \$472 was to be paid to the legal guardian of one of Appellant's dependent children. *Id.* The military judge did not otherwise take any additional action on the sentence. *Id.*

The ROT consists of three volumes. There was one written motion filed. The transcript is 209 pages. There are 11 prosecution exhibits, one defense exhibit, seven appellate exhibits, and two court exhibits. Through no fault of Appellant, undersigned counsel has been working other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

  
RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force  


CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Appellate Government Division on 13 January 2022.



RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force





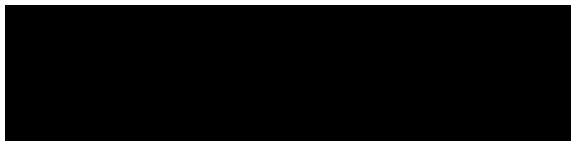
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM S32711
GREGORY V. HOVERSTEN, USAF,	)	
<i>Appellant.</i>	)	Panel No. 1
	)	

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

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

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

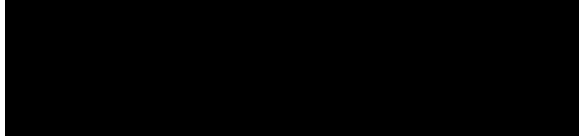


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 18 January 2022.



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



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

)  
)  
)  
)  
)  
)  
)  
)

**NOTICE OF PANEL  
CHANGE**

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

**ORDERED:**


The following records of trial are withdrawn from Panel 3 and referred to Panel 2 for appellate review.

- |   |                |
|---|----------------|
| 1. United States v. Reid, Blake A.                | No. ACM S32680 |
| 2. United States v. Guihama, Jonel H.             | No. ACM 40039  |
| 3. United States v. Behunin, Mellodee L.          | No. ACM S32684 |
| 4. United States v. Guereca Torres, Nestor J.     | No. ACM S32688 |
| 5. United States v. Dominguez-Garcia, Jennesis V. | No. ACM S32694 |
| 6. United States v. Pacheco, Lucero               | No. ACM S32697 |
| 7. United States v. Jones, Maxwell A.             | No. ACM 40113  |
| 8. United States v. Little II, Terrance           | No. ACM 40121  |
| 9. United States v. Payan, Christian D.           | No. ACM 40132  |
| 10. United States v. Reimers, Michael G.          | No. ACM 40141  |
| 11. United States v. Heard, Daesha R.             | No. ACM 40159  |
| 12. United States v. Suarez, Alejandro            | No. ACM S32708 |
| 13. United States v. Hoversten, Gregory V.        | No. ACM S32711 |
| 14. United States v. Valentin-Andino, Michael A.  | No. ACM 40185  |
| 15. United States v. Lindner, Richard H.          | No. ACM S32715 |
| 16. United States v. Raver, Michael S.            | No. ACM 40197  |
| 17. United States v. Williamson, Tyler J.         | No. ACM 40211  |
| 18. United States v. Wells, Deshaun L.            | No. ACM 40222  |

This panel letter supersedes all previous assignments.



FOR THE COURT

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

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

<b>UNITED STATES</b>	)	<b>APPELLANT'S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(THIRD)</b>
v.	)	
	)	Before Panel No. 1
Senior Airman (E-4)	)	
<b>GREGORY V. HOVERSTEN</b>	)	No. ACM S32711
United States Air Force	)	
<i>Appellant</i>	)	11 February 2022

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

Pursuant to Rule 23.3(m) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Errors. Appellant requests an enlargement of time for a period of 30 days, which will end on 22 March 2022. The record of trial was docketed with this Court on 23 September 2021. From the date of docketing to the present date, 141 days have elapsed. On the date requested, 180 days will have elapsed.


On 25 May 2021, Appellant was tried before a special court-martial consisting of a military judge sitting alone. Record of Trial (ROT) at Vol. 1 – Entry of Judgment, dated 15 June 2021 (EOJ). Consistent with his pleas, and pursuant to a plea agreement, Appellant was convicted of: one charge and specification of child endangerment in violation of Article 119b, UCMJ; one charge and specification of aggravated assault with a force likely to produce death or grievous bodily harm in violation of Article 128, UCMJ (prior to 1 January 2019); and one charge and five

specifications alleging violations of Article 128, UCMJ (post 1 January 2019). ROT at Vol. 1 – EOJ; Appellate Exhibit (App. Ex.) IV.

