

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

UNITED STATES)	No. ACM 40601
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Christian K. KEILBERG)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 31 May 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, case law, and this court's Rules of Practice and Procedure. Accordingly, it is by the court on this 4th day of June, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **10 August 2024**.

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



FOR THE COURT

[Redacted signature block]

OLGA STANFORD, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (FIRST)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG,)	
United States Air Force,	)	31 May 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 a first enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **10 August 2024**. The record of trial was docketed with this Court on 12 April 2024. From the date of docketing to the present date, 49 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,

FREDERICK J. JOHNSON, Maj, USAF
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 31 May 2024.

Respectfully submitted,



FREDERICK J. JOHNSON, Maj, USAF
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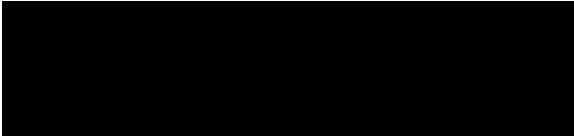
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40601
CHRISTIAN K. KEILBERG, 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.

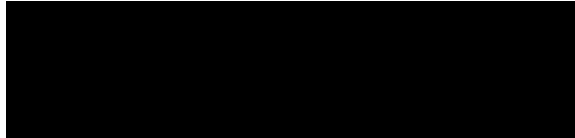
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(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 3 June 2024.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (SECOND)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG,)	
United States Air Force,	)	3 August 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)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a second enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **9 September 2024**. The record of trial was docketed with this Court on 12 April 2024. From the date of docketing to the present date, 113 days have elapsed. On the date requested, 150 days will have elapsed.

On 10 October 2023, a military judge sitting as a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, found Appellant guilty, consistent with his pleas, of one charge with one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, both in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880. R. at 61; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 6 November 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for 24 months,¹ and discharged from the service with a dishonorable

¹ The military judge adjudged 16 months of confinement for Specification 1 of Charge I and eight months of confinement for Specification 4 of Charge I, with all sentences to confinement running consecutively. R. at 118. Appellant was credited with 188 days of pretrial confinement credit. *Id.*


discharge. R. at 118; EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Christian K. Keilberg*, 30 October 2023.

The record of trial is four volumes consisting of 13 prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Appellant is currently confined.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has not been informed of his right to timely appeal, was not provided an update of the status of counsel's progress on Appellant's case, was not consulted with regard to enlargements of time, and has not expressed agreement or disagreement with requests for enlargements of time.

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

Respectfully submitted,



FREDERICK J. JOHNSON, Maj, USAF
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 3 August 2024.

Respectfully submitted,



FREDERICK J. JOHNSON, Maj, USAF

Appellate Defense Counsel

Air Force Appellate Defense Division

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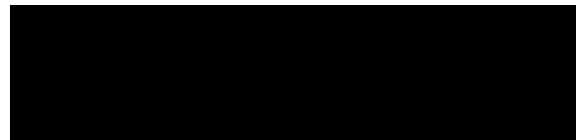
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40601
CHRISTIAN K. KEILBERG, 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.

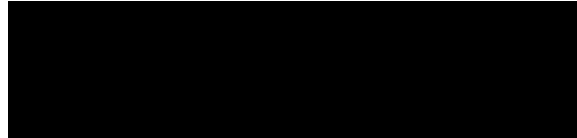
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(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 5 August 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
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (THIRD)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG,)	
United States Air Force,	)	29 August 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)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a third enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **9 October 2024**. The record of trial was docketed with this Court on 12 April 2024. From the date of docketing to the present date, 139 days have elapsed. On the date requested, 180 days will have elapsed.

On 10 October 2023, a military judge sitting as a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, found Appellant guilty, consistent with his pleas, of one charge with one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, both in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880. R. at 61; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), 6 November 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for 24 months,¹ and discharged from the service with a dishonorable discharge.

¹ The military judge adjudged 16 months of confinement for Specification 1 of Charge I and eight months of confinement for Specification 4 of Charge I, with all sentences to confinement running consecutively. R. at 118. Appellant was credited with 188 days of pretrial confinement credit. *Id.*


R. at 118; EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Christian K. Keilberg*, 30 October 2023.

The record of trial is four volumes consisting of 13 prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Appellant is currently confined.

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

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

Respectfully submitted,



FREDERICK J. JOHNSON, Maj, USAF
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CERTIFICATE OF FILING AND SERVICE

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

Respectfully submitted,

A solid black rectangular box used to redact the signature of Frederick J. Johnson.

FREDERICK J. JOHNSON, Maj, USAF
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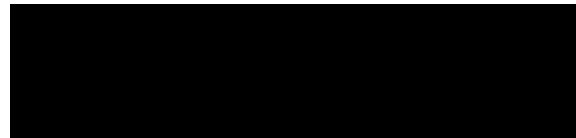
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40601
CHRISTIAN K. KEILBERG, 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
(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 4 September 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
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (FOURTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG,)	
United States Air Force,	)	30 September 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)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a fourth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **8 November 2024**. The record of trial was docketed with this Court on 12 April 2024. From the date of docketing to the present date, 171 days have elapsed. On the date requested, 210 days will have elapsed.

On 10 October 2023, a military judge sitting as a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, found Appellant guilty, consistent with his pleas, of one charge with one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, both in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880. R. at 61; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), 6 November 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for 24 months,¹ and discharged from the service with a dishonorable discharge.

¹ The military judge adjudged 16 months of confinement for Specification 1 of Charge I and eight months of confinement for Specification 4 of Charge I, with all sentences to confinement running consecutively. R. at 118. Appellant was credited with 188 days of pretrial confinement credit. *Id.*

R. at 118; EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Christian K. Keilberg*, 30 October 2023.

The record of trial is four volumes consisting of 13 prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Appellant is currently confined.

Counsel is currently representing 27 clients; 15 clients are pending initial AOE's before this Court.² Nine matters currently have priority over this case:

- 1) *United States v. Taylor*, ACM 40371, USCA Dkt. No. 24-0234/AF – The record of trial is six volumes consisting of six prosecution exhibits, one court exhibit, 12 defense exhibits, and 36 appellate exhibits; the transcript is 396 pages. Undersigned counsel has petitioned the CAAF for a grant of review and is drafting the supplement to the petition in this case.
- 2) *United States v. Rodgers*, ACM 40528 – The record of trial is eight volumes consisting of three prosecution exhibits, one defense exhibit, and 39 appellate exhibits; the transcript is 199 pages. Undersigned counsel has reviewed approximately sixty percent of the record of trial in this case.
- 3) *United States v. Zhong*, ACM 40411 – The record of trial is four volumes consisting of 14 prosecution exhibits, 11 defense exhibits, 12 appellate exhibits, and one court

² Since the filing of Appellant's last request for an enlargement of time, counsel reviewed approximately thirty percent of the 14-volume record of trial and prepared and filed a motion for remand in *U.S. v. Casillas*, ACM 40499; reviewed approximately fifty-five percent of the eight-volume record of trial in *U.S. v. Rodgers*, ACM 40528; and prepared and filed a petition for grant of review with the United States Court of Appeals for the Armed Forces (CAAF) and began drafting the supplement to the petition in *U.S. v. Taylor*, ACM 40371, USCA Dkt. No. 24-0234/AF. Additionally, counsel was off for the Labor Day holiday, was on leave on 13 and 17–25 September 2024, and attended the Joint Appellate Advocacy Training on 26–27 September 2024.

exhibit; the transcript is 482 pages. Undersigned counsel is reviewing this Court's opinion and preparing for a potential petition for grant of review to the CAAF in this case.

- 4) *United States v. Henderson*, ACM 40419 – The record of trial is five volumes consisting of ten prosecution exhibits, 21 defense exhibits, two court exhibits, and 25 appellate exhibits; the transcript is 937 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 5) *United States v. Burkhardt-Bauder*, ACM 24011 – The record of trial is eight volumes consisting of five prosecution exhibits, 19 defense exhibits, 53 appellate exhibits, and one court exhibit; the transcript is 957 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 6) *United States v. York*, ACM 40604 – The record of trial is seven volumes consisting of five prosecution exhibits, two defense exhibits, 36 appellate exhibits, and one court exhibit; the transcript is 847 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 7) *United States v. Haymond*, ACM 40588 – The record of trial is seven volumes consisting of five prosecution exhibits, seven defense exhibits, 42 appellate exhibits, and one court exhibit; the transcript is 689 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 8) *United States v. Harnar*, ACM 40559 – The record of trial is three volumes consisting of five prosecution exhibits, 14 defense exhibits, six appellate exhibits, and two court exhibits; the transcript is 106 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

9) *United States v. Driskill*, ACM 39889 (rem) – The record of trial is 14 volumes consisting of 14 prosecution exhibits, four defense exhibits, and 169 appellate exhibits; the transcript is 2,062 pages. Undersigned counsel will need to conduct additional review of the record of trial to prepare a brief on remand in this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to timely appeal, was not provided an update of the status of counsel's progress on Appellant's case since the last motion for enlargement of time, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,



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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 30 September 2024.

Respectfully submitted,



FREDERICK J. JOHNSON, Maj, USAF
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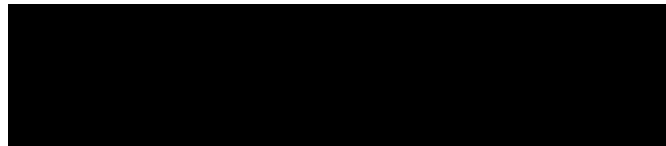
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40601
CHRISTIAN K. KEILBERG, 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.



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 1 October 2024.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (FIFTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG,)	
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)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a fifth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **8 December 2024**. The record of trial was docketed with this Court on 12 April 2024. From the date of docketing to the present date, 200 days have elapsed. On the date requested, 240 days will have elapsed.

On 10 October 2023, a military judge sitting as a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, found Appellant guilty, consistent with his pleas, of one charge with one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, both in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880. R. at 61; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), 6 November 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for 24 months,¹ and discharged from the service with a dishonorable discharge.

¹ The military judge adjudged 16 months of confinement for Specification 1 of Charge I and eight months of confinement for Specification 4 of Charge I, with all sentences to confinement running consecutively. R. at 118. Appellant was credited with 188 days of pretrial confinement credit. *Id.*

R. at 118; EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Christian K. Keilberg*, 30 October 2023.

The record of trial is four volumes consisting of 13 prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Appellant is currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing 28 clients; 14 clients are pending initial AOE's before this Court. Additionally, one client has a pending brief before the United States Court of Appeals for the Armed Forces (CAAF), and two other clients have pending supplements to their petitions for grant of review before the CAAF.² Nine matters currently have priority over this case:

- 1) *United States v. Zhong*, ACM 40411, USCA Dkt. No. 25-0011/AF – The record of trial is four volumes consisting of 14 prosecution exhibits, 11 defense exhibits, 12 appellate exhibits, and one court exhibit; the transcript is 482 pages. Undersigned counsel has petitioned the CAAF for a grant of review and is drafting the supplement to the petition in this case.

² Since the filing of Appellant's last request for an enlargement of time, counsel completed his review of the eight-volume record of trial and prepared and filed a merits brief in *U.S. v. Rodgers*, ACM 40528; prepared and filed a 27-page supplement to the petition for grant of review to the CAAF in *U.S. v. Taylor*, ACM 40371, USCA Dkt. No. 24-0234/AF; prepared and filed an eight-page supplemental reply brief in *U.S. v. Doroteo*, ACM 40363; petitioned the CAAF for a grant of review in *U.S. v. Zhong*, ACM 40411, USCA Dkt. No. 25-0011/AF; petitioned the CAAF for a grant of review in *U.S. v. Myers*, ACM S32749, USCA Dkt. No. 25-0012/AF; prepared and filed a 15-page reply brief in *U.S. v. Cadavona*, ACM 40476; prepared and filed a thirteen-page brief on behalf of appellant following redocketing in *U.S. v. Kershaw*, ACM 40455; reviewed approximately seventy percent of the five-volume record of trial in *U.S. v. Henderson*, ACM 40419; and participated in practice oral arguments for three additional cases. Additionally, counsel was off for the Columbus Day holiday and was on leave on 18–20 October 2024.

- 2) *United States v. Myers*, ACM S32749, USCA Dkt. No. 25-0012/AF – The record of trial is four volumes consisting of seven prosecution exhibits, nine defense exhibits, and 26 appellate exhibits; the transcript is 656 pages. Undersigned counsel has petitioned the CAAF for a grant of review and is drafting the supplement to the petition in this case.
- 3) *United States v. Navarro Aguirre*, ACM 40354, USCA Dkt. No. 24-0146/AF – The record of trial is nine volumes consisting of 14 prosecution exhibits, 16 defense exhibits, one court exhibit, and 47 appellate exhibits; the transcript is 896 pages. Undersigned counsel was recently detailed to this case and is reviewing the record in preparation for drafting a grant brief to the CAAF.
- 4) *United States v. Henderson*, ACM 40419 – The record of trial is five volumes consisting of ten prosecution exhibits, 21 defense exhibits, two court exhibits, and 25 appellate exhibits; the transcript is 937 pages. Undersigned counsel has reviewed approximately seventy percent of the record of trial in this case.
- 5) *United States v. Burkhardt-Bauder*, ACM 24011 – The record of trial is eight volumes consisting of five prosecution exhibits, 19 defense exhibits, 53 appellate exhibits, and one court exhibit; the transcript is 957 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 6) *United States v. York*, ACM 40604 – The record of trial is seven volumes consisting of five prosecution exhibits, two defense exhibits, 36 appellate exhibits, and one court exhibit; the transcript is 847 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

- 7) *United States v. Haymond*, ACM 40588 – The record of trial is seven volumes consisting of five prosecution exhibits, seven defense exhibits, 42 appellate exhibits, and one court exhibit; the transcript is 689 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 8) *United States v. Harnar*, ACM 40559 – The record of trial is three volumes consisting of five prosecution exhibits, 14 defense exhibits, six appellate exhibits, and two court exhibits; the transcript is 106 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 9) *United States v. Driskill*, ACM 39889 (rem) – The record of trial is 14 volumes consisting of 14 prosecution exhibits, four defense exhibits, and 169 appellate exhibits; the transcript is 2,062 pages. Undersigned counsel will need to conduct additional review of the record of trial to prepare a brief on remand in this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to timely appeal, was not provided an update of the status of counsel's progress on Appellant's case since the last motion for enlargement of time, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
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Office: (240) 612-4770
Email: frederick.johnson.11@us.af.mil

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 29 October 2024.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Frederick J. Johnson.

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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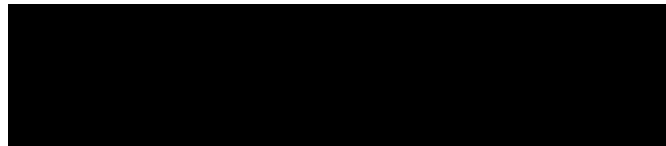
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40601
CHRISTIAN K. KEILBERG, 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.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (SIXTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG,)	
United States Air Force,	)	30 November 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)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a sixth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **7 January 2025**. The record of trial was docketed with this Court on 12 April 2024. From the date of docketing to the present date, 232 days have elapsed. On the date requested, 270 days will have elapsed.

