

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

<b>UNITED STATES,</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (FIRST) (REQUEST TO</b>
	)	<b>WITHDRAW AND CORRECT</b>
	)	<b>PREVIOUS)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM S32720
<b>JONATHAN A. LOPEZ,</b>	)	
United States Air Force,	)	28 March 2022
<i>Appellant.</i>	)	

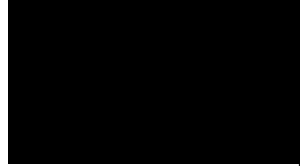
**TO THE HONORABLE, THE JUDGES OF THE  
UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

Pursuant to Rule 23.3(m)(2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time to file an Assignment of Error (AOE). Appellant’s counsel respectfully requests to withdraw his previously submitted Motion for Enlargement of Time, filed on 28 March 2022 at 1510 in this case, to correct the number of total days elapsed.

Appellant requests an enlargement for a period of 60 days, which will end on **4 June 2022**. The record of trial was docketed with this Court on 4 February 2022. From the date of docketing to the present date, 52 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,



N, Maj, USAF

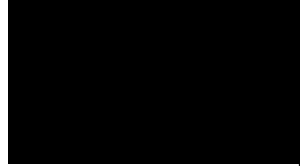
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

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

Respectfully submitted,



N, Maj, USAF

Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force



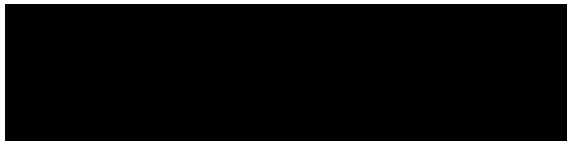
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM S32720
JONATHAN A. LOPEZ, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

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

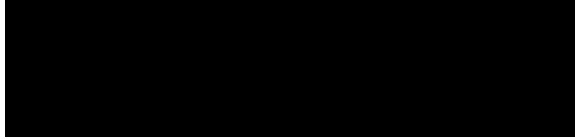


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 30 March 2022.



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



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

<b>UNITED STATES,</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (SECOND)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM S32720
<b>JONATHAN A. LOPEZ,</b>	)	
United States Air Force,	)	26 May 2022
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his second enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **4 July 2022**. The record of trial was docketed with this Court on 4 February 2022. From the date of docketing to the present date, 111 days have elapsed. On the date requested, 150 days will have elapsed.

On 30 September 2021, consistent with his plea, Appellant was convicted at a special court martial at Vandenberg Space Force Base, California of one specification of drug use in violation of Article 112a, Uniform Code of Military Justice, UCMJ, by wrongfully consuming a Schedule I drug.<sup>1</sup> Record of Trial (ROT), Vol 1., Entry of Judgment; R. at 251, 776. Contrary to his plea, Appellant was convicted of a separate specification of drug use in violation of Article 112a, UCMJ, for wrongfully consuming a Schedule I substance. ROT, Vol 1., Entry of Judgment; R. at 251, 776. On 1 October 2021, panel members sentenced Appellant to be discharged from the

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<sup>1</sup> The Government withdrew and dismissed one specification of wrongful possession under Article 112a, UCMJ, and the members found Appellant not guilty of one charge, one specification of sleeping on post, in violation of Article 95, UCMJ. ROT, Vol 1., Entry of Judgment.

service with a bad conduct discharge, to be reduced to the rank of E-1, to perform hard labor without confinement for two months, to be restricted to Vandenberg Space Force Base cantonment area for two months, and to be reprimanded. ROT, Vol. 1, Entry of Judgment; R. at 829. The Convening Authority took no action on the findings or sentence. ROT, Vol. 1, Convening Authority Decision on Action.

The Record of Trial consists of 24 prosecution exhibits, seven defense exhibits, and 38 appellate exhibits. The transcript is 830 pages and the Appellant is not confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has not yet started a review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,



N, Maj, USAF

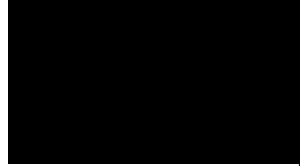
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 26 May 2022.

Respectfully submitted,



N, Maj, USAF

Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force





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

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM S32720
JONATHAN A. LOPEZ, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

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

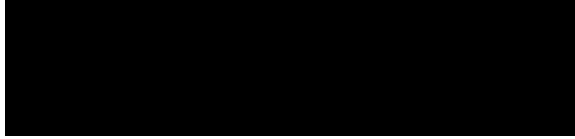


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 26 May 2022.



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



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

<b>UNITED STATES,</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (THIRD)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM S32720
<b>JONATHAN A. LOPEZ,</b>	)	
United States Air Force,	)	27 June 2022
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his third enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **3 August 2022**. The record of trial was docketed with this Court on 4 February 2022. From the date of docketing to the present date, 143 days have elapsed. On the date requested, 180 days will have elapsed.

On 30 September 2021, consistent with his plea, Appellant was convicted at a special court martial at Vandenberg Space Force Base, California of one specification of drug use in violation of Article 112a, Uniform Code of Military Justice, UCMJ, by wrongfully consuming a Schedule I drug.<sup>1</sup> Record of Trial (ROT), Vol. 1, Entry of Judgment; R. at 251, 776. Contrary to his plea, Appellant was convicted of a separate specification of drug use in violation of Article 112a, UCMJ, for wrongfully consuming a Schedule I substance. ROT, Vol. 1, Entry of Judgment; R. at 251, 776. On 1 October 2021, panel members sentenced Appellant to be discharged from the

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<sup>1</sup> The Government withdrew and dismissed one specification of wrongful possession under Article 112a, UCMJ, and the members found Appellant not guilty of one charge, one specification of sleeping on post, in violation of Article 95, UCMJ. ROT, Vol 1., Entry of Judgment.