The military judge sentenced Appellant to a combined total of 11 months confinement, reduction to the grade of E-1, and to be discharged from the service with a bad-conduct discharge. R. at 207. By memorandum dated 4 June 2021, the Convening Authority took no action on Appellant's case. ROT at Vol. 1 – Convening Authority Decision on Action, dated 4 June 2021. The Convening Authority suspended Appellant's rank reduction for two months or until the expiration of his term of service, whichever occurred sooner. *Id.* He also waived \$1,886.00 pay per month of the automatic forfeitures Appellant incurred for a period of two months or until the expiration of his term of service, whichever occurred sooner. *Id.* Of this \$1,886.00, the sum of \$1,414.00 was directed to be paid to Appellant's spouse and the remaining sum of \$472 was to be paid to the legal guardian of one of Appellant's dependent children. *Id.* The military judge did not otherwise take any additional action on the sentence. *Id.*

The ROT consists of three volumes. There was one written motion filed. The transcript is 209 pages. There are 11 prosecution exhibits, one defense exhibit, seven appellate exhibits, and two court exhibits. Through no fault of Appellant, undersigned counsel has been working other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

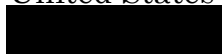
  
RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force  


CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Appellate Government Division on 11 February 2022.



Appellate Defense Counsel  
AF/JAJA  
United States Air Force



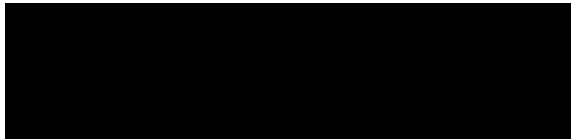
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM S32711
GREGORY V. HOVERSTEN, USAF,	)	
<i>Appellant.</i>	)	Panel No. 1
	)	

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

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

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



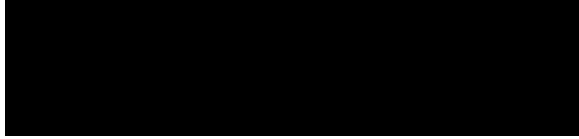
MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force





**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 15 February 2022.



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



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

<b>UNITED STATES</b>	)	<b>APPELLANT'S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(FOURTH)</b>
v.	)	
	)	Before Panel No. 2
Senior Airman (E-4)	)	
<b>GREGORY V. HOVERSTEN</b>	)	No. ACM S32711
United States Air Force	)	
<i>Appellant</i>	)	15 March 2022

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

Pursuant to Rule 23.3(m) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Errors. Appellant requests an enlargement of time for a period of 30 days, which will end on 21 April 2022. The record of trial was docketed with this Court on 23 September 2021. From the date of docketing to the present date, 173 days have elapsed. On the date requested, 210 days will have elapsed.

On 25 May 2021, Appellant was tried before a special court-martial consisting of a military judge sitting alone. Record of Trial (ROT) at Vol. 1 – Entry of Judgment, dated 15 June 2021 (EOJ). Consistent with his pleas, and pursuant to a plea agreement, Appellant was convicted of: one charge and specification of child endangerment in violation of Article 119b, UCMJ; one charge and specification of aggravated assault with a force likely to produce death or grievous bodily harm in violation of Article 128, UCMJ (prior to 1 January 2019); and one charge and five

specifications alleging violations of Article 128, UCMJ (post 1 January 2019). ROT at Vol. 1 – EOJ; Appellate Exhibit (App. Ex.) IV.

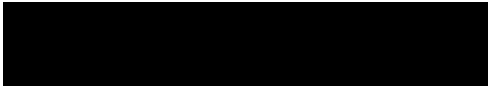
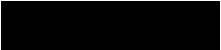
The military judge sentenced Appellant to a combined total of 11 months confinement, reduction to the grade of E-1, and to be discharged from the service with a bad-conduct discharge. R. at 207. By memorandum dated 4 June 2021, the Convening Authority took no action on Appellant's case. ROT at Vol. 1 – Convening Authority Decision on Action, dated 4 June 2021. The Convening Authority suspended Appellant's rank reduction for two months or until the expiration of his term of service, whichever occurred sooner. *Id.* He also waived \$1,886.00 pay per month of the automatic forfeitures Appellant incurred for a period of two months or until the expiration of his term of service, whichever occurred sooner. *Id.* Of this \$1,886.00, the sum of \$1,414.00 was directed to be paid to Appellant's spouse and the remaining sum of \$472 was to be paid to the legal guardian of one of Appellant's dependent children. *Id.* The military judge did not otherwise take any additional action on the sentence. *Id.* The ROT consists of three volumes. There was one written motion filed. The transcript is 209 pages. There are 11 prosecution exhibits, one defense exhibit, seven appellate exhibits, and two court exhibits. The above-captioned case is presently Appellant's fifth priority before this Court.