On 10 October 2023, a military judge sitting as a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, found Appellant guilty, consistent with his pleas, of one charge with one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, both in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880. R. at 61; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), 6 November 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for 24 months,¹ and discharged from the service with a dishonorable discharge.

¹ The military judge adjudged 16 months of confinement for Specification 1 of Charge I and eight months of confinement for Specification 4 of Charge I, with all sentences to confinement running consecutively. R. at 118. Appellant was credited with 188 days of pretrial confinement credit. *Id.*

R. at 118; EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Christian K. Keilberg*, 30 October 2023.

The record of trial is four volumes consisting of 13 prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Appellant is currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing 30 clients; 16 clients are pending initial AOE's before this Court. Additionally, two clients have pending briefs before the United States Court of Appeals for the Armed Forces (CAAF).² Eight matters currently have priority over this case:

- 1) *United States v. Navarro Aguirre*, ACM 40354, USCA Dkt. No. 24-0146/AF – The record of trial is nine volumes consisting of 14 prosecution exhibits, 16 defense exhibits, one court exhibit, and 47 appellate exhibits; the transcript is 896 pages. Undersigned counsel is drafting a grant brief to the CAAF in this case.
- 2) *United States v. Henderson*, ACM 40419 – The record of trial is five volumes consisting of ten prosecution exhibits, 21 defense exhibits, two court exhibits, and 25 appellate exhibits; the transcript is 937 pages. Undersigned counsel has reviewed approximately 90 percent of the record of trial in this case.

² Since the filing of Appellant's last request for an enlargement of time, counsel prepared and filed a 31-page supplement to the petition for grant of review to the CAAF and a four-page reply to the Government's answer in *U.S. v. Zhong*, ACM 40411, USCA Dkt. No. 25-0011/AF; prepared and filed a 20-page supplement to the petition for grant of review to the CAAF in *U.S. v. Myers*, ACM S32749, USCA Dkt. No. 25-0012/AF; reviewed approximately 20 percent of the five-volume record of trial in *U.S. v. Henderson*, ACM 40419; prepared and filed a five-page response to the Government's motion for reconsideration in *U.S. v. Patterson*, ACM 40426; reviewed the entirety of the seven-volume record of trial and prepared and filed a 45-page brief on behalf of appellant in *U.S. v. York*, ACM 40604; sat as second chair for outreach oral argument before this Court in *U.S. v. Menard*, ACM 40496; and participated in practice oral argument for one additional case. Additionally, counsel was off for the Veterans Day holiday.


- 3) *United States v. Manriquez*, ACM 40527 – The record of trial is five volumes consisting of three prosecution exhibits, one defense exhibits, 19 appellate exhibits, and two court exhibits; the transcript is 129 pages. Undersigned counsel is preparing a brief on two issues specified by this Court in this case.
- 4) *United States v. Taylor*, ACM 40371, USCA Dkt. No. 24-0234/AF – The record of trial is six volumes consisting of six prosecution exhibits, one court exhibit, 12 defense exhibits, and 36 appellate exhibits; the transcript is 396 pages. Undersigned counsel is drafting a grant brief to the CAAF in this case.
- 5) *United States v. Burkhardt-Bauder*, ACM 24011 – The record of trial is eight volumes consisting of five prosecution exhibits, 19 defense exhibits, 53 appellate exhibits, and one court exhibit; the transcript is 957 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 6) *United States v. Haymond*, ACM 40588 – The record of trial is seven volumes consisting of five prosecution exhibits, seven defense exhibits, 42 appellate exhibits, and one court exhibit; the transcript is 689 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 7) *United States v. Harnar*, ACM 40559 – The record of trial is three volumes consisting of five prosecution exhibits, 14 defense exhibits, six appellate exhibits, and two court exhibits; the transcript is 106 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 8) *United States v. Driskill*, ACM 39889 (rem) – The record of trial is 14 volumes consisting of 14 prosecution exhibits, four defense exhibits, and 169 appellate exhibits;

the transcript is 2,062 pages. Undersigned counsel needs to conduct additional review of the record of trial to prepare a brief on remand in this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to timely appeal, was not provided an update of the status of counsel's progress on Appellant's case since the last motion for enlargement of time, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,

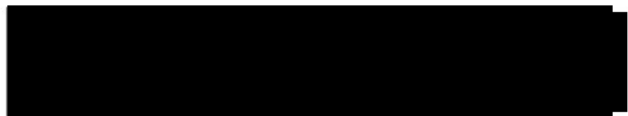


FREDERICK J. JOHNSON, Maj, USAF
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 30 November 2024.

Respectfully submitted,



FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel
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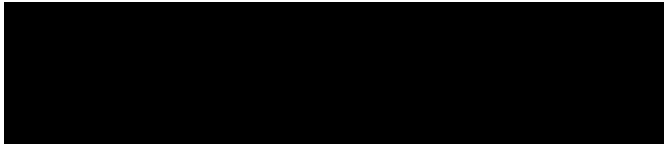
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40601
CHRISTIAN K. KEILBERG, 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.



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 3 December 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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (SEVENTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG,)	
United States Air Force,	)	31 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)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a seventh enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **6 February 2025**. The record of trial was docketed with this Court on 12 April 2024. From the date of docketing to the present date, 263 days have elapsed. On the date requested, 300 days will have elapsed.

On 10 October 2023, a military judge sitting as a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, found Appellant guilty, consistent with his pleas, of one charge with one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, both in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880. R. at 61; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), 6 November 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for 24 months,¹ and discharged from the service with a dishonorable discharge.

¹ The military judge adjudged 16 months of confinement for Specification 1 of Charge I and eight months of confinement for Specification 4 of Charge I, with all sentences to confinement running consecutively. R. at 118. Appellant was credited with 188 days of pretrial confinement credit. *Id.*

R. at 118; EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Christian K. Keilberg*, 30 October 2023.

The record of trial is four volumes consisting of 13 prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Appellant is currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing 29 clients; 17 clients are pending initial AOE's before this Court. Additionally, one client has a pending brief before the United States Court of Appeals for the Armed Forces (CAAF).² Five matters currently have priority over this case:

- 1) *United States v. Taylor*, ACM 40371, USCA Dkt. No. 24-0234/AF – The record of trial is six volumes consisting of six prosecution exhibits, one court exhibit, 12 defense exhibits, and 36 appellate exhibits; the transcript is 396 pages. Undersigned counsel has drafted a grant brief to the CAAF in this case.
- 2) *United States v. Burkhardt-Bauder*, ACM 24011 – The record of trial is eight volumes consisting of five prosecution exhibits, 19 defense exhibits, 53 appellate exhibits, and one court exhibit; the transcript is 957 pages. Undersigned counsel has begun reviewing the record of trial in this case.

² Since the filing of Appellant's last request for an enlargement of time, counsel completed his review of the five-volume record of trial and prepared and filed a 17-page AOE in *U.S. v. Henderson*, ACM 40419; prepared and filed a 35-page grant brief to the CAAF in *U.S. v. Navarro Aguirre*, ACM 40354, USCA Dkt. No. 24-0146/AF; prepared and submitted a two-page bullet background paper in response to the Government's request for The Judge Advocate General to certify the record to the CAAF in *U.S. v. Patterson*, ACM 40426; prepared and filed a motion to withdraw from appellate review in *U.S. v. Manriquez*, ACM 40527; drafted a 26-page grant brief to the CAAF in *U.S. v. Taylor*, ACM 40371, USCA Dkt. No. 24-0234/AF; began reviewing the record of trial in *U.S. v. Burkhardt-Bauder*, ACM 24011; and participated in practice oral arguments for one additional case. Additionally, counsel was on leave on 24–29 December 2024.

- 3) *United States v. Haymond*, ACM 40588 – The record of trial is seven volumes consisting of five prosecution exhibits, seven defense exhibits, 42 appellate exhibits, and one court exhibit; the transcript is 689 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 4) *United States v. Harnar*, ACM 40559 – The record of trial is three volumes consisting of five prosecution exhibits, 14 defense exhibits, six appellate exhibits, and two court exhibits; the transcript is 106 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 5) *United States v. Driskill*, ACM 39889 (rem) – The record of trial is 14 volumes consisting of 14 prosecution exhibits, four defense exhibits, and 169 appellate exhibits; the transcript is 2,062 pages. Undersigned counsel needs to conduct additional review of the record of trial to prepare a brief on remand in this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to timely appeal, was not provided an update of the status of counsel's progress on Appellant's case since the last motion for enlargement of time, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
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Office: (240) 612-4770
Email: frederick.johnson.11@us.af.mil

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 31 December 2024.

Respectfully submitted,

A solid black rectangular box used to redact the signature of Frederick J. Johnson.

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
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Office: (240) 612-4770
Email: frederick.johnson.11@us.af.mil

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 40601
CHRISTIAN K. KEILBERG, 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 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 a yearlong 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.

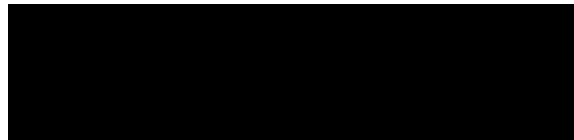
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(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 3 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
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (EIGHTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG,)	
United States Air Force,	)	30 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)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an eighth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **8 March 2025**. The record of trial was docketed with this Court on 12 April 2024. From the date of docketing to the present date, 293 days have elapsed. On the date requested, 330 days will have elapsed.

On 10 October 2023, a military judge sitting as a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, found Appellant guilty, consistent with his pleas, of one charge with one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, both in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880. R. at 61; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), 6 November 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for 24 months,¹ and discharged from the service with a dishonorable discharge.

¹ The military judge adjudged 16 months of confinement for Specification 1 of Charge I and eight months of confinement for Specification 4 of Charge I, with all sentences to confinement running consecutively. R. at 118. Appellant was credited with 188 days of pretrial confinement credit. *Id.*

R. at 118; EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Christian K. Keilberg*, 30 October 2023.

The record of trial is four volumes consisting of 13 prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Appellant is currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing 33 clients; 19 clients are pending initial AOE's before this Court. Additionally, one client has an upcoming oral argument before the United States Court of Appeals for the Armed Forces (CAAF).² Six matters currently have priority over this case:

- 1) *United States v. Henderson*, ACM 40419 – The record of trial is five volumes consisting of ten prosecution exhibits, 21 defense exhibits, two court exhibits, and 25 appellate exhibits; the transcript is 937 pages. Undersigned counsel is drafting a reply to the Government's answer in this case.
- 2) *United States v. Navarro Aguirre*, ACM 40354, USCA Dkt. No. 24-0146/AF – The record of trial is nine volumes consisting of 14 prosecution exhibits, 16 defense exhibits, one court exhibit, and 47 appellate exhibits; the transcript is 896 pages. Undersigned counsel is preparing to present oral argument as lead counsel before the CAAF in this case on 26 February 2025.

² Since the filing of Appellant's last request for an enlargement of time, counsel prepared and filed a 26-page grant brief to the CAAF in *U.S. v. Taylor*, ACM 40371, USCA Dkt. No. 24-0234/AF; reviewed approximately 65 percent of the eight-volume record of trial in *U.S. v. Burkhardt-Bauder*, ACM 24011; prepared and filed a 17-page reply brief to the CAAF in *U.S. v. Navarro Aguirre*, ACM 40354, USCA Dkt. No. 24-0146/AF; assisted with preparing and filing a 44-page AOE in *U.S. v. Dawson*, ACM 24041; began reviewing the seven-volume record of trial in *U.S. v. Haymond*, ACM 40588; and participated in practice oral arguments for three additional cases. Additionally, counsel was off for the New Year's Day holiday, the National Day of Mourning for President Carter's state funeral, and the Birthday of Martin Luther King, Jr. holiday.

- 3) *United States v. Burkhardt-Bauder*, ACM 24011 – The record of trial is eight volumes consisting of five prosecution exhibits, 19 defense exhibits, 53 appellate exhibits, and one court exhibit; the transcript is 957 pages. Undersigned counsel has reviewed approximately 80 percent of the record of trial in this case, including all non-sealed materials.
- 4) *United States v. Haymond*, ACM 40588 – The record of trial is seven volumes consisting of five prosecution exhibits, seven defense exhibits, 42 appellate exhibits, and one court exhibit; the transcript is 689 pages. Undersigned counsel has begun reviewing the record of trial in this case.
- 5) *United States v. Harnar*, ACM 40559 – The record of trial is three volumes consisting of five prosecution exhibits, 14 defense exhibits, six appellate exhibits, and two court exhibits; the transcript is 106 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 6) *United States v. Driskill*, ACM 39889 (rem) – The record of trial is 14 volumes consisting of 14 prosecution exhibits, four defense exhibits, and 169 appellate exhibits; the transcript is 2,062 pages. Undersigned counsel needs to conduct additional review of the record of trial to prepare a brief on remand in this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to timely appeal, was not provided an update of the status of counsel's progress on Appellant's case since the last motion for enlargement of time, was consulted with

regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature of Frederick J. Johnson.

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel
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CERTIFICATE OF FILING AND SERVICE

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Respectfully submitted,

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Air Force Appellate Defense Division
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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 40601
CHRISTIAN K. KEILBERG, 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 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 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-month standard for this Court to issue a decision, which only leaves about 7 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not started review of the record of trial at this late stage of the appellate process.

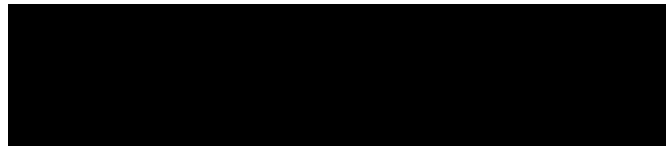
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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. January 2025.



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 40601
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Christian K. KEILBERG)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 1 March 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Ninth) “request[ing] an enlargement for a period of 30 days, which will end on **9 April 2025**.” Counsel states, in a footnote, the start date for this enlargement of time was 10 March 2025 “by operation of Rules 18(d)(1) and 15 of the Joint Rules of Appellate Procedure for Courts of Criminal Appeals.” However, the date set by this court in its granting of Appellant’s eighth enlargement of time is 8 March 2025, but if not a business day, would be accepted by the court on the next business day.

The Government opposes the motion, stating “Appellant’s counsel has not completed review of the record of trial at this late stage of the appellate process,” and therefore, “Appellant’s nearly year-long delay practically ensures this [c]ourt will not be able to issue a decision that complies with our superior [c]ourt’s appellate processing standards.”

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 6th day of March, 2025,

ORDERED:

Appellant’s Motion for Enlargement of Time (Eighth) for a period of 30 days is **GRANTED** until **7 April 2025**.

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



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
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (NINTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG,)	
United States Air Force,	)	1 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)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a ninth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **9 April 2025**.¹ The record of trial was docketed with this Court on 12 April 2024. From the date of docketing to the present date, 323 days have elapsed. On the date requested, 362 days will have elapsed.

On 10 October 2023, a military judge sitting as a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, found Appellant guilty, consistent with his pleas, of one charge with one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, both in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880. R. at 61; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), 6 November 2023. The military judge sentenced Appellant to be reduced to the grade of

¹ By operation of Rules 18(d)(1) and 15 of the Joint Rules of Appellate Procedure for Courts of Criminal Appeals, Appellant’s brief is currently due on Monday, 10 March 2025.

E-1, confined for 24 months,² and discharged from the service with a dishonorable discharge. R. at 118; EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Christian K. Keilberg*, 30 October 2023.

The record of trial is four volumes consisting of 13 prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Appellant is currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing 35 clients; 20 clients are pending initial AOE's before this Court. Additionally, one client has a pending brief, one other client has an upcoming oral argument, and one additional client has an upcoming petition for a grant of review, all before the United States Court of Appeals for the Armed Forces (CAAF).³ Six matters currently have priority over this case:

- 1) *United States v. Patterson*, ACM 40426, USCA Dkt. No. 25-0073/AF – The record of trial is 8 volumes consisting of 12 prosecution exhibits, eight defense exhibits, two

² The military judge adjudged 16 months of confinement for Specification 1 of Charge I and eight months of confinement for Specification 4 of Charge I, with all sentences to confinement running consecutively. R. at 118. Appellant was credited with 188 days of pretrial confinement credit. *Id.*

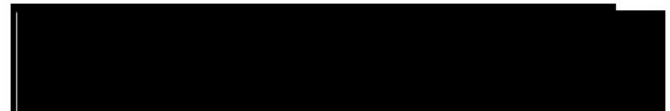
³ Since the filing of Appellant's last request for an enlargement of time, counsel prepared and filed a motion to remand in *U.S. v. Burkhardt-Bauder*, ACM 24011; conducted three practice oral arguments and presented oral argument as lead counsel before the CAAF in *U.S. v. Navarro Aguirre*, ACM 40354, USCA Dkt. No. 24-0146/AF; prepared and filed a six-page reply brief in *U.S. v. Henderson*, ACM 40419; reviewed approximately 15 percent of the seven-volume record of trial in *U.S. v. Haymond*, ACM 40588; prepared and filed a seven-page reply brief in *U.S. v. York*, ACM 40604; prepared and filed a 13-page reply brief to the CAAF in *U.S. v. Taylor*, ACM 40371, USCA Dkt. No. 24-0234/AF; reviewed the Government's brief and began drafting an answer to the CAAF in *U.S. v. Patterson*, ACM 40426, USCA Dkt. No. 25-0073/AF; and participated in ten practice oral arguments for four additional cases. Additionally, counsel was off for the Washington's Birthday holiday.

- court exhibits, and 75 appellate exhibits; the transcript is 987 pages. Undersigned counsel is drafting an answer brief to the CAAF in this case.
- 2) *United States v. Cadavona*, ACM 40476 – The record of trial is four volumes consisting of 11 prosecution exhibits, two defense exhibits, and 24 appellate exhibits; the transcript is 329 pages. Undersigned counsel is preparing to petition the CAAF for a grant of review in this case.
 - 3) *United States v. Taylor*, ACM 40371, USCA Dkt. No. 24-0234/AF – The record of trial is six volumes consisting of six prosecution exhibits, one court exhibit, 12 defense exhibits, and 36 appellate exhibits; the transcript is 396 pages. Undersigned counsel is preparing to present oral argument as lead counsel before the CAAF in this case on 19 March 2025.
 - 4) *United States v. Haymond*, ACM 40588 – The record of trial is seven volumes consisting of five prosecution exhibits, seven defense exhibits, 42 appellate exhibits, and one court exhibit; the transcript is 689 pages. Undersigned counsel has reviewed approximately 20 percent of the record of trial in this case.
 - 5) *United States v. Harnar*, ACM 40559 – The record of trial is three volumes consisting of five prosecution exhibits, 14 defense exhibits, six appellate exhibits, and two court exhibits; the transcript is 106 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
 - 6) *United States v. Driskill*, ACM 39889 (rem) – The record of trial is 14 volumes consisting of 14 prosecution exhibits, four defense exhibits, and 169 appellate exhibits; the transcript is 2,062 pages. Undersigned counsel needs to conduct additional review of the record of trial to prepare a brief on remand in this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to timely appeal, was not provided an update of the status of counsel's progress on Appellant's case since the last motion for enlargement of time, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,



FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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Office: (240) 612-4770
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 1 March 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Frederick J. Johnson.

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

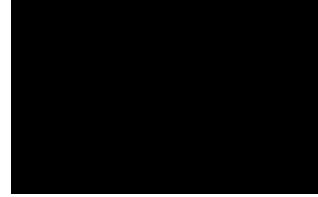
UNITED STATES,)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
CHRISTIAN K. KEILBERG	)	No. ACM 40601
United States Air Force,)	
<i>Appellant.</i>	)	4 March 2025

**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 opposition to Appellant's Motion for Enlargement of Time (Ninth) 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 362 days in length. Appellant's nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two thirds of the 18-month standard for this Court to issue a decision, which only leaves about 6 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

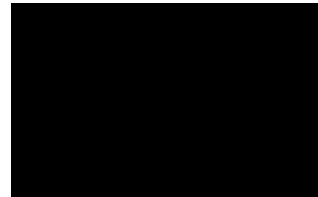
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4809

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 4 March 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4809

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (TENTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG,)	
United States Air Force,	)	31 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)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a tenth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of thirty days, which will end on **7 May 2025**. The record of trial was docketed with this Court on 12 April 2024. From the date of docketing to the present date, 353 days have elapsed. On the date requested, 390 days will have elapsed.

On 10 October 2023, a military judge sitting as a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, found Appellant guilty, consistent with his pleas, of one charge with one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, both in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880. R. at 61; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), 6 November 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for twenty-four months,¹ and discharged from the service with a dishonorable

¹ The military judge adjudged 16 months of confinement for Specification 1 of Charge I and eight months of confinement for Specification 4 of Charge I, with all sentences to confinement running consecutively. R. at 118. Appellant was credited with 188 days of pretrial confinement credit. *Id.*

discharge. R. at 118; EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Christian K. Keilberg*, 30 October 2023.

The record of trial is four volumes consisting of thirteen prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Appellant is currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing thirty-six clients; twenty-one clients are pending initial AOE's before this Court. Additionally, one client has an upcoming oral argument, and one other client has an upcoming supplement to the petition for a grant of review, both before the United States Court of Appeals for the Armed Forces (CAAF).² Five matters currently have priority over this case:

- 1) *United States v. Cadavona*, ACM 40476 – The record of trial is four volumes consisting of eleven prosecution exhibits, two defense exhibits, and twenty-four appellate exhibits; the transcript is 329 pages. Undersigned counsel has petitioned the CAAF for a grant of review and drafted the supplement to the petition in this case.

² Since the filing of Appellant's last request for an enlargement of time, counsel reviewed approximately five percent of the seven-volume record of trial in *U.S. v. Haymond*, ACM 40588; prepared and filed a thirteen-page supplemental reply brief, conducted three practice oral arguments, and presented oral argument as lead counsel before the CAAF in *U.S. v. Taylor*, ACM 40371, USCA Dkt. No. 24-0234/AF; prepared and filed a twenty-eight-page answer to the CAAF and conducted a practice oral argument in *U.S. v. Patterson*, ACM 40426, USCA Dkt. No. 25-0073/AF; petitioned the CAAF for a grant of review and drafted a twenty-four-page supplement to the petition in *U.S. v. Cadavona*, ACM 40476, USCA Dkt. No. 25-0114/AF; assisted with preparing and filing an eighteen-page reply and an eight-page motion response in *U.S. v. Dawson*, ACM 24041; reviewed approximately forty percent of the three-volume record of trial in *U.S. v. Harnar*, ACM 40559; and participated in a practice oral argument for an additional case. Additionally, counsel attended the CAAF wreath laying ceremony and reception on 25 March 2025.

- 2) *United States v. Patterson*, ACM 40426, USCA Dkt. No. 25-0073/AF – The record of trial is eight volumes consisting of twelve prosecution exhibits, eight defense exhibits, two court exhibits, and seventy-five appellate exhibits; the transcript is 987 pages. Undersigned counsel is preparing to present oral argument as lead counsel before the CAAF in this case on 9 April 2025.
- 3) *United States v. Haymond*, ACM 40588 – The record of trial is seven volumes consisting of five prosecution exhibits, seven defense exhibits, forty-two appellate exhibits, and one court exhibit; the transcript is 689 pages. Undersigned counsel has reviewed approximately twenty-five percent of the record of trial in this case.
- 4) *United States v. Harnar*, ACM 40559 – The record of trial is three volumes consisting of five prosecution exhibits, fourteen defense exhibits, six appellate exhibits, and two court exhibits; the transcript is 106 pages. Undersigned counsel has reviewed approximately forty percent of the record of trial in this case.
- 5) *United States v. Driskill*, ACM 39889 (rem) – The record of trial is fourteen volumes consisting of fourteen prosecution exhibits, four defense exhibits, and 169 appellate exhibits; the transcript is 2,062 pages. Undersigned counsel needs to conduct additional review of the record of trial to prepare a brief on remand in this case.

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

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

Respectfully submitted,

A large black rectangular redaction box covering the signature and name of the appellant.

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 31 March 2025.

Respectfully submitted,



FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel
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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. 1
Senior Airman (E-4))	
CHRISTIAN K. KEILBERG,	)	No. ACM 40601
United States Air Force,)	
<i>Appellant.</i>)	
	)	2 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 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 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 more than two thirds of the 18-month 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.

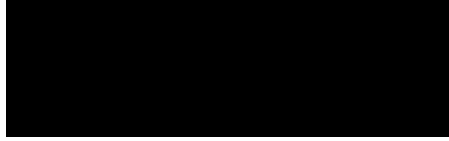
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 2 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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (ELEVENTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG,)	
United States Air Force,	)	30 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)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an eleventh enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of thirty days, which will end on **6 June 2025**. The record of trial was docketed with this Court on 12 April 2024. From the date of docketing to the present date, 383 days have elapsed. On the date requested, 420 days will have elapsed.

On 10 October 2023, a military judge sitting as a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, found Appellant guilty, consistent with his pleas, of one charge with one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, both in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880. R. at 61; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), 6 November 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for twenty-four months,¹ and discharged from the service with a dishonorable

¹ The military judge adjudged 16 months of confinement for Specification 1 of Charge I and eight months of confinement for Specification 4 of Charge I, with all sentences to confinement running consecutively. R. at 118. Appellant was credited with 188 days of pretrial confinement credit. *Id.*

discharge. R. at 118; EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Christian K. Keilberg*, 30 October 2023.

The record of trial is four volumes consisting of thirteen prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Appellant is not currently in military confinement. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing thirty-seven clients; twenty-two clients are pending initial AOE's before this Court.² Two matters currently have priority over this case:

- 1) *United States v. Haymond*, ACM 40588 – The record of trial is seven volumes consisting of five prosecution exhibits, seven defense exhibits, forty-two appellate exhibits, and one court exhibit; the transcript is 689 pages. Undersigned counsel has reviewed approximately forty percent of the record of trial in this case.
- 2) *United States v. Driskill*, ACM 39889 (rem) – The record of trial is fourteen volumes consisting of fourteen prosecution exhibits, four defense exhibits, and 169 appellate

² Since the filing of Appellant's last request for an enlargement of time, counsel reviewed approximately fifteen percent of the seven-volume record of trial in *U.S. v. Haymond*, ACM 40588; conducted two practice oral arguments and presented oral argument as lead counsel before the United States Court of Appeals for the Armed Forces (CAAF) in *U.S. v. Patterson*, ACM 40426, USCA Dkt. No. 25-0073/AF; prepared and filed a twenty-seven-page supplement to the petition for grant of review to the CAAF in *U.S. v. Cadavona*, ACM 40476, USCA Dkt. No. 25-0114/AF; assisted with preparing and filing two motions in *U.S. v. Dawson*, ACM 24041; completed his review of the three-volume record of trial and prepared and filed a fifteen-page AOE in *U.S. v. Harnar*, ACM 40559; reviewed the two-volume record of trial and prepared and filed a motion to withdraw from appellate review in *U.S. v. Hatfield*, ACM S32791; and participated in three practice oral arguments for an additional case. Additionally, counsel was on leave on 18 and 26–29 April 2025.

exhibits; the transcript is 2,062 pages. Undersigned counsel needs to conduct additional review of the record of trial to prepare a brief on remand in this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to a timely appeal, was not provided an update of the status of counsel's progress on Appellant's case since Appellant's last request for an enlargement of time, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,



FREDERICK J. JOHNSON, Maj, USAF
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Air Force Appellate Defense Division
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 30 April 2025.

Respectfully submitted,



FREDERICK J. JOHNSON, Maj, USAF

Appellate Defense Counsel

Air Force Appellate Defense Division

1500 West Perimeter Road, Suite 1100

Joint Base Andrews NAF, MD 20762-6604

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Email: frederick.johnson.11@us.af.mil

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

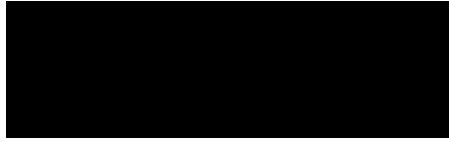
UNITED STATES,	)	UNITED STATES’
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT’S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
	)	Before Panel No. 1
Senior Airman (E-4))	
CHRISTIAN K. KEILBERG,	)	No. ACM 40601
United States Air Force,)	
<i>Appellant.</i>)	
	)	2 May 2025

**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 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 more than two thirds of the 18-month 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.

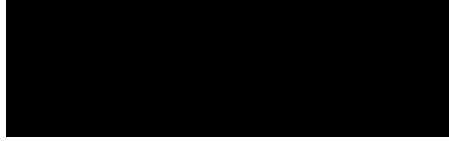
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 2 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

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

UNITED STATES)	No. ACM 40601
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Christian K. KEILBERG)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 29 May 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Twelfth) requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

On 5 June 2025, the court held a status conference to discuss the progress of this case. Appellant was represented by Major Frederick J. Johnson; Lieutenant Colonel Allen S. Abrams and Mr. Dwight Sullivan from the Appellate Defense Division were also present. Lieutenant Colonel Jenny A. Liabenow represented the Government. Major Johnson provided certain updates to information provided in Appellant's motion and affirmed his belief that Appellant would require no additional enlargements of time beyond the twelfth. Lieutenant Colonel Liabenow maintained the Government's opposition to the motion but did not specifically challenge or comment on written or oral representation made 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 6th day of June, 2025,

ORDERED:

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



ROBERT DRIESSEN, Maj, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (TWELFTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG,)	
United States Air Force,	)	29 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)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a twelfth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of thirty days, which will end on **6 July 2025**. The record of trial was docketed with this Court on 12 April 2024. From the date of docketing to the present date, 412 days have elapsed. On the date requested, 450 days will have elapsed.