Undersigned counsel's first priority before this Court is *United States v. Binegar*, which is on remand. The appellant's reply brief in that case is due on 18 March 2022. Undersigned counsel's second priority case before this Court is *United States v. Blow*, which is on remand. In that case, the ROT consists of five volumes, the transcript is

464 pages, there was one written motion filed, there are 28 prosecution exhibits, six defense exhibits, 12 appellate exhibits, and one court exhibit. Undersigned Counsel's third priority case before this Court is *United States v. Goldsmith*. In that case the ROT is 10 volumes, there were ten written motions filed, the transcript is 1,052 pages, there are four prosecution exhibits, 11 defense exhibits, and three court exhibits. Undersigned counsel's fourth priority before this Court is *United States v. Walters*. In that case the ROT consists of two volumes. There were no written motions filed, the transcript is 93 pages, there are three prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit

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

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

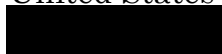
  
RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force  


CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Appellate Government Division on 15 March 2022.



Appellate Defense Counsel  
AF/JAJA  
United States Air Force



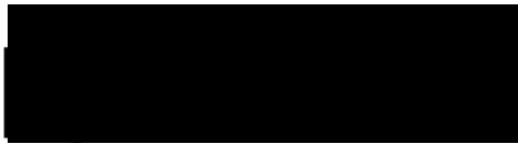
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM S32711
GREGORY V. HOVERSTEN, 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.



JOHN P. PATERA, Maj, USAF  
Appellate Government Counsel, Government Trial  
and Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force

Appellate Defense Division on 17 March 2000



JOHN P. PATERA, Maj, USAF  
Appellate Government Counsel, Government Trial  
and Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



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

UNITED STATES	)	No. ACM S32711
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Gregory V. HOVERSTEN	)	
Senior Airman (E-4)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 2</b>

On 13 April 2022, counsel for Appellant submitted a Motion for Enlargement of Time (Fifth) requesting an additional 30 days to submit his assignments of error, which would set a new deadline of 21 May 2022, 240 days after Appellant’s case was docketed with the court. On 14 April 2022, the Government entered a general opposition to Appellant’s motion.

Appellant’s case was docketed on 23 September 2021. The record of trial contains 11 prosecution exhibits, 1 defense exhibit, 7 appellate exhibits, 2 court exhibit, and 209 transcript pages. According to Appellant’s motion, counsel for Appellant currently has six cases pending initial assignments of error before this court, and this case is counsel’s third priority case.

Accordingly, it is by the court on this 19th day of April, 2022,

**ORDERED:**

Appellant’s Motion for Enlargement of Time is **GRANTED**. Appellant shall file any assignments of error not later than **21 May 2022**. Any subsequent motions for enlargement of time shall, in addition to the matters required under this court’s Rules of Practice and Procedure, include a statement as to: (1) whether Appellant was advised of his right to a timely appeal, (2) whether Appellant was advised of the request for an enlargement of time, and (3) whether Appellant agrees with the request for an enlargement of time.



FOR THE COURT



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



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

<b>UNITED STATES</b>	)	<b>APPELLANT'S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(FIFTH)</b>
v.	)	
	)	Before Panel No. 2
Senior Airman (E-4)	)	
<b>GREGORY V. HOVERSTEN</b>	)	No. ACM S32711
United States Air Force	)	
<i>Appellant</i>	)	13 April 2022

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

Pursuant to Rule 23.3(m) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Errors. Appellant requests an enlargement of time for a period of 30 days, which will end on 21 May 2022. The record of trial was docketed with this Court on 23 September 2021. From the date of docketing to the present date, 202 days have elapsed. On the date requested, 240 days will have elapsed.