On 10 October 2023, a military judge sitting as a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, found Appellant guilty, consistent with his pleas, of one charge with one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, both in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880. R. at 61; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), 6 November 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, confined for twenty-four months,¹ and discharged from the service with a dishonorable

¹ The military judge adjudged 16 months of confinement for Specification 1 of Charge I and eight months of confinement for Specification 4 of Charge I, with all sentences to confinement running consecutively. R. at 118. Appellant was credited with 188 days of pretrial confinement credit. *Id.*

discharge. R. at 118; EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. SrA Christian K. Keilberg*, 30 October 2023.

The record of trial is four volumes consisting of thirteen prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Appellant is not currently in military confinement. Undersigned counsel has reviewed approximately seventy percent of the record of trial in this case.

Counsel is currently representing thirty-nine clients; twenty-three clients are pending initial AOE's before this Court.² Additionally, one client has an upcoming petition for a grant of review and supplement to the petition before the United States Court of Appeals for the Armed Forces (CAAF). This case is currently counsel's highest priority among cases pending initial AOE's before this Court.


Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to a timely appeal, was not provided an update of the status of counsel's progress on Appellant's case since Appellant's last request for an enlargement of time, was

² Since the filing of Appellant's last request for an enlargement of time, counsel completed his review of the seven-volume record of trial and prepared and filed a twelve-page AOE in *U.S. v. Haymond*, ACM 40588; assisted with preparing and filing two motions and a twenty-two page supplement to the petition for a grant of review before the CAAF in *U.S. v. Dawson*, ACM 24041, USCA Dkt. No. 25-0156/AF; completed his review on remand of the fourteen-volume record and prepared and filed a twenty-nine-page brief in *U.S. v. Driskill*, ACM 39889 (rem); prepared and presented a briefing for the Air Force Senior Defense Counsel Qualification Course; and participated in six practice oral arguments for two additional cases. Additionally, counsel was on leave on 2–4 May 2025, was off for the Memorial Day holiday, and attended the funeral service for CMSgt Swigonski at Arlington National Cemetery on 28 May 2025.

consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,



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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 29 May 2025.

Respectfully submitted,



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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

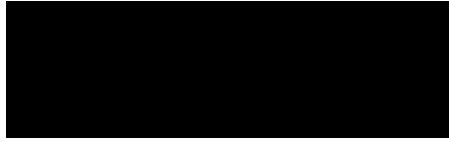
UNITED STATES,)	UNITED STATES’
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT’S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
	)	Before Panel No. 1
Senior Airman (E-4))	
CHRISTIAN K. KEILBERG,	)	No. ACM 40601
United States Air Force,)	
<i>Appellant.</i>)	
	)	2 June 2025

**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 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 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 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 of trial at this late stage of the appellate process.

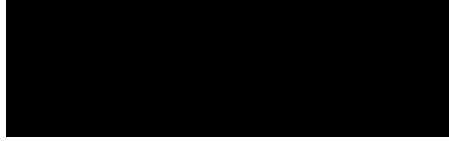
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 2 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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Senior Airman (E-4)

CHRISTIAN K. KEILBERG,

United States Air Force,

Appellant.

**BRIEF ON BEHALF OF
APPELLANT**

Before Panel No. 1

No. ACM 40601

7 July 2025

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

Assignments of Error¹

I.

Whether unreasonable delay in post-trial processing warrants relief.

II.

Whether the Government can prove 18 U.S.C. § 922 is constitutional as applied to Senior Airman Keilberg when he was convicted of offenses that do not fall within the nation's historical tradition of firearm regulation.

Statement of the Case

On 10 October 2023, a military judge sitting as a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, convicted Appellant, Senior Airman (SrA) Christian Keilberg, consistent with his pleas, of one charge with one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, both in violation of Article 80, Uniform Code of Military Justice (UCMJ),² 10 U.S.C. § 880. R. at 61; Record of Trial (ROT)

¹ Additionally, Appellant personally raises two issues pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982). *See* Appendix.

² Unless otherwise noted, all references to the UCMJ, the Rules for Courts-Martial (R.C.M.), and the Military Rules of Evidence (Mil. R. Evid.) are to the *Manual for Courts-Martial, United States* (2019 ed.) (2019 MCM).

Vol. 1, Entry of Judgment (EOJ) (Nov. 6, 2023). The military judge sentenced SrA Keilberg to reduction to the grade of E-1, confinement for twenty-four months,³ and a dishonorable discharge. R. at 118; EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action (CADA) – *United States v. SrA Christian K. Keilberg* (Oct. 30, 2023).

Statement of Facts

SrA Keilberg began chatting with someone he met on a dating application in March 2023. Prosecution Exhibit (Pros. Ex.) 1 at 2. At first, he believed this person was over eighteen years of age, but the other person later indicated in a message that she was fourteen years old. *Id.* SrA Keilberg continued speaking with her, and the conversation became sexual. *Id.* They agreed to meet in person, and SrA Keilberg went to an agreed location in North Bergen, New Jersey. *Id.*

The person with whom he was chatting was not a fourteen-year-old girl. Pros. Ex. 7. Rather, she was actually an adult who works with a group of private citizens who publish online videos confronting people who have arranged to meet someone they believe to be a minor. *Id.* When SrA Keilberg arrived at the appointed meeting place, several adults from this group confronted him and questioned him about his intentions for the meeting. Pros. Ex. 1 at 3; Pros. Ex. 7. SrA Keilberg spoke with them and admitted that he intended to engage in sexual activity with the person he met online. Pros. Ex. 1 at 3; Pros. Ex. 7. One of the people confronting SrA Keilberg recorded this interaction and simultaneously broadcast it on the internet. Pros. Ex. 7. SrA Keilberg also told the people confronting him that he was in the Air Force, and at one point

³ The military judge adjudged 16 months of confinement for Specification 1 of Charge I and eight months of confinement for Specification 4 of Charge I, with all sentences to confinement running consecutively. R. at 118. SrA Keilberg was credited with 188 days of pretrial confinement credit. *Id.*

they had him call his supervisor and tell him what was happening. Pros. Ex. 7. Ultimately, one of the people confronting him called the North Bergen Police Department, and officers came and arrested SrA Keilberg. Pros. Ex. 7.

SrA Keilberg pleaded guilty to attempted sexual assault of a child and attempted sexual abuse of a child on 10 October 2023. R. at 61. “By pleading guilty, [SrA Keilberg] saved the Government the time, effort, expense, and resources that would have been required to litigate the court-martial.” Pros. Ex. 1 at 5. The convening authority signed the CADA on 30 October 2023, and the military judge signed the EOJ a week later on 6 November 2023. CADA; EOJ. The court reporter prepared a transcript of the court-martial proceedings and certified its completion on 23 October 2023. ROT Vol. 2, Certification of the Transcript (Oct. 23, 2023). The court reporter then prepared the ROT and certified it on 13 November 2023. ROT Vol. 2, Certification of the Record of Trial (Nov. 13, 2023). This Court docketed the case on 12 April 2024. AFCCA COURT DOCKET, <https://afcca.law.af.mil/docket.html> (last visited July 3, 2025).

Additional facts are included *infra* as necessary.

Argument

I.

The post-trial processing delays are unreasonable and warrant relief.

Standard of Review

A Court of Criminal Appeals necessarily considers de novo whether excessive post-trial delay warrants relief under Article 66(d)(2), UCMJ, 10 U.S.C. § 866(d)(2).

Law and Analysis

The Government unreasonably delayed the post-trial processing of SrA Keilberg’s record. It took the Government 185 days to get from sentencing to docketing with this Court. This delay

is facially unreasonable because it exceeds the 150 days from sentencing to docketing that this Court has previously held constitutes a facially unreasonable delay. *United States v. Livak*, 80 M.J. 631, 633 (A.F. Ct. Crim. App. 2020). Moreover, the delay is particularly egregious in this case because SrA Keilberg’s guilty plea significantly simplified the post-trial processing by avoiding the efforts required to produce a record of a fully-litigated trial. Pros. Ex. 1 at 5. This was a relatively short guilty plea for which the court-martial was only on the record for approximately three hours and thirty-two minutes. R. at 1, 39–40, 67–68, 82–83, 96–97, 105–06, 117–18; *see also United States v. Atencio*, No. ACM S32783, 2024 CCA LEXIS 543, at *8–9 (A.F. Ct. Crim. App. Dec. 20, 2024) (finding post-trial processing delay “raise[d] serious concerns” where “the court-martial lasted a mere three-and-a-half hours”). A delay that exceeds the 150-day *Livak* standard by thirty-five days is especially concerning when the court-martial was so short.

There is also no apparent explanation for this delay. The court reporter completed and certified the transcript—one of the most time-consuming steps for preparing a ROT—before the military judge had even signed the EOJ. *Contrast* Certification of the Transcript (dated Oct. 23, 2023), *with* EOJ (dated Nov. 6, 2023). The court reporter then promptly certified the ROT on 13 November 2023, a mere thirty-four days after sentencing. Despite this expeditious progress early in the process, it inexplicably took the Government 151 days after the ROT was certified to get the record docketed with this Court. This inexplicable delay after the ROT was complete and certified demonstrates a gross indifference towards timely post-trial processing. *See United States v. Valentin-Andino*, No. ACM 40185 (f rev), 2024 CCA LEXIS 223, at *17 (A.F. Ct. Crim. App. June 7, 2024) (holding that the Government’s actions “demonstrate[] gross indifference to post-trial processing in this case which impacted timely processing”), *aff’d on other grounds*, __ M.J.

__, No. 24-0208, 2025 CAAF LEXIS 248 (C.A.A.F. Mar. 31, 2025).

As in *Valentin-Andino*, “this case is not an aberration.” *Id.* This Court previously identified a pattern of neglect in post-trial processing that constitutes “a systemic problem indicating institutional neglect.” *Id.* at *17. Indeed, “[t]his court has recently been obliged to grapple with a series of cases involving post-trial delay at various stages, all of which raise serious questions as to the scope of potential institutional neglect within the Air Force, particularly when it comes to timely and accurate assembly of records of trial and forwarding of verbatim trial transcripts.” *United States v. Cassaberry-Folks*, No. ACM 40444, 2024 CCA LEXIS 500, at *43 (A.F. Ct. Crim. App. Nov. 22, 2024). Despite a clear message from this Court, the Government continues to cause unreasonable delays in post-trial processing. SrA Keilberg’s case is a continuation of the institutional neglect highlighted by this Court, and it presents another opportunity for this Court to emphasize the importance of timely post-trial processing.

This Court is statutorily empowered to “provide appropriate relief if the accused demonstrates error or excessive delay in the processing of the court-martial after the judgment was entered into the record.” Article 66(d)(2), UCMJ, 10 U.S.C. § 866(d)(2). Article 66(d)(2) now constitutes the only authority for this Court to grant relief for post-trial processing issues because it superseded previous cases that addressed post-trial error under the old statute. *United States v. Valentin-Andino*, __ M.J. __, No. 24-0208, 2025 CAAF LEXIS 248, at *10 n.4 (C.A.A.F. Mar. 31, 2025). Because the post-trial processing resulted in an unreasonable delay that evinces gross indifference, this Court should grant appropriate relief under Article 66(d)(2), UCMJ. Appropriate relief is that which is “suitable considering the facts and circumstances surrounding that case.” *Valentin-Andino*, __ M.J. __, 2025 CAAF LEXIS 248, at *11. Here, a reduction in the term of confinement is suitable considering the facts and circumstances. The military judge sentenced

SrA Keilberg to a total of twenty-four months of confinement. R. at 118. This was a substantial term of the sentence, but not the most severe, as the sentence also included a dishonorable discharge as a mandatory minimum. R. at 42, 118. Affirming only twenty-one months of the adjudged confinement would leave a sentence that still reflects the gravamen of the offenses. But it would also provide relief to SrA Keilberg and send an appropriate message to the Government about the importance of accurate and timely post-trial processing.

WHEREFORE, SrA Keilberg respectfully requests that this Court affirm only so much of the sentence as includes reduction to the grade of E-1, confinement for twenty-one months, and a dishonorable discharge.

II.

The government cannot prove 18 U.S.C. § 922 is constitutional as applied to Senior Airman Keilberg because he was convicted of offenses that do not fall within the nation’s historical tradition of firearm regulation.

Additional Facts

The first indorsements to both the EOJ and Statement of Trial Results (STR) state that SrA Keilberg is subject to a “Firearm Prohibition Triggered Under 18 U.S.C. § 922.” ROT Vol. 1, EOJ (Nov. 6, 2023); ROT Vol. 1, STR (Oct. 11, 2023).

Standard of Review

Whether post-trial processing was properly completed is reviewed de novo. *United States v. Zegarrundo*, 77 M.J. 612, 613–14 (A.F. Ct. Crim. App. 2018) (citing *United States v. Kho*, 54 M.J. 63, 65 (C.A.A.F. 2000)). This Court reviews questions of jurisdiction, law, and statutory interpretation de novo. *United States v. Lepore*, 81 M.J. 759, 760 (A.F. Ct. Crim. App. 2021).

Law and Analysis

SrA Keilberg acknowledges that the United States Court of Appeals for the Armed Forces

(CAAF) recently held that this Court lacks the authority to act upon the indication of a firearms prohibition under 10 U.S.C. § 922. *United States v. Johnson*, __ M.J. __, No. 24-0004/SF, 2025 CAAF LEXIS 499, at *2 (C.A.A.F. June 24, 2025). However, SrA Keilberg asserts that *Johnson* was wrongly decided and that the firearms prohibition indicated on the first indorsement to the Entry of Judgment is unconstitutional, as applied, under *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). He raises this issue for preservation purposes.

WHEREFORE, SrA Keilberg respectfully requests that this Court hold 18 U.S.C. § 922 is unconstitutional as applied to him.

Respectfully submitted,



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CERTIFICATE OF FILING AND SERVICE

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

Respectfully submitted,



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Appendix

Pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), Appellant, Senior Airman (SrA) Christian Keilberg, through appellate defense counsel, personally requests that this Court consider the following matters:

III.

Whether the deprivation of mental health care and lack of discussion about this issue during the court-martial made Senior Airman Keilberg's pleas improvident and warrant relief.

Additional Facts

Shortly after the charged incident in this case, SrA Keilberg's first sergeant noticed that he may be experiencing mental health issues and took him to the emergency room. R. at 92. However, instead of prioritizing his mental health care, the Government placed SrA Keilberg in pretrial confinement for 188 days. R. at 118.

Argument

The deprivation of mental health care and lack of discussion about this issue during the court-martial made Senior Airman Keilberg's pleas improvident and warrant relief.

Standard of Review

"A military judge's decision to accept a guilty plea is reviewed for an abuse of discretion." *United States v. Forbes*, 78 M.J. 279, 281 (C.A.A.F. 2019) (quoting *United States v. Eberle*, 44 M.J. 374, 375 (C.A.A.F. 1996)).

Law and Analysis

SrA Keilberg was struggling with mental health issues, which run in his family, at the time of the charged offense. This was so apparent that his first sergeant decided to take him to the emergency room shortly after the charged incident. R. at 92. However, SrA Keilberg did not

receive proper mental health care because the Government decided to place him in pretrial confinement for 188 days, which was almost all of the time between the charged offense and his court-martial. Additionally, the topic of his mental health struggles was not addressed during the inquiry into the providence of his guilty plea under *United States v. Care*, 40 C.M.R. 247 (C.M.A. 1969). SrA Keilberg's guilty pleas were improvident because he was unable to receive mental health care when he sought it and because this issue was not addressed during the *Care* inquiry. The military judge therefore abused his discretion by accepting the pleas.

WHEREFORE, SrA Keilberg personally and respectfully requests that this Court set aside the findings of guilty and the sentence.

IV.

Whether the Department of the Air Force Office of Special Investigations's subsequent presentation of additional evidence to civilian authorities warrants relief.

Additional Facts

More than a year after SrA Keilberg's court-martial, the Department of the Air Force Office of Special Investigations (OSI) presented additional information to a civilian court in New Jersey. *United States of America v. Christian Keilberg*, Mag. No. 2024-mj-14059, Criminal Complaint (D.N.J. Nov. 8, 2024) (signed by OSI agent). This information came from an investigation that began in 2022. *Id.* at Attachment B. SrA Keilberg now faces charges in United States District Court for the District of New Jersey based on this information. *Id.* at Attachment A.

Argument

The Department of the Air Force Office of Special Investigations's subsequent presentation of additional evidence to civilian authorities warrants relief.

Standard of Review

This Court necessarily reviews issues that arise from actions after the entry of judgment de novo.

Law and Analysis

The Government began investigating other misconduct before the charged offense that was the subject of SrA Keilberg's court-martial. It could have included charges for additional misconduct, of which it was already aware, in his court-martial, but it chose not to do so. *See* Rule for Courts-Martial 601(e)(2) (describing joinder of offenses). Instead, it waited until he pleaded guilty, was sentenced, and had served a substantial portion of his confinement sentence before OSI provided information from this old investigation in a civilian criminal complaint. This delay prejudiced SrA Keilberg by subjecting him to new legal jeopardy after the resolution of his court-martial and ensuring that any sentence he might receive for other offenses will be served consecutive to his court-martial sentence. This decision by OSI warrants relief for SrA Keilberg.

WHEREFORE, SrA Keilberg personally and respectfully requests that this Court set aside the findings of guilty and the sentence.

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

UNITED STATES)	No. ACM 40601
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Christian K. KEILBERG)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 7 July 2025, counsel for Appellant submitted a Motion to Attach, specifically requesting to attach the following to the record of trial: *United States of America v. Christian Keilberg*, Mag. No. 2024-mj-14059, Criminal Complaint (D.N.J. Nov. 8, 2024). The Government opposed this motion.

The court has considered Appellant's motion, Government's opposition, case law, and this court's Rules of Practice and Procedure. 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, UCMJ, 10 U.S.C. § 866, review of Appellant's entire case.

Accordingly, it is by the court on this 15th day of July, 2025,

ORDERED:

Appellant's Motion to Attach, dated 7 July 2025, is **GRANTED**.



FOR THE COURT



OLGA STANFORD, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Senior Airman (E-4)

CHRISTIAN K. KEILBERG,

United States Air Force,

Appellant.

**APPELLANT'S MOTION TO
ATTACH A DOCUMENT**

Before Panel No. 1

No. ACM 40601

7 July 2025

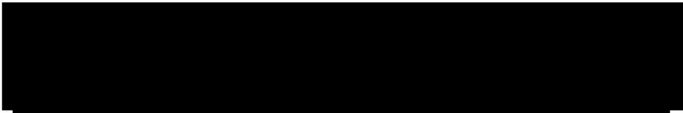
**TO THE HONORABLE, THE JUDGES OF THE UNITED STATES
AIR FORCE COURT OF CRIMINAL APPEALS:**

Appellant, Senior Airman (SrA) Christian K. Keilberg, personally moves this Court pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), and Rules 23 and 23.3(b) of this Court's Rules of Practice and Procedure to attach the following document to his record of trial:

United States of America v. Christian Keilberg, Mag. No. 2024-mj-14059, Criminal Complaint (D.N.J. Nov. 8, 2024) (Attachment)

WHEREFORE, Appellant respectfully requests this Honorable Court grant this motion to attach a document.

Respectfully submitted,


FREDERICK J. JOHNSON, Maj, USAF
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CERTIFICATE OF FILING AND SERVICE

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

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

FREDERICK J. JOHNSON, Maj, USAF
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Appendix

Appellant, Senior Airman (SrA) Christian Keilberg, requests this Court attach the criminal complaint attached to this motion to his record of trial. The declaration may be attached consistent with *United States v. Jessie*, because its consideration is necessary to “resolv[e] issues raised by materials in the record.” 79 M.J. 437, 444 (C.A.A.F. 2020); accord *United States v. Willman*, 81 M.J. 355, 358 (C.A.A.F. 2021) (“In addition to permitting consideration of any materials contained in the ‘entire record,’ our precedents also authorize the CCAs to supplement the record to decide any issues that are raised, but not fully resolved, by evidence in the record.”). SrA Keilberg’s record of trial indicates that the Department of the Air Force Office of Special Investigations (OSI) investigated him for offenses other than those for which he was charged. *E.g.*, R. at 78–79, 94. The attachment documents further legal action based on these offenses, and SrA Keilberg personally raises an issue arising from this action.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, <i>Appellee,</i>	)	UNITED STATES' OPPOSITION TO MOTION TO ATTACH
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG)	
United States Air Force	)	14 July 2025
<i>Appellant.</i>)	

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

Pursuant to Rules 23(c) and 23.3(b) of this Court's Rules of Practice and Procedure, the United States respectfully requests this Honorable Court deny Appellant's Motion to Attach, dated 7 July 2025.

Opposition to Motion to Attach

The United States opposes the attachment of a civilian criminal complaint because they are matters outside the record and are not "necessary to resolve an issue raised by the record" pursuant to United States v. Jessie, 79 M.J. 437 (C.A.A.F. 2020).

This Court is reviewing this case pursuant to Article 66(d)¹, UCMJ. When reviewing whether findings of guilt are correct in law and fact in accordance with Article 66, a "CCA cannot consider matters outside the 'entire record.'" Id. at 444. The "entire record" includes those matters listed in R.C.M. 1103(b)(2)-(3) and the briefs and arguments counsel present

¹ References in Jessie to Article 66(c), UCMJ, are to the version of the statute in effect before implementation of the Military Justice Act of 2016, as incorporated into the 2019 Manual for Courts-Martial, United States. The substantive language of the previous Article 66(c) is now found in Article 66(d) and has not materially changed. Therefore, Jessie's references to Article 66(c) should be presumed to apply to the post-2019 Article 66(d).

“regarding matters in the record of trial and ‘allied papers.’” Id. at 440-41. “[T]he practice of considering material outside the record should not be expanded beyond the context of Article 55, UCMJ, and the Eighth Amendment.” Id. at 445.

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

Here, Appellant asks this Court to attach a civilian criminal complaint from the District of New Jersey to the record on the grounds that SrA Keilberg personally raises an issue arising from this action. (App. Mot. at 2.) In the assignment of error, Appellant asserts that the Air Force Office of Special Investigations (OSI) investigated Appellant, starting in 2022, for offenses other than those for which he was charged. (App. Br. at 10-11). OSI subsequently provided information from that investigation to a civilian court in New Jersey, which “prejudiced SrA Keilberg by subjecting him to new legal jeopardy after the resolution of his court-martial and ensuring that any sentence he might receive for other offenses will be served consecutive to his court-martial sentence.” (App. Br. at 11.). Appellant further asserts this is contrary to the Rule for Courts-Martial 601(e)(2) regarding joinder of offenses.


However, improper processing of potential joinder can only be raised using matters currently outside the record. (*See generally* App. Mot. at 2; App. Br. at 10-11.) Appellant has not articulated how any alleged joinder issue is raised by any materials *currently* in the record, such that the attachment of the criminal complaint would resolve it. Jessie, 79 M.J. at 442. There were no motions about joinder, nor were there any related objections during the guilty plea. (*See generally* R. at 12-118; *see also Master Index*, ROT, Vol. 3.) Nowhere in the transcript does the word “joinder” appear. (*See generally* R. 1-118.) Appellant has not pointed to anything in the record, exhibits, or allied papers that even *hints* at a willful withholding of potential charges until after sentencing at the court-martial before providing investigative materials regarding other offenses to a civilian court. On the contrary, there is robust discussion and argument within the transcript, resulting in the military judge sustaining trial defense counsel’s objection to consideration of evidence regarding uncharged misconduct as inadmissible (*See generally* R. 70-88).

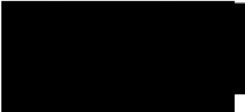
Appellant believes that the reference to uncharged misconduct is sufficient to raise the issue within the record which requires attachment of the criminal complaint. (App. Mot. at 2.) But just as the mere fact of an appellant’s sentence to confinement did not “raise[] an issue regarding [the confinement facility’s] policies,” Jessie, 79 M.J. at 444, the fact that uncharged misconduct was discussed within the record does not—without more—raise the issue of double jeopardy, failure to join offenses, or material prejudice. Appellant’s argument is particularly weak considering the discretion afforded of the referral authority under R.C.M. 601(e)(2). *Cf.* United States v. Buhl 84 M.J. 501 (“The purpose of compulsory joinder statutes is to ‘prevent the

prosecution from substantially proving a crime in a trial in which the crime is not charged, and then in effect retrying the defendant for the same offense in a trial where it is charged.”); *see also State v. Todd*, 262 Kan. 941 P.2d 1374, 1376 (1997). (C.A.A.F. 1994). The *issue* of joinder of any uncharged offense was not “raised by materials in the record,” so outside materials are not necessary and, therefore, not authorized to resolve it. *Jessie*, 79 M.J. at 444-45.


CONCLUSION

Because there is nothing in the extant record that raises the issue of joinder, the civilian court criminal complaint is neither necessary nor relevant. *Jessie*, 79 M.J. at 442. For these reasons, the United States respectfully requests that this Honorable Court deny Appellant’s motion to attach the criminal complaint.


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CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and the Air Force
Appellate Defense Division on 14 July 2025.



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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, <i>Appellee,</i>)	ANSWER TO ASSIGNMENTS OF ERROR
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG)	
United States Air Force	)	6 August 2025
<i>Appellant.</i>)	

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

ISSUES PRESENTED

I.

**WHETHER UNREASONABLE DELAY IN POST-TRIAL
PROCESSING WARRANTS RELIEF.**

II.

**WHETHER THE GOVERNMENT CAN PROVE 18 U.S.C. §
922 IS CONSTITUTIONAL AS APPLIED TO SENIOR
AIRMAN KEILBERG WHEN HE WAS CONVICTED OF
OFFENSES THAT DO NOT FALL WITHIN THE NATION'S
HISTORICAL TRADITION OF FIREARM REGULATION.**

III.¹

**WHETHER THE DEPRIVATION OF MENTAL HEALTH
CARE AND LACK OF DISCUSSION ABOUT THIS ISSUE
DURING THE COURT-MARTIAL MADE SENIOR AIRMEN
KEILBERG'S PLEAS IMPROVIDENT AND WARRANT
RELIEF.**

¹ Along with the assignments of error raised by appellate defense counsel, Appellant personally raised two assignments of error, numbered III through IV in his Appendix, under United States v. Grostefon, 12 M.J. 431 (C.M.A. 1982).

IV.

WHETHER THE DEPARTMENT OF THE AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS'S SUBSEQUENT PRESENTATION OF ADDITIONAL EVIDENCE TO CIVILIAN AUTHORITIES WARRANTS RELIEF PERIOD.

STATEMENT OF CASE

The United States agrees with Appellant's statement of the case.

STATEMENT OF FACTS

Appellant was convicted on 10 October 2023, pursuant to his pleas of guilty one charge with one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, both in violation of Article 80, Uniform Code of Military Justice (UCMJ). 10 U.S.C. § 880. (R. at 61; *Entry of Judgment*, Record of Trial (ROT) Vol. 1). The military judge sentenced him to a Dishonorable Discharge, 24 months in confinement, and reduction in pay grade to E-1. (R. at 118; *Entry of Judgment*).

Additional facts are included, if necessary, for each Issue below.

ARGUMENT

I.

THE GOVERNMENT DID NOT DISPLAY GROSS INDIFFERENECE OR INSTITUTIONAL NEGLECT THROUGHOUT THE APPELLANT'S POST-TRIAL PROCESSING.

Additional Facts

The ROT includes the court reporter's chronology. (*Post Sentencing*, ROT, Vol. 2)

The United States has submitted, along with this Answer, a Motion to Attach the declarations, with attachments, provided by the Staff Sergeant W.G., Noncommissioned Officer in Charge (NCOIC), Adverse Actions, 87th Air Base Wing Legal Office (87 AB/JA), Joint Base

McGuire-Dix-Lakehurst (JBMDL), New Jersey; Senior Master Sergeant B.A., Individual Mobilization Augmentee, Paralegal for the Air Force District of Washington, Joint Base Andrews (JBA), Maryland;² and Technical Sergeant D.K., NCOIC, Appellate Records, Military Justice Law & Policy (JAJM), JBA, Maryland. The chronologies cover the time between sentencing and docketing with this Court.

The ROT was docketed with this Court on 12 April 2024.

Appellant moved, opposed, for 12 enlargements of time to file his Assignments of Error from as early as 31 May 2024 until more than one year later, on 7 July 2025, when he ultimately filed it.

A. Sentencing and Initial Record of Trial Preparation (10 October 2023-13 November 2023)

On 11 October 2023, the day after the trial concluded, the court reporter started her post-trial duties, which included backing up the trial audio, completing the exhibit index list, and running a ROT verification checklist with the case paralegal. (SMSgt B.A. Declaration, dated 30 July 2025) (SMSgt B.A. Declaration). On 13 November 2023, 34 days after the conclusion of the trial, the court reporter certified the ROT as complete and accurate. (Id.). The certified ROT and the accompanying Court Reporter Chronology were immediately uploaded to the shared drive, and the case paralegal was notified of its completion. (Id.).

² In 2023, SMSgt B.A. was an Individual Mobilization Augmentee to the Paralegal Manager, Expeditionary Center, JBMDL and a civilian paralegal in the General Torts Branch in Claims and Tort Litigation Division, Civil Law Domain (JACC), JBA, Maryland.