On 25 May 2021, Appellant was tried before a special court-martial consisting of a military judge sitting alone. Record of Trial (ROT) at Vol. 1 – Entry of Judgment, dated 15 June 2021 (EOJ). Consistent with his pleas, and pursuant to a plea agreement, Appellant was convicted of one charge and specification of child endangerment in violation of Article 119b, UCMJ; one charge and specification of aggravated assault with a force likely to produce death or grievous bodily harm in violation of Article 128, UCMJ (prior to 1 January 2019); and one charge and five

specifications alleging violations of Article 128, UCMJ (post 1 January 2019). ROT at Vol. 1 – EOJ; Appellate Exhibit (App. Ex.) IV.

The military judge sentenced Appellant to a combined total of 11 months confinement, reduction to the grade of E-1, and to be discharged from the service with a bad-conduct discharge. R. at 207. By memorandum dated 4 June 2021, the Convening Authority took no action on Appellant's case. ROT at Vol. 1 – Convening Authority Decision on Action, dated 4 June 2021. The Convening Authority suspended Appellant's rank reduction for two months or until the expiration of his term of service, whichever occurred sooner. *Id.* He also waived \$1,886.00 pay per month of the automatic forfeitures Appellant incurred for a period of two months or until the expiration of his term of service, whichever occurred sooner. *Id.* Of this \$1,886.00, the sum of \$1,414.00 was directed to be paid to Appellant's spouse and the remaining sum of \$472 was to be paid to the legal guardian of one of Appellant's dependent children. *Id.* The military judge did not otherwise take any additional action on the sentence. *Id.* The ROT consists of three volumes. There was one written motion filed. The transcript is 209 pages. There are 11 prosecution exhibits, one defense exhibit, seven appellate exhibits, and two court exhibits. The above-captioned case is presently Appellant's third priority before this Court. Appellant is no longer confined.

Undersigned counsel's first priority case before this Court is *United States v. Goldsmith*. In that case, the ROT is 10 volumes, ten written motions were filed, the transcript is 1,052 pages, there are four prosecution exhibits, 11 defense exhibits, and three court exhibits. Undersigned counsel's second priority case before this Court is

*United States v. Lopez*. In that case, the ROT is 18 volumes, there were 11 written motions filed, the transcript is 1291 pages, there are 35 prosecution exhibits, 39 defense exhibits 79 appellate exhibits, and three court exhibits.


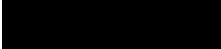
In addition to the above-described cases, undersigned counsel has three other cases pending initial assignments of error before this Court. He has also been detailed as co-counsel in *United States v. Thompson*, in which the Court of Appeals for the Armed Forces has granted review. The appellant in *Thompson* filed his opening brief today, 13 April 2022. Through no fault of Appellant, undersigned counsel has been working other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

  
RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force  


CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Appellate Government Division on 13 April 2022.

  
RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force  


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

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM S32711
GREGORY V. HOVERSTEN, 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.



JOHN P. PATERA, Maj, USAF  
Appellate Government Counsel, Government Trial  
and Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force

Appellate Defense Division on 14 April 2000



JOHN P. PATERA, Maj, USAF  
Appellate Government Counsel, Government Trial  
and Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



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

<b>UNITED STATES</b>	)	<b>APPELLANT'S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(SIXTH)</b>
v.	)	
	)	Before Panel No. 2
Senior Airman (E-4)	)	
<b>GREGORY V. HOVERSTEN</b>	)	No. ACM S32711
United States Air Force	)	
<i>Appellant</i>	)	9 May 2022

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

Pursuant to Rule 23.3(m) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Errors. Appellant requests an enlargement of time for a period of 30 days, which will end on 20 June 2022. The record of trial was docketed with this Court on 23 September 2021. From the date of docketing to the present date, 228 days have elapsed. On the date requested, 270 days will have elapsed. This motion would have been due on 13 May 2022, but has been filed early because undersigned counsel has been approved to take leave from 12 May 2022 until 16 May 2022.

On 25 May 2021, Appellant was tried before a special court-martial consisting of a military judge sitting alone. Record of Trial (ROT) at Vol. 1 – Entry of Judgment, dated 15 June 2021 (EOJ). Consistent with his pleas, and pursuant to a plea agreement, Appellant was convicted of one charge and specification of child endangerment in violation of Article 119b, UCMJ; one charge and specification of aggravated assault with a force likely to produce death or grievous bodily harm in

violation of Article 128, UCMJ (prior to 1 January 2019); and one charge and five specifications alleging violations of Article 128, UCMJ (post 1 January 2019). ROT at Vol. 1 – EOJ; Appellate Exhibit (App. Ex.) IV.