B. Convening Authority Review and Coordination (14 November 2023-7 February 2024)

Between 20 November and 14 December 2023, the ROT underwent appropriate review for Article 140a redactions. (Id.). The ROT was also provided to Appellant during this period. (Id.). On 15 December 2023, the ROT was sent to the Office of the Staff Judge Advocate, United States Air Force Expeditionary Center (USAFEC/JA) for review, which triggered multiple rounds of review and corrections, spanning until 7 February 2024. (Id.). On 7 February 2024, USAFEC/JA completed its review and transmitted minimal corrections back to the base legal office. (Id.). The case paralegal completed these corrections on the same day. (Id.).

C. Administrative Delay and Transmission of the Record (8 February 2024-11 March 2024)

From 8 February to 10 March 2024, a period of 32 days, the forwarding of the now-corrected ROT was delayed at USAFEC/JA. (Id.). The reason for this delay was an administrative decision to await the completion of ten additional ROTs to send them to JAJM in a single, consolidated shipment. (Id.; (TSgt W.G. Declaration, dated 16 July 2025) (TSgt W.G. Declaration)). However, on Friday, 8 March 2024, 150 days after sentencing, SMSgt B.A., a reservist performing duty at USAFEC/JA, took physical control of a box containing the Appellant's ROT and hand-carried them from JBMDL, NJ to JBA, MD; Appellant's ROT was delivered to JAJM the following duty day Monday, 11 March 2024. ((SSgt W.G. Declaration, dated 15 July 2025) (SSgt W.G. Declaration); SMSgt B.A. Declaration).

On the next duty day, Monday, 11 March 2024, SMSgt B.A directed paralegal SSgt S.W., JACC, JBA, MD, to deliver the box to JAJM. (SMSgt BA Declaration). SMSgt B.A. confirmed via a Microsoft Teams message that he had delivered the box to JAJM at 1337 hours that day. (Id.).

D. Resolution of Sensitive Evidence Handling (12 March 2024-12 April 2024)

This delivery, however, brought a critical issue to light. Only the original ROT was delivered to JAJM. The two required copies, designated JAJM1 and JAJM2, were retained by the base legal office at JBMDL. (SSgt W.G. Declaration). This retention resulted from the case paralegal identifying that evidence submitted during the Appellant’s pretrial confinement hearing—specifically, child sexual abuse material (CSAM) and other sexually explicit material—had not been sealed by the Pretrial Confinement Review Officer (PCRO). (Id.).

Upon identifying the issue, from 12 March to 27 March 2024, the Trial Counsel (TC) and case paralegal sought guidance. (Id.). The TC contacted USAFEC/JA, who, recognizing the gravity of the situation, consulted with JAJM. (Id.). The advice received was to have the TC submit a motion to the military judge to have the evidence sealed. (Id.). On 28 March 2024, NCOIC of Military Justice, TSgt A.R., formally updated USAFEC/JA, confirming that the JAJM copies were being held at the 87 ABW/JA office pending the outcome of this motion. (Id.). On 1 April 2024, TC contacted the military judge, requesting an order to seal the CSAM evidence. (Id.). The military judge responded, in substance, that he did not believe he retained jurisdiction to reopen the court and issue such an order post-trial. (Id.). He noted that, pursuant to Department of the Air Force Instruction (DAFI) 51-201, *Administration of Military Justice*, the proper remedy might be for the case to be remanded by JAJM or AFCCA for correction. (Id.). On 9 April 2024, the JAJM1 and JAJM2 copies of the ROT were mailed to JAJM.³ (Id.)

³ The ROT contains a sealed manila envelope labeled “CUI U.S. v. Keilberg, Christian 72 Hr Memo Attch II Warning: Sexually Explicit Materials Enclosed-Not Ordered Sealed by the Court.” (*Post-Sentencing*, ROT, Vol. 3.) The PCRO’s Pretrial Confinement Review describes a portion of the contents in the envelope as nude videos and pictures of a minor female. (*Pretrial Confinement Review*, 12 April 2023, ROT, Vol. 3.) JAJG did not open this envelope, since it appears to be contraband, and presumably, JAJM did not for this reason either. If this Court

Date Range	Duration	Event
10 October 2023		Court-martial concludes; sentence adjudged.
11 October-13 November 2023	34 days	ROT transcribed, proofread, and certified.
14 November-14 December 2023	31 days	ROT under review for Article 140a redactions.
15 December 2023-7 February 2024	55 days	ROT with USAFEC/JA for review and corrections.
8 February-10 March 24	32 days	Administrative delay at USAFEC/JA.
11 March 2024	1 day	Original ROT delivered to JAJM; CSAM issue identified.
12 March-9 April 2024	29 days	Coordination to resolve unsealed CSAM evidence.
10 April-12 April 2024	3 days	JAJM1/2 copies mailed, received, and case docketed.
Total (Sentence to Docketing)	185 days	

Standard of Review

This Court reviews de novo an appellant's entitlement to relief for post-trial delay.

United States v. Livak, 80 M.J. 631, 633 (A.F. Ct. Crim. App. 2020) (citing United States v. Moreno, 63 M.J. 129, 135 (C.A.A.F. 2006)).

determines destruction of this exhibit is appropriate, the United States will promptly comply with any such order.

Law

Convicted servicemembers possess a due process right to timely post-trial review and appeal. United States v. Moreno, 63 M.J. 129, 135 (C.A.A.F. 2006). To assess timeliness, this Court applies an aggregate standard, which presumes a delay is unreasonable if the period from sentencing to docketing exceeds 150 days. Livak, 80 M.J. at 633.

A presumptively unreasonable delay is not a per se violation of due process. Instead, it triggers a balancing of the four factors articulated in Barker v. Wingo, 407 U.S. 514, 530 (1972): (1) the length of the delay; (2) the reasons for the delay; (3) the appellant's assertion of the right to a timely review; and (4) prejudice to the appellant. Moreno, 63 M.J. at 135. No single factor is dispositive, and all must be weighed in a comprehensive analysis. Id. at 136.

In Moreno, the Court of Appeals for the Armed Forces identified three types of cognizable prejudice for purposes of an appellant's due process right to timely post-trial review: (1) oppressive incarceration; (2) anxiety and concern; and (3) impairment of the appellant's ability to present a defense at a rehearing. 63 M.J. at 138–39 (citations omitted). As to the first type of prejudice, where Appellant does not prevail on the substantive grounds of his appeal, there is no oppressive incarceration. Id. at 139. Similarly, looking at the third type of prejudice, where Appellant's substantive appeal fails, his ability to present a defense at a rehearing is not impaired. Id. at 140. Finally, with regard to the second type of prejudice, anxiety and concern, “the appropriate test for the military justice system is to require an appellant to show particularized anxiety or concern that is distinguishable from the normal anxiety experienced by prisoners awaiting an appellate decision.” Id.

Where an appellant has not shown prejudice from the delay, there is no due process violation unless the delay is so egregious as to “adversely affect the public’s perception of the fairness and integrity of the military justice system.” United States v. Toohey, 63 M.J. 353, 362 (C.A.A.F. 2006). As the Court of Appeals for the Armed Forces (CAAF) recently clarified in United States v. Valentin-Andino, Article 66(d)(2) now solely governs relief for excessive post-trial. The standard is whether “appropriate relief” is warranted, which means relief that is “suitable under the facts and circumstances of the case.” United States v. Valentin-Andino, No. 24-0208/AF, slip op. at 11 (C.A.A.F. 31 March 2025). In deciding whether to invoke Article 66, UCMJ, to grant relief as a “last recourse,” prior to Valentin-Andino, this Court laid out a non-exhaustive list of factors to be considered, including:

- (1) How long the delay exceeded the standards set forth in Moreno;
- (2) What reasons, if any, the Government set forth for the delay, and whether there is any evidence of bad faith or gross indifference to the overall post-trial processing of this case;
- (3) Whether there is some evidence of harm (either to the appellant or institutionally) caused by the delay;
- (4) Whether the delay has lessened the disciplinary effect of any particular aspect of the sentence, and is relief consistent with the dual goals of justice and good order and discipline;
- (5) Whether there is any evidence of institutional neglect concerning timely post-trial processing; and
- (6) Given the passage of time, whether the court can provide meaningful relief.

United States v. Gay, 74 M.J. 736, 744 (A.F. Ct. Crim. App. 2015) *aff’d*, 75 M.J. 264 (C.A.A.F. 2016).

CAAF recently explained that, while cases of institutional neglect may warrant relief, such relief need only be “appropriate, meaning it must be suitable considering the facts and circumstances surrounding that case.” Valentin-Andino, slip op. at 11. No meaningful relief is required. Id.

Analysis

Appellant claims that relief is warranted because the government’s failure to get from sentencing to docketing with this Court demonstrated a facially unreasonable delay, institutional neglect and gross indifference towards post-trial processing. (App. Br. at 4-6). This analysis fails because any post-trial delay in this case was not unreasonable and did not demonstrate gross indifference or institutional neglect. Thus, discretionary relief is not warranted.

A. Length of the Delay

This factor weighs in favor of Appellant. The 185-day period from sentencing to docketing exceeds the 150-day benchmark in Livak by 35 days creating a presumption unreasonableness and properly triggers the four-factor Barker analysis. However, the length of the delay is merely the starting point of the inquiry, not its conclusion.

B. Reasons for the Delay

This factor weighs in the government’s favor. In discussing this second Livak factor, Appellant focuses on the time it took after the ROT was certified to get it docketed with the court. (App. Br. at 4). However, the information attached to the declarations—which are being submitted in the Motion to Attach filed along with this Answer—provides detail for every day and demonstrates the government acted with reasonable diligence in processing Appellant’s case post-trial. (See SMSgt BA Declaration; TSgt W.G. Declaration; SSgt W.G. Declaration).

The government's diligence began the day after trial. The court reporter prepared and certified the ROT quickly, completing the task in only 34 days and immediately refuting any overarching claim of neglect. The record then entered a crucial and legally mandated phase of review. From protecting the victim's sensitive information as required by Article 140a, UCMJ, to a substantive quality-control review by the convening authority that resulted in necessary corrections, this period was one of active work, punctuated by 12 non-duty federal holidays. (*See* SSgt W.G. Declaration).

While an administrative decision to consolidate shipments caused a 32-day delay in forwarding, this single period is eclipsed by the diligent work that preceded it and the critical problem-solving that immediately followed. The central issue arose on 11 March 2024 with the discovery of unsealed CSAM in the case file. (*See* SSgt W.G. Declaration). This serious finding compelled the government to halt routine processing and confront a novel legal challenge. The government's response was immediate and thorough, sparking urgent, good-faith consultations between the base legal office, USAFEC/JA, and JAJM to determine a lawful path forward.

The government's actions, particularly in response to this unforeseen crisis, were the antithesis of neglect. They were the actions of a responsible party committed to procedural integrity and the proper administration of justice.

C. Appellant Did not Assert Right to Timely Review

The third Barker "factor calls upon [this Court] to examine an aspect of [Appellant's] role in this delay." Moreno, 63 M.J. at 138. Specifically, whether Appellant "object[ed] to any delay or assert[ed] his right to timely review and appeal prior to his arrival at this court." Id. In this case, Appellant did not assert his right to speedy post-trial processing to the convening authority

and only asserted the right as incorporated into his assignments of error. Therefore, this factor weighs in the United States' favor.

D. Appellant Suffered No Prejudice

Appellant does not claim impairment of the ability to present a defense at a rehearing, he does not claim he suffered oppressive incarceration pending appeal and does not claim anxiety and concern. Appellant foreclosed the possibility that his term of imprisonment could be reviewed before fully serving the full term, because he filed 12 motions for enlargement of time. In any event, Appellant has raised no meritorious issues that could result in him receiving a reduced sentence of imprisonment.

As a result, Appellant has failed to allege any valid claim of prejudice, so the Livak factors weigh heavily against him.

E. There is no appropriate relief that this Court should grant Appellant.

The CAAF decision in Valentin-Andino established that in cases of post-trial processing delays, only appropriate relief is required. Valentin-Andino, slip op. at 12. The CAAF further emphasized that “appropriate relief” is not synonymous with “meaningful relief.” Id. at 9. Therefore, “if a Court of Criminal Appeals decides relief is warranted for excessive post-trial delay under Article 66(d)(2) that relief must be ‘appropriate,’ meaning it must be suitable considering the facts and circumstances surrounding that case.” Id. at 11. Appellant is requesting this Court to reduce the term of confinement by three months. (App. Br. at 6). Considering the facts and circumstances of this case, this Court should not grant Appellant relief for such minor post-trial delays that were reasonable considering his conviction for sexual abuse of a child and attempted sexual assault of a child.

Appellant did not articulate specific facts supporting his claim that he should be granted post-trial relief. Of note, Article 66(d) grants the Courts of Criminal Appeals the discretion to grant relief for post-trial delays. In Valentin-Andino, this Court found gross indifference and institutional neglect yet only modified the sentence by altering the reduction in grade to E-2 rather than E-1. Id. at 17, 19. The extent of relief Appellant seeks—reducing confinement by three months—would be is well beyond the relief granted in Valentin-Andino, especially where there is no institutional neglect or gross indifference.

In sum, Appellant is not entitled to post-trial relief for the minor post-trial delay. The delay was not a result of institutional neglect or gross indifference to post-trial processing. The delay was reasonable and did not result in any harm or prejudice. This Court should deny the assignment of error and should not grant relief.

II.

THIS COURT LACKS JURISDICTION TO ACT UPON A 18 U.S.C. § 922 INDICATION.

Standard of Review

This Court reviews questions of jurisdiction de novo. United States v. Williams, 85 M.J. 121, 124 (C.A.A.F. 2024) (citing United States v. Kuemmerle, 67 M.J. 141, 143 (C.A.A.F. 2009)).

Law and Analysis

Appellant’s claim fails in light of United States v. Johnson No. 24-0004/SF, slip op. at 2 (C.A.A.F. 24 June 2025). In Johnson, the Court of Appeals for the Armed Forces held that it “lacks authority to act upon a § 922 indication because no Court of Criminal Appeals has the authority to act upon that indication in the first instance,” and that the question of 18 U.S.C. §

922's constitutionality was therefore "moot." *Id.* Such is the case here. This Court should deny this assignment of error.

III.⁴

THE APPELLANT'S GUILTY PLEAS WERE PROVIDENT.