The military judge sentenced Appellant to a combined total of 11 months confinement, reduction to the grade of E-1, and to be discharged from the service with a bad-conduct discharge. R. at 207. By memorandum dated 4 June 2021, the Convening Authority took no action on Appellant's case. ROT at Vol. 1 – Convening Authority Decision on Action, dated 4 June 2021. The Convening Authority suspended Appellant's rank reduction for two months or until the expiration of his term of service, whichever occurred sooner. *Id.* He also waived \$1,886.00 pay per month of the automatic forfeitures Appellant incurred for a period of two months or until the expiration of his term of service, whichever occurred sooner. *Id.* Of this \$1,886.00, the sum of \$1,414.00 was directed to be paid to Appellant's spouse and the remaining sum of \$472 was to be paid to the legal guardian of one of Appellant's dependent children. *Id.* The military judge did not otherwise take any additional action on the sentence. *Id.* The ROT consists of three volumes. There was one written motion filed. The transcript is 209 pages. There are 11 prosecution exhibits, one defense exhibit, seven appellate exhibits, and two court exhibits. The above-captioned case is presently Appellant's third priority before this Court. Appellant is no longer confined.

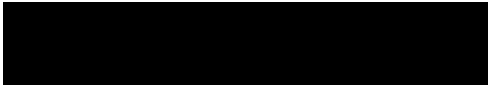

Undersigned counsel's first priority case before this Court is *United States v. Goldsmith*. In that case, the ROT is 10 volumes, ten written motions were filed, the transcript is 1,052 pages, there are four prosecution exhibits, 11 defense exhibits, and



three court exhibits. Undersigned counsel's second priority case before this Court is *United States v. Lopez*. In that case, the ROT is 18 volumes, there were 11 written motions filed, the transcript is 1291 pages, there are 35 prosecution exhibits, 39 defense exhibits 79 appellate exhibits, and three court exhibits. In addition to the above-described cases, undersigned counsel has two other case pending initial assignments of error before this Court. He has also been detailed as co-counsel in *United States v. Thompson*, in which the Court of Appeals for the Armed Forces has granted review. Undersigned counsel anticipates that he will likely be filing a reply brief in that case on or before 23 May 2022.


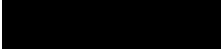
Appellant has been advised of his right to a timely appeal and requests for enlargements of time. Appellant consents to this request for an enlargement of time. Through no fault of Appellant, undersigned counsel has been working other assigned matters and has yet to complete his review of Appellant's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

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

  
RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force  


CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Appellate Government Division on 9 May 2022.

  
RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force  


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

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM S32711
GREGORY V. HOVERSTEN, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

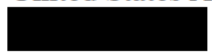
**TO THE HONORABLE, THE JUDGES OF  
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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.



JOHN P. PATERA, Maj, USAF  
Appellate Government Counsel, Government Trial  
and Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force

Appellate Defense Division on 10 May 202



JOHN P. PATERA, Maj, USAF  
Appellate Government Counsel, Government Trial  
and Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



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

<b>UNITED STATES</b>	)	<b>MOTION TO WITHDRAW</b>
<i>Appellee,</i>	)	<b>FROM APPELLATE REVIEW</b>
	)	
v.	)	Before Panel No. 2
	)	
Senior Airman (E-4)	)	No. ACM S32711
<b>GREGORY V. HOVERSTEN</b>	)	
United States Air Force	)	
<i>Appellant</i>	)	8 July 2022

**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 Ryan S. Crnkovich, 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 Appendix, a two-page document, to Appellant’s Record of Trial. The appended document is necessary to comply with R.C.M. 1115(d).

**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.



RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Appellate Government Division on 8 July 2022.

  
RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force  


## APPENDIX



**WAIVER/WITHDRAWAL OF APPELLATE RIGHTS IN GENERAL AND SPECIAL COURTS-MARTIAL SUBJECT TO REVIEW BY A COURT OF CRIMINAL APPEALS**  
*(For use in courts-martial referred on or after 1 January 2019)*

I have read the attached entry of judgment in my case dated 20210615.

I have consulted with Maj Ryan. S. Crnkovich, my (associate) defense counsel concerning my appellate rights and I am satisfied with his/her advice.