Additional Facts

A pretrial R.C.M. 706 sanity board was conducted (Inquiry), which concluded that Appellant, at the time of his offenses, did not have a severe mental disease or defect, and "was able to appreciate the wrongfulness of this conduct and to appreciate the nature and quality of his behavior." (App Ex. III., ROT. Vol. 2). The Inquiry also concluded that Appellant "was not suffering from a mental disease or defect rendering [Appellant] unable to understand the nature of the proceedings against [him] or to conduct or cooperate intelligently in his defense." (*Id.*)

During the Care inquiry, the military judge informed Appellant of the elements for each offense he pled guilty. (R. at 21-41). The military judge also advised Appellant that certain motions are waived if not made prior to entering his plea. (R. at 47). On behalf of Appellant, trial defense counsel stated that a motion to compel a forensic psychologist to assist in Appellant's defense, potentially a motion for unreasonable multiplication of charges, and a motion to preclude evidence of other uncharged acts pursuant to M.R.E. 404(b) and M.R.E. 414. (R. at 48-49). Appellant acknowledged that, as a provision of his plea agreement, he was forgoing the opportunity to make the motions in order to get the benefit of his plea agreement. (R. At 47, 49-50). Finally, the Appellant confirmed that he understood he could request expert assistance to assist in his defense and was giving up that right freely and voluntarily. (R. at 50). After reviewing each offense, possible defenses, and motion which might have been raised by

⁴ Appellant raises this issue pursuant to United States v. Grostefon, 12 M.J. 431 (C.M.A. 1982).

trial defense counsel, the military judge accepted Appellant's plea of guilt and found it to be provident. (R. at 59).

Standard of Review

This Court reviews a military judge's decision to accept a guilty plea for abuse of discretion. United States v. Shaw, 64 M.J. 460, 462 (C.A.A.F. 2007) (quoting United States v. Eberle, 44 M.J. 374, 375 (C.A.A.F. 1996)). Questions of law arising from the guilty plea are reviewed de novo. United States v. Inabinette, 66 M.J. 320 (C.A.A.F. 2008). When applying this standard, this Court uses the substantial basis test and considers "whether there is something in the record of trial with regard to the factual basis or the law, that would raise a substantial question regarding appellant's guilty plea." Id. at 322; *see also*, United States v. Yanger, 67 M.J. 56 (C.A.A.F. 2008). "Once the military judge has accepted a plea as provident and has entered findings based on it, an appellate court will not reverse that finding and reject the plea unless it finds a substantial conflict between the plea and the accused's statements or other evidence of record." Shaw, 64 M.J. at 462 (quoting United States v. Garcia, 44 M.J. 496, 498 (C.A.A.F. 1996)).

Law and Analysis

Appellant asserts his pleas were improvident because he was not provided with mental health care and that this topic was not specifically addressed during the plea inquiry. (App. Br., Appendix at 2). This claim is without merit.

Before accepting a plea of guilty, the military judge must make inquiries "of the accused into the facts and circumstances surrounding the act or acts charged in order to establish a factual basis ... that the accused is, in fact, guilty." United States v. Davenport, 9 M.J. 364, 366 (C.M.A. 1980); *see also* United States v. Care, 40 C.M.R. 247 (C.M.A. 1969); R.C.M. 910(e)(2019).

The military judge must resolve apparent defenses or reject the plea. United States v. Pinero, 60 M.J. 31, 33-34 (C.A.A.F. 2004) (citations modified). However, an appellant raising the issue that the military judge did not ask him about his mental health during his plea on appeal is not a sufficient basis to overturn the court's findings. Shaw, 64 M.J. at 462-63 (citations omitted). The provident-plea standard requires inquiry to ensure the accused understands the charge, elements, maximum punishment, and collateral consequences. A plea is provident if it is a voluntary and intelligent choice among the alternative courses of action open to the accused. *See id.* A decision to waive constitutional rights must be an informed one. United States v. Hansen, 59 M.J. 410, 413 (C.A.A.F. 2004).

As a matter of law, an accused is presumed to be mentally responsible. R.C.M. 916(k)(3)(A). "Under Article 50a(a), lack of mental responsibility is an affirmative legal defense requiring proof that the accused, at the time of the offenses: (1) suffered from a severe mental disease or defect, and (2) as a result of that disease, was unable to appreciate the nature and quality or the wrongfulness of the acts." United States v. Martin, 56 M.J. 97, 103 (C.A.A.F. 2001) (citations modified); *see also* 10 U.S.C. §850a; R.C.M. 916(k)(1).

While Appellant's case touched upon the possibility of mental health issues, the record does not raise a question that Appellant suffered from severe mental disease or defect at the time of the offense. The record also does not raise a question that any mental disease or defect suffered by appellant affected his ability to appreciate the nature, quality, or wrongfulness of his actions. To the contrary, the record indicates that his command was aware of potential issues and took action; his First Sergeant took him to the emergency room for an evaluation. The subsequent placement in pretrial confinement does not, in itself, demonstrate that he was deprived of necessary care or that he lacked the capacity to stand trial.

Appellant fails to establish a substantial basis in law or fact to question his guilty plea, and the military judge did not abuse his discretion in accepting Appellant's guilty plea. Appellant did not present any evidence regarding his mental condition that was inconsistent with his plea or which raised the affirmative defense of lack of mental responsibility.

The Appellant was represented by counsel throughout the proceedings. There is no indication in the record that his defense counsel ever raised an issue regarding his mental state, his competency to stand trial, or his ability to enter a knowing and voluntary plea. The military judge conducted a thorough inquiry in accordance with Care by covering each element of the offenses for which he pled guilty and ensuring Appellant is made aware of the maximum punishment. (R. at 21-42). Appellant never expressed confusion or incapacity during the plea colloquy, and the record demonstrates a knowing and voluntary waiver of rights. Appellant has also not pointed to any portion of that inquiry suggesting his plea was improvident. The mere absence of a specific question about mental health, without any indication of an issue, does not render the plea colloquy deficient or the judge's acceptance of the plea an abuse of discretion.

The Appellant's guilty plea was a calculated and voluntary act, made with the advice of counsel, which "saved the Government the time, effort, expense, and resources that would have been required to litigate the court-martial." The military judge did not abuse his discretion in accepting the pleas. This Court should deny this assignment of error.

IV.⁵

**SUBSEQUENT ACTIONS BY CIVILIAN AUTHORITIES
ARE BEYOND THE SCOPE OF THIS COURT’S REVIEW
AND DO NOT WARRANT RELIEF BECAUSE THERE IS
NO RIGHT TO BE PROSECUTED IN ONE TRIAL FOR ALL
POSSIBLE OFFENSES.**

Additional Facts

On or about 8 November 2014, the United States Attorney’s Office for the District of New Jersey filed a complaint in the United States District Court for the District of New Jersey charging Appellant with one count of Receipt of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A) and 2252A(b)(1) (Complaint). Complaint at 2, United States of America v. Christian Keilberg, No. 2024-mj-14059-01(RLS) (D.N.J. 8 November 2024), ECF No. 1.

The Complaint, which charges an offense taking place between in and around November 2020 and November 2022, contains an affidavit from Special Agent S.S. of the Department of the Air Force, Office of Special Investigations (OSI), detailing the investigation into Appellant. Id. at 2, 3. The investigation began around July 2022 after OSI received a notification from local law enforcement that Appellant used a social media account to receive CSAM earlier that year. Id. at 3. In August 2022, OSI executed a search authorization at Appellant’s residence in Burlington County, New Jersey, seizing electronic devices, including his cell phone and a hard drive. Id. In September 2024, OSI received search authorization from a United States Magistrate Judge for the District of New Jersey to search Appellant’s and a then-13-year-old female (“MV-1”) minor victim’s Platform accounts. Id.

A forensic review of the phone uncovered a chat application with numerous communications between Appellant and MV-1. Id. Subsequent records obtained from the

⁵ Appellant raises this issue pursuant to United States v. Grostefon, 12 M.J. 431 (C.M.A. 1982).

Platform revealed that from November 2020 to November 2022, Appellant and MV-1 exchanged over 2,000 text messages of a predominantly sexual nature. Id. at 4. During their conversations, they confirmed their ages; MV-1 stated she was 13 and Appellant stated he was 29. Id. MV-1 sent Appellant approximately eight nude images of herself, sometimes at his specific request. Id. For instance, on November 21, 2020, after MV-1 sent a picture of herself, Appellant encouraged her to send explicit photos of her breasts and vagina, which she did. Id. at ECF No. 1. The affidavit provides further examples of Appellant requesting and receiving explicit images in November 2021 and February 2022. Id. at 4-6. Special Agent S.S. concluded that the images traveled in interstate commerce via the internet, based on their presence on Appellant's phone and IP address data. Id. at 6.

On 4 April 2025, SrA Keilberg was arrested on the Complaint. Arrest Warrant, United States of America v. Christian Keilberg, No. 2024-mj-14059-01(RLS) (D.N.J. 8 November 2024), ECF No. 5. Appellant appeared before a magistrate judge pursuant to Fed. R. Crim. P. 5 on 22 May 2025. Minute of Proceedings, United States of America v. Christian Keilberg, No. 2024-mj-14059-01(RLS) (D.N.J. 8 November 2024), ECF No. 7.

Standard of Review

This Court reviews questions of jurisdiction de novo. United States v. Williams, 85 M.J. 121, 124 (C.A.A.F. 2024) (citing United States v. Kuemmerle, 67 M.J. 141, 143 (C.A.A.F. 2009)).

Law

“The courts of criminal appeals are courts of limited jurisdiction, defined entirely by statute.” United States v. Arness, 74 M.J. 441, 442 (C.A.A.F. 2015). Article 66(d), UCMJ, provides that this Court “may only act with respect to the findings and sentence as entered into

the record under section 860c of this title.” 10 U.S.C. § 866(d). The purpose of such review is “to ensure ‘that justice is done and that the accused gets the punishment he deserves.’” United States v. Joyner, 39 M.J. 965, 966 (A.F.C.M.R. 1994) (quoting United States v. Healy, 26 M.J. 394, 395 (C.M.A. 1988)).

R.C.M. 201(d)(3) states: “where an act or omission is subject to trial by court-martial and by one or more civil tribunals, foreign or domestic, the determination which nation, state, or agency will exercise jurisdiction is a matter for the nations, state, and agencies concerned, and is not a right of the suspect or accused.”

Analysis

Under Article 66(c), this Court lacks authority to review a separate, subsequent investigation or the charging decision of a different sovereign. This Court jurisdiction is limited to only the matters contained in the record of trial. *See* Article 66(d), UCMJ. It does not authorize this Court to act on the collateral matters of a law enforcement agency’s decision, such as its decision to present a case for prosecution to the United States Attorney’s Office for the District of New Jersey.

Appellant contends that OSI prejudiced him by waiting until after his court-martial conviction and the service of a substantial portion of his sentence to present information from an older, pre-court-martial investigation (dating back to 2022) to civilian law enforcement resulting in a separate criminal complaint against him in the U.S. District Court for the District of New Jersey. (App. Br., Appendix at 3). His guilty pleas and conviction in a military court-martial are independent of any subsequent civilian investigations or prosecutions. The government is not legally obligated to consolidate all potential charges from every investigation into a single court-

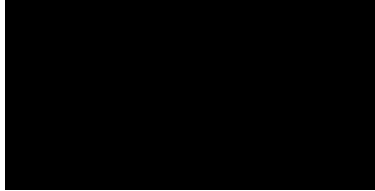
martial. R.C.M. 201(d)(3) limits Appellant's standing in military courts to challenge the court-martial's jurisdiction and an agency's decision to exercise jurisdiction.

The Appellant's requested relief, which is to set aside the military court-martial findings of guilt and sentence, is not an appropriate or available remedy for an alleged grievance concerning a subsequent and separate civilian investigation and prosecution. Although this Court has discretion to determine whether a sentence is appropriate, it has "no power to 'grant mercy.'" United States v. Hamilton, 77 M.J. 579, 587 (A.F. Ct. Crim. App. 2017) (citing United States v. Nerad, 69 M.J. 138, 146 (C.A.A.F. 2010)); *see also* United States v. Walters, 71 M.J. 695, 698 (A.F. Ct. Crim. App. 2012) ("[W]e are not authorized to engage in exercises of clemency.").

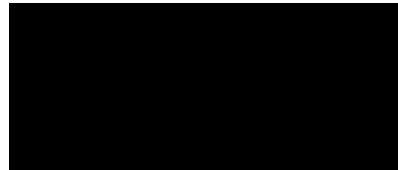
The court-martial proceedings, in which Appellant pleaded guilty, were completed. Therefore, this Court should decline to review this issue, because it is outside this Court's jurisdiction

CONCLUSION

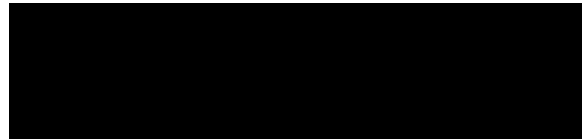
For these reasons, the United States respectfully requests that this Honorable Court deny Appellant's claims and affirm the findings and sentence in this case.



CATHERINE D. MUMFORD, Capt, USAF
Appellate Government Counsel
Government Trial and
Appellate Operations Division
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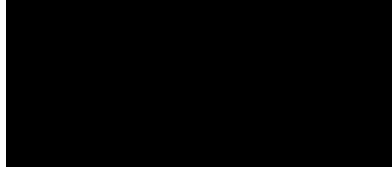
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MARY ELLEN PAYNE
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CERTIFICATE OF FILING AND SERVICE

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



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

UNITED STATES)	No. ACM 40601
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Christian K. KEILBERG)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 6 August 2025, Appellee submitted a motion to attach declarations explaining post-trial processing to address Appellant's Assignments of Error claim that his post-trial processing delay was unreasonable. Appellant did not oppose the Government's motion to attach.

The court has considered Appellee's motion and the applicable law. The court grants Appellee'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, UCMJ, 10 U.S.C. § 866, review of Appellant's entire case.

Accordingly, it is by the court on this 15th day of August, 2025,
ORDERED:

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



FOR THE COURT

[REDACTED]

AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, <i>Appellee,</i>	)	UNITED STATES' MOTION TO ATTACH DECLARATIONS
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40601
CHRISTIAN K. KEILBERG)	
United States Air Force	)	6 August 2025
<i>Appellant.</i>)	

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

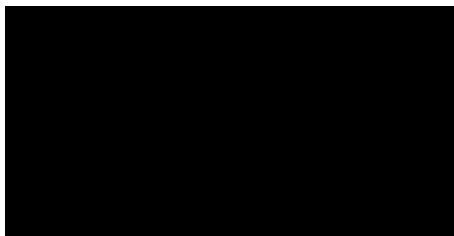
Pursuant to Rule 23(b) of this Court's Rules of Practice and Procedure, the United States hereby submits this Motion to Attach Declarations with post-trial processing information to address Appellant's claim in Issue I in his Assignments of Error.

In Issue I, Appellant claims he was denied speedy post-trial processing and is entitled to relief for an alleged violation of United States v. Moreno, 63 M.J. 129 (C.A.A.F. 2006). (App. Br. at 3-6). He calls the delay "inexplicable," because the court reporter certified the record of trial 34 days after sentencing. (App. Br. at 4).