I understand that:

1. If I do not waive or withdraw appellate review –

- a. My court-martial will be  automatically reviewed by the Air Force Court of Criminal Appeals per Article 66(b)(3) or  is eligible for direct review by the \_\_\_\_\_ Court of Criminal Appeals per Article 66(b)(1)(A-B).
- b. The Court of Criminal Appeals will review my case to determine whether the findings and sentence are correct in law and fact and whether the sentence is appropriate.
- c. After review by the Court of Criminal Appeals, my case could be reviewed for legal error by the United States Court of Appeals for the Armed Forces on petition by me or on request of the Judge Advocate General.
- d. If the Court of Appeals for the Armed Forces reviews my case, my case could be reviewed for legal error by the United States Supreme Court on petition by me or the Government.
- e. I have the right to be represented by military counsel, at no cost to me, or by civilian counsel, at no expense to the United States, or both, before the Court of Criminal Appeals, the Court of Appeals for the Armed Forces, and the Supreme Court.

2. If I waive or withdraw appellate review –

- a. My case will not be reviewed by the Court of Criminal Appeals, or be subject to further review by the Court of Appeals for the Armed Forces, or by the Supreme Court under 28 U.S.C. § 1259.
- b. My case will be reviewed by a judge advocate per Article 65(d)(3). Upon completion of that review, I may submit an application for consideration by The Judge Advocate General under Article 69(b), for review limited to the issue of whether this waiver or withdrawal was invalid under the law. See R.C.M. 1201(h)(4)(B).
- c. An Article 69(b) application must be filed within one year after the date of completion of review under Article 65(d)(3), if I can show good cause for filing later the period may be extended up to three years after the completion date.
- d. I may file a waiver of appellate review at any time after entry of judgment.
- e. I may file withdrawal from appellate review any time before such review is completed.
- f. A waiver or withdrawal, once filed, cannot be revoked, and bars further appellate review. A waiver or withdrawal may not be filed in any case where the sentence includes death.

3. Whether or not I waive or withdraw appellate review, I may petition the Judge Advocate General for a new trial under Article 73 on the grounds of newly discovered evidence or fraud on the court at any time within three years after the date of the entry of judgment.

I understand the foregoing, and I (~~waive my rights to appellate review~~) (withdraw my case from appellate review). I make this decision freely and voluntarily. No one has made any promises that I would receive any benefit from this waiver/withdrawal, and no one has forced me to make it.

GREGORY V. HOVERSTEN

Senior Airman (E-4)

TYPED NAME OF ACCUSED

RANK OF ACCUSED

Gregory Hoversten

Digitally signed by Gregory Hoversten  
Date: 2022.07.08 10:35:25 -07'00'

20220708

SIGNATURE OF ACCUSED

DATE

STATEMENT OF COUNSEL

(Check appropriate block)

- 1. I represented the accused at his/her court-martial
- 2. I am associate counsel detailed under R.C.M. 1115(b). I have communicated with the accused's (detailed) (individual military) (civilian) (appellate) defense counsel concerning the accused's waiver/withdrawal and discussed this communication with the accused.
- 3. I am substitute counsel detailed under R.C.M. 1115(b).
- 4. I am civilian counsel whom the accused consulted concerning this matter. I am a member in good standing of the bar of \_\_\_\_\_
- 5. I am appellate defense counsel for the accused.

I have advised the accused of his/her appellate rights and of the consequences of waiving or withdrawing appellate review. I was given a reasonable opportunity to examine the record of trial and any attachments in the accused's case before advising the accused. The accused has elected to ~~(waive)~~ (withdraw) appellate review.

Ryan S. Crnkovich

AF/JAJA

TYPED NAME OF COUNSEL

UNIT OF COUNSEL

Maj (O-4)

RANK OF COUNSEL

BUSINESS ADDRESS (If Civilian Counsel)



8 July 2022

SIGNATURE OF COUNSEL

DATE

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

<b>UNITED STATES</b>	)	<b>APPELLANT'S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(SEVENTH)</b>
v.	)	
	)	Before Panel No. 2
Senior Airman (E-4)	)	
<b>GREGORY V. HOVERSTEN</b>	)	No. ACM S32711
United States Air Force	)	
<i>Appellant</i>	)	13 June 2022

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

Pursuant to Rule 23.3(m) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Errors. Appellant requests an enlargement of time for a period of 30 days, which will end on 20 July 2022. The record of trial was docketed with this Court on 23 September 2021. From the date of docketing to the present date, 263 days have elapsed. On the date requested, 300 days will have elapsed.