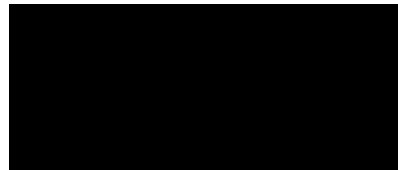
The Court of Appeals for the Armed Forces held matters outside the record may be considered "when doing so is necessary for resolving issues raised by materials in the record." United States v. Jessie, 79 M.J. 437, 444 (C.A.A.F. 2020). The Court concluded that, "based on experience . . . 'extra-record fact determinations' may be 'necessary predicates to resolving appellate questions.'" Id. at 442 (quoting United States v. Parker, 36 M.J. 269, 272 (C.M.A. 1993)). The issue of post-trial delay is raised by materials currently in the record but is not "fully resolvable by those materials." Jessie, 79 M.J. at 445.

The declarations from the base legal office and the convening authority's servicing legal office contain chronological information that addresses the post-trial processing of Appellant's case from sentencing to docketing with this Court, so it is relevant and necessary to resolve and disprove Appellant's claim that the United States deprived him of speedy post-trial processing.

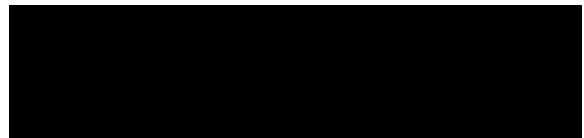
WHEREFORE, the United States requests this Court grant this Motion to Attach the Declarations.



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Appellate Operations Division
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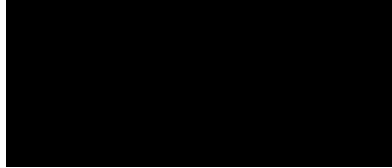
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MARY ELLEN PAYNE
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CERTIFICATE OF FILING AND SERVICE

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



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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Senior Airman (E-4)

CHRISTIAN K. KEILBERG,

United States Air Force,

Appellant.

**REPLY BRIEF ON BEHALF OF
APPELLANT**

Before Panel No. 1

No. ACM 40601

13 August 2025

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

Appellant, Senior Airman (SrA) Christian K. Keilberg, pursuant to Rule 18(d) of this Court's Rules of Practice and Procedure, files this Reply to the United States' Answer to Assignments of Error of August 6, 2025. In addition to the arguments in the Brief on Behalf of Appellant filed on July 7, 2025, SrA Keilberg submits the following additional arguments.

I.

The Government's explanations for the post-trial processing delays demonstrate gross indifference and institutional neglect and therefore warrant relief.

The timeline provided by Government in response to SrA Keilberg's assignment of error highlights unacceptable reasons for the post-trial processing delays. Government's Ans. at 2–6 (citing declarations attached to United States' Motion to Attach Declarations, Aug. 6, 2025.¹ In particular, the Government's decision to let SrA Keilberg's record sit untouched for thirty-two days because it wanted to ship it with other records from New Jersey and its scramble to address unsealed child sexual abuse material (CSAM) demonstrate gross indifference and institutional

¹ While the motion to attach declarations remains pending before this Court, SrA Keilberg is not opposing this motion. United States' Motion to Attach Declarations, Aug. 6, 2025.

neglect to timely, competent post-trial processing. Government’s Ans. at 4–6. These factors warrant appropriate relief. Article 66(d)(2), Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 866(d)(2); *United States v. Valentin-Andino*, No. ACM 40185 (f rev), 2024 CCA LEXIS 223, at *17 (A.F. Ct. Crim. App. June 7, 2024), *aff’d on other grounds*, 85 M.J. 361, No. 24-0208, 2025 CAAF LEXIS 248 (C.A.A.F. Mar. 31, 2025).

The delay was avoidable because the post-trial processing initially proceeded efficiently. The Government notes, as did SrA Keilberg in his brief, that the court reporter completed the transcript and certified the record of trial (ROT) just thirty-four days after sentencing. *Compare* Government’s Ans. at 3, *with* Br. on Behalf of Appellant at 4. After that, however, indifference and neglect began to emerge. It apparently took the Government until 14 December 2023—thirty-one days after ROT certification on 13 November 2023—to complete the required redactions under Article 140a, UCMJ, 10 U.S.C. § 940a. Government’s Ans. at 3–4, 6. The Government’s answer offers no explanation for why it took this long to complete common redactions in a relatively short ROT. Government’s Ans. at 4; *see* Br. on Behalf of Appellant at 4 (noting that this case involved a relatively short guilty plea for which the court-martial was only on the record for approximately three hours and thirty-two minutes). The fact that it took almost as long to complete redactions as it did to prepare and certify the ROT in the first place suggests indifference and neglect during the redaction process.

The post-trial processing efficiency did not improve once the ROT reached the convening authority’s legal office. The Government describes “multiple rounds of reviews and corrections” at this office that lasted for fifty-four days. Government’s Ans. at 4. Curiously, this lengthy review—twenty days longer than the production and certification of the ROT—produced only “minimal corrections” that the case paralegal was able to complete the day the ROT returned to

the base legal office. *Id.* The Government offers no explanation for why these reviews consumed so much time when there were seemingly few corrections to note. The minimal results of these reviews show that the extensive time was likely unnecessary to complete them, further indicating indifference and neglect during this fifty-five-day period.

The Government's indifference and neglect grew substantially after completing these ROT reviews. At that point, SrA Keilberg's ROT continued to sit in the convening authority's legal office for thirty-two days with no progress. Government's Ans. at 4. This delay was due to what the Government describes as "an administrative decision to await the completion of ten additional ROTs to send them to [the Air Force Military Justice Law and Policy Division (JAJM)] in a single, consolidated shipment." *Id.* In other words, the Government *chose* to do nothing for the post-trial processing of this case for over a month simply to accommodate the shipping preferences of one legal office. The Government provides no explanation in its Answer as to why this was a reasonable choice. Instead, it seems to think that because there is some explanation for those thirty-two days, that explanation must be reasonable, but that is not the case. A substantial delay purely for logistical convenience demonstrates a staggering indifference to both timely post-trial processing and SrA Keilberg's rights. While the Government waited to construct its preferred shipment, SrA Keilberg languished in confinement, unable to do anything that would advance his appeals. *See* R. at 118 (sentencing SrA Keilberg to twenty-four months of confinement). A senior non-commissioned officer finally drove the ROT from New Jersey to Maryland on the 150th day after sentencing, but it was not delivered to JAJM until the following Monday. Government's Ans. at 4. As a result of the Government's indifference, it had already violated the 150-day standard articulated in *United States v. Livak* when JAJM received the ROT. 80 M.J. 631, 633 (A.F. Ct. Crim. App. 2020).

Further preventable delay ensued when the Government came to believe that the ROT contained unsealed CSAM. Government's Ans. at 5. The Government lauds its own efforts to address this issue, noting the time needed to seek guidance from different offices and file a motion to seal the materials. Government's Ans. at 5. But this self-praise masks an inconvenient truth: these efforts were only necessary because the Government either negligently allowed unsealed CSAM into the ROT or erroneously believed it to be there. The extent of this issue is not entirely clear. The Government expresses concern over an envelope in Volume 3 of the ROT labeled "CUI U.S. v. Christian Keilberg 72 Hr Memo Attch 11 Warning: Sexually Explicit-Materials Enclosed- Not Ordered Sealed by the Court disc 1 of 1" in Volume 3 of the ROT. Government's Ans. at 5 n.3.² However, the "72-Hour memorandum" indicates that Attachment 11 is an explicit video of SrA Keilberg. ROT Vol. 2, Pretrial Confinement of SrA Christian K. Keilberg, Apr. 6, 2023. Although it may be sexually explicit, this is unlikely to be CSAM because SrA Keilberg is an adult.³ CSAM is likely included in Attachments 4, 9, and 10, all of which are replaced by slip sheets indicating that the attachments can be found in the original ROT at JAJM. *Id.*; ROT Vol. 3. It is unclear whether slip sheets replaced these attachments all along or they were inserted as a remedial measure after identification of this issue.

Whatever the extent of unsealed CSAM in the ROT, the Government's "multiple rounds of review" over fifty-five days that produced only "minimal corrections" apparently failed to identify this error. Government's Ans. at 4, 6. Moreover, the twenty-nine days the Government spent on this issue failed to fully resolve it because the military judge concluded he lacked

² The Government's brief refers to this as "Attch II," seemingly mistaking the Arabic numeral "11" for the Roman numeral "II." Government's Ans. at 5 n.3.

³ Like Government counsel, undersigned counsel has not accessed the disk in this envelope because of the warning label. *See* Government's Ans. at 5 n.3.

jurisdiction to reopen the court and order the materials sealed. Government's Ans. at 5. By the time the ROT was docketed with this Court, institutional negligence yielded an unacceptable 185 days of post-trial processing delays and produced a ROT that might still contain unsealed CSAM.

The Government's attempts to downplay the impact of these delays relies in part on outdated legal authorities. Government's Ans. at 7–8 (citing *United States v. Gay*, 74 M.J. 736, 744 (A.F. Ct. Crim. App. 2015), *aff'd*, 75 M.J. 264 (C.A.A.F. 2016)). Earlier this year, the United States Court of Appeals for the Armed Forces (CAAF) stated that “errors regarding post-trial delay are now *solely* governed by Article 66(d)(2),” UCMJ, 10 U.S.C. § 866(d)(2) because that is a specific statutory provision governing such errors. *Valentin-Andino*, 2025 CAAF LEXIS 248, at *10 n.4 (emphasis added). The CAAF expressly declined to graft prior case law rooted in other provisions onto Article 66(d)(2). *Id.* Thus, the case law cited by the Government has been superseded by statute. Further, SrA Keilberg's requests for enlargements of time are irrelevant to this analysis because this assignment of error concerns post-trial processing delays before docketing at this Court. *See* Government's Ans. at 11 (noting the enlargements of time requested by SrA Keilberg *after* docketing).

Conclusion

The explanations provided by the Government firmly establish gross indifference and institutional negligence during the post-trial processing of SrA Keilberg's record. As a result, this Court should find that appropriate relief is warranted. Article 66(d)(2), UCMJ, 10 U.S.C. § 866(d)(2).

WHEREFORE, SrA Keilberg respectfully requests that this Court affirm only so much of the sentence as includes reduction to the grade of E-1, confinement for twenty-one months, and a dishonorable discharge.

Respectfully submitted,



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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 13 August 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Frederick J. Johnson.

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

UNITED STATES)	No. ACM 40601
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Christian K. KEILBERG)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 7 July 2025, Appellant filed his assignments of error brief before this court. The Government filed its answer to Appellant’s assignments of error brief on 6 August 2025. Appellant filed a reply on 13 August 2025.

During this court’s Article 66, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 866, review of Appellant’s case, it was discovered that four attachments (in disc form) to the Pretrial Confinement memorandum, dated 6 April 2023, were marked as follows: “WARNING: SEXUALLY EXPLICIT MATERIAL ENCLOSED—NOT ORDERED SEALED BY THE COURT.” However, after careful review of these attachments, and due to the sensitive nature of the images (to include images identified as contraband), the court orders these attachments sealed.

The court may *sua sponte* order materials sealed in accordance with Rule for Courts-Martial 1113, *Manual for Courts-Martial, United States* (2024 ed.). The Clerk of the Court will ensure Attachments 4, 9, 10, and 11 to the Pretrial Confinement memorandum, dated 6 April 2023, are properly sealed.

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

ORDERED:

Attachments 4, 9, 10 and 11 to the Pretrial Confinement memorandum, dated 6 April 2023, are hereby ordered **SEALED**.

The Government shall take all steps necessary to ensure copies of **Attachments 4, 9, 10 and 11** in the possession of any Government office, Appellant, counsel for Appellant (trial and appellate), or any other known copy, be retrieved and destroyed if a paper copy, or destroyed if an electronic copy.*

* The base legal office may maintain a sealed copy in accordance with Department of the Air Force Manual 51-203, *Records of Trial*, ¶ 9.3.6 (21 Apr. 2021).

Counsel for the Government will provide this court notice of the status of compliance with this order **not later than 28 October 2025**.

However, if appellate defense counsel and appellate government counsel possess any of the attachments, now sealed, identified above, counsel are authorized to retain copies of same in their possession until completion of this court's Article 66, UCMJ, review of Appellant's case, to include the period for reconsideration in accordance with JT. CT. CRIM. APP. R. 31. After this period, appellate defense counsel and appellate government counsel shall destroy any retained copies of the sealed materials in their possession.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	
<i>Appellee</i>)	
	)	UNITED STATES' NOTICE
v.	)	OF STATUS OF COMPLIANCE
)	
	)	Panel 1
Senior Airman (E-4))	
CHRISTIAN K. KEILBERG, USAF	)	No. ACM 40601
<i>Appellant</i>)	
	)	28 October 2025

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

Pursuant to this Court's 3 October 2025 order, the United States hereby provides notice of status of compliance.

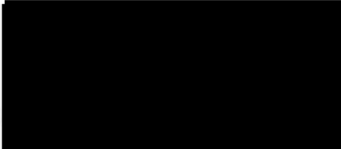
On 3 October 2025, this Court ordered Attachments 4, 9, 10, and 11 of the Pretrial Confinement Memorandum to be sealed. This Court ordered that the Government "shall take all steps necessary to ensure copies of Attachments 4, 9, 10, and 11 in the possession of any Government office, Appellant, counsel for Appellant (trial and appellate), or any other known copy, be retrieved and destroyed if a paper copy, or destroyed if an electronic copy." (*Order*, dated 3 October 2025).

The United States is providing the following notice in compliance with this Court's order. As of the date of this notice, the following parties have confirmed compliance with this Court's order:


- Trial defense counsel for Appellant confirmed they do not have a copy of the record of trial and do not have copies of attachments 4, 9, 10, and 11 to the pretrial confinement memorandum.
- The Government confirmed that attachments 4, 9, 10, and 11 to the pretrial confinement memorandum have been sealed in the base legal office's copy of the record of trial.

- 21st Air Force confirmed they do not have a copy of the record of trial and do not have copies of attachments 4, 9, 10, and 11 of the pretrial confinement memorandum.
- The Government appellate counsel's copy of the record of trial does not contain attachments 4, 9, or 10 to the pretrial confinement memorandum. Government appellate counsel's copy of attachment 11 will be destroyed upon completion of this Court's Article 66, UCMJ review of Appellant's case, to include the period for reconsideration.
- The appellate defense counsel's copy of the record of trial does not contain attachments 4, 9, or 10. Appellate defense counsel's copy of attachment 11 will be destroyed upon completion of this Court's Article 66, UCMJ review of Appellant's case, to include the period for reconsideration.
- The appellate defense counsel confirmed all copies of attachments 4, 9, 10, and 11 of the pretrial confinement memorandum have been destroyed from Appellant's copy of the record of trial.

WHEREFORE, the United States requests this Honorable Court accept this filing as confirmation of the government's compliance with its 3 October 2025 order.



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CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Appellate Defense Division on 28 October 2025.



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