On 25 May 2021, Appellant was tried before a special court-martial consisting of a military judge sitting alone. Record of Trial (ROT) at Vol. 1 – Entry of Judgment, dated 15 June 2021 (EOJ). Consistent with his pleas, and pursuant to a plea agreement, Appellant was convicted of one charge and specification of child endangerment in violation of Article 119b, UCMJ; one charge and specification of aggravated assault with a force likely to produce death or grievous bodily harm in violation of Article 128, UCMJ (prior to 1 January 2019); and one charge and five

specifications alleging violations of Article 128, UCMJ (post 1 January 2019). ROT at Vol. 1 – EOJ; Appellate Exhibit (App. Ex.) IV.

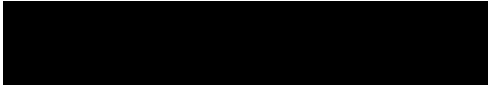

The military judge sentenced Appellant to a combined total of 11 months confinement, reduction to the grade of E-1, and to be discharged from the service with a bad-conduct discharge. R. at 207. By memorandum dated 4 June 2021, the Convening Authority took no action on Appellant's case. ROT at Vol. 1 – Convening Authority Decision on Action, dated 4 June 2021. The Convening Authority suspended Appellant's rank reduction for two months or until the expiration of his term of service, whichever occurred sooner. *Id.* He also waived \$1,886.00 pay per month of the automatic forfeitures Appellant incurred for a period of two months or until the expiration of his term of service, whichever occurred sooner. *Id.* Of this \$1,886.00, the sum of \$1,414.00 was directed to be paid to Appellant's spouse and the remaining sum of \$472 was to be paid to the legal guardian of one of Appellant's dependent children. *Id.* The military judge did not otherwise take any additional action on the sentence. *Id.* The ROT consists of three volumes. There was one written motion filed. The transcript is 209 pages. There are 11 prosecution exhibits, one defense exhibit, seven appellate exhibits, and two court exhibits. The above-captioned case is presently Appellant's third priority before this Court. Appellant is no longer confined.

Undersigned counsel has recently reprioritized *United States v. Rodriguez* as his first priority case. In that case, ROT consists of four volumes, there were seven written motions filed, the transcript is 70 pages, there are three prosecution exhibits, one defense exhibit, and one court exhibit. Undersigned counsel's second priority case

before this Court is *United States v. Goldsmith*. In that case, the ROT is 10 volumes, ten written motions were filed, the transcript is 1,052 pages, there are four prosecution exhibits, 11 defense exhibits, and three court exhibits. In addition to the above-described cases, undersigned counsel has one other case pending an initial assignment of error before this Court. Undersigned counsel further notes for this Court's consideration that he is separating from the United States Air Force and has an approved terminal leave date beginning on 13 July 2022.


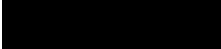
Appellant has been advised of his right to a timely appeal and requests for enlargements of time. Appellant consents to this request for an enlargement of time. Through no fault of Appellant, undersigned counsel has been working other assigned matters and has yet to fully complete his review of Appellant's case and draft an assignment of errors brief. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

  
RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force  


CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Appellate Government Division on 13 June 2022.

  
RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force  


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

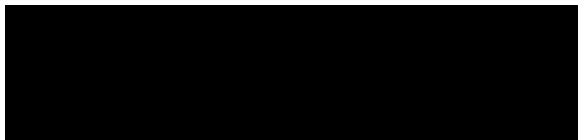
UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM S32711
GREGORY V. HOVERSTEN, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

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

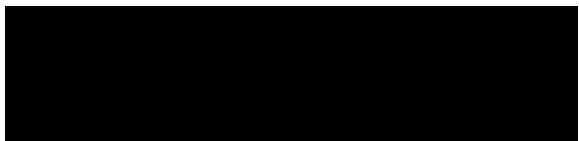


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 15 June 2022.



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





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

<b>UNITED STATES</b>	)	<b>APPELLANT'S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(EIGHTH)</b>
v.	)	
	)	Before Panel No. 2
Senior Airman (E-4)	)	
<b>GREGORY V. HOVERSTEN</b>	)	No. ACM S32711
United States Air Force	)	
<i>Appellant</i>	)	11 July 2022

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

Appellant moved to withdraw from appellate review in a written filing that was submitted to this Court on 8 July 2022. In an abundance of caution, if this Court were to deny Appellant's motion to withdraw for any reason, he has filed this motion for an enlargement of time to file an Assignment of Errors brief pursuant to Rule 23.3(m) of this Honorable Court's Rules of Practice and Procedure. If this Court does not grant Appellant's motion to withdraw from appellate review, Appellant requests an enlargement of time for a period of 30 days, which will end on 19 August 2022. The record of trial was docketed with this Court on 23 September 2021. From the date of docketing to the present date, 291 days have elapsed. On the date requested, 330 days will have elapsed.

On 25 May 2021, Appellant was tried before a special court-martial consisting of a military judge sitting alone. Record of Trial (ROT) at Vol. 1 – Entry of Judgment, dated 15 June 2021 (EOJ). Consistent with his pleas, and pursuant to a plea agreement, Appellant was convicted of one charge and specification of child

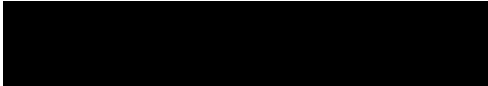

endangerment in violation of Article 119b, UCMJ; one charge and specification of aggravated assault with a force likely to produce death or grievous bodily harm in violation of Article 128, UCMJ (prior to 1 January 2019); and one charge and five specifications alleging violations of Article 128, UCMJ (post 1 January 2019). ROT at Vol. 1 – EOJ; Appellate Exhibit (App. Ex.) IV.

The military judge sentenced Appellant to a combined total of 11 months confinement, reduction to the grade of E-1, and to be discharged from the service with a bad-conduct discharge. R. at 207. By memorandum dated 4 June 2021, the Convening Authority took no action on Appellant's case. ROT at Vol. 1 – Convening Authority Decision on Action, dated 4 June 2021. The Convening Authority suspended Appellant's rank reduction for two months or until the expiration of his term of service, whichever occurred sooner. *Id.* He also waived \$1,886.00 pay per month of the automatic forfeitures Appellant incurred for a period of two months or until the expiration of his term of service, whichever occurred sooner. *Id.* Of this \$1,886.00, the sum of \$1,414.00 was directed to be paid to Appellant's spouse and the remaining sum of \$472 was to be paid to the legal guardian of one of Appellant's dependent children. *Id.* The military judge did not otherwise take any additional action on the sentence. *Id.* The ROT consists of three volumes. There was one written motion filed. The transcript is 209 pages. There are 11 prosecution exhibits, one defense exhibit, seven appellate exhibits, and two court exhibits. Appellant is no longer confined.

If Appellant's motion to withdraw from appellate review were not granted, then this would be undersigned counsel's first priority case. However, undersigned counsel


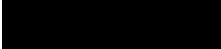
is separating from the United States Air Force and begins terminal leave this week. Undersigned counsel has moved to withdraw from all other cases pending before this Court that he was previously detailed to. Should this Court not grant Appellant's motion to withdraw, Appellant has consented to requests for enlargements of time and has been advised of his speedy appellate review rights. Through no fault of Appellant, an enlargement of time would be necessary if this Court does not grant his motion to withdraw from appellate review so that Appellant's counsel could draft and submit an Assignments of Error brief.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time if it does not grant his motion to withdraw from appellate review.

  
RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force  


CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Appellate Government Division on 11 July 2022.

  
RYAN S. CRNKOVICH, Maj, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force  


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

UNITED STATES	)	No. ACM S32711
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Gregory V. HOVERSTEN	)	
Senior Airman (E-4)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 2</b>

On 8 July 2022, Appellant submitted a Motion to Withdraw from Appellate Review and Motion to Attach. Specifically, Appellant moved to attach DD Form 2330, *Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals*, signed by Appellant and Appellant’s counsel on 8 July 2022. The Government did not submit any opposition.

Accordingly, it is by the court on this 13th day of July, 2022,

**ORDERED:**

Appellant’s Motion to Withdraw from Appellate Review and Motion to Attach is **GRANTED**. Appellant’s case is forwarded to the Appellate Records Branch, JAJM, for further processing in accordance with Rules for Courts-Martial 1115(f)(3) and 1201, *Manual for Courts-Martial, United States* (2019 ed.).



FOR THE COURT

[Redacted signature]

FLEMING E. KEEFE, Capt, USAF  
Acting Deputy Clerk of the Court