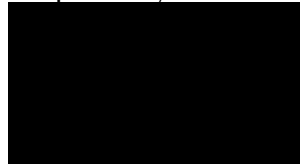
service with a bad conduct discharge, to be reduced to the rank of E-1, to perform hard labor without confinement for two months, to be restricted to Vandenberg Space Force Base cantonment area for two months, and to be reprimanded. ROT, Vol. 1, Entry of Judgment; R. at 829. The Convening Authority took no action on the findings or sentence. ROT, Vol. 1, Convening Authority Decision on Action.

The Record of Trial consists of 24 prosecution exhibits, seven defense exhibits, and 38 appellate exhibits. The transcript is 830 pages and the Appellant is not confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has not yet started a review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,



N, Maj, USAF

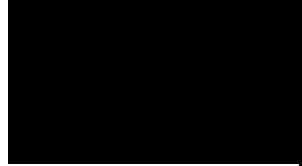
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force



**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 Division on 27 June 2022.

Respectfully submitted,



N, Maj, USAF

Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force



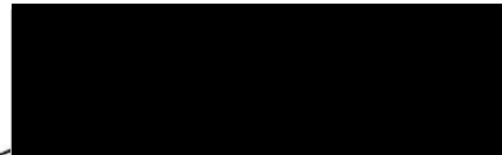
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM S32720
JONATHAN A. LOPEZ, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

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



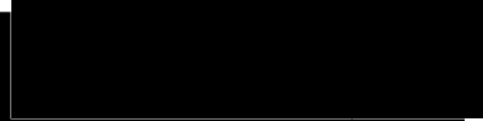
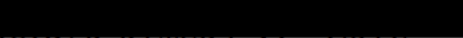

JOHN P. PATERA, Maj, USAF  
Appellate Government Counsel, Government Trial  
and Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

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

Appellate Defense Division on 27 June 2022

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


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

<b>UNITED STATES,</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (FOURTH)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM S32720
<b>JONATHAN A. LOPEZ,</b>	)	
United States Air Force,	)	27 July 2022
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fourth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **2 September 2022**. The record of trial was docketed with this Court on 4 February 2022. From the date of docketing to the present date, 173 days have elapsed. On the date requested, 210 days will have elapsed.

On 30 September 2021, consistent with his plea, Appellant was convicted at a special court martial at Vandenberg Space Force Base, California of one specification of drug use in violation of Article 112a, Uniform Code of Military Justice, UCMJ, by wrongfully consuming a Schedule I drug.<sup>1</sup> Record of Trial (ROT), Vol. 1, Entry of Judgment; R. at 251, 776. Contrary to his plea, Appellant was convicted of a separate specification of drug use in violation of Article 112a, UCMJ, for wrongfully consuming a Schedule I substance. ROT, Vol. 1, Entry of Judgment; R. at 251, 776. On 1 October 2021, panel members sentenced Appellant to be discharged from the

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<sup>1</sup> The Government withdrew and dismissed one specification of wrongful possession under Article 112a, UCMJ, and the members found Appellant not guilty of one charge, one specification of sleeping on post, in violation of Article 95, UCMJ. ROT, Vol 1., Entry of Judgment.



service with a bad conduct discharge, to be reduced to the rank of E-1, to perform hard labor without confinement for two months, to be restricted to Vandenberg Space Force Base cantonment area for two months, and to be reprimanded. ROT, Vol. 1, Entry of Judgment; R. at 829. The Convening Authority took no action on the findings or sentence. ROT, Vol. 1, Convening Authority Decision on Action. The Record of Trial consists of 24 prosecution exhibits, seven defense exhibits, and 38 appellate exhibits. The transcript is 830 pages and the Appellant is not confined.

Counsel is currently assigned 18 cases; 9 cases are pending initial AOE's before this Court. Counsel has two cases pending petitions/supplements to the Court of Appeals for the Armed Forces. Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has not yet started a review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant is aware of his right to speedy appellate review, extensions of time, and consents to this extension of time. Four cases have priority over the present case:

1. *United States v. Cannon*, ACM 40136 – Pursuant to his pleas, Appellant was convicted at a general court-martial by a military judge at Malmstrom AFB, Montana for one charge, two specifications of committing a lewd act upon a child, in violation of Article 120b, Uniform Code of Military Justice (UCMJ); and one charge, one specification of attempting to commit a sexual act upon a child, in violation of Article 80, UCMJ. Record (R.) at 255. The judge sentenced Appellant to reduction to the grade of E-1, forfeiture of all pay and allowances, confinement for 18 months, and a dishonorable discharge. R. at 279. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, Convening Authority Decision on Action, 27 April 2021. The record of trial consists of six volumes. The transcript is 280 pages. There are four

Prosecution Exhibits, one Defense Exhibit, and 31 Appellate Exhibits. Appellant is not confined for these offenses. Counsel has reviewed the entire record and advised Appellant. Appellant intends to withdraw from appellate review and has mailed his withdrawal paperwork to undersigned counsel for filing.

2. *United States v. Tolano*, ACM 40196 – Pursuant to his pleas, Appellant was convicted at a general court-martial by a military judge at Cannon, AFB, New Mexico for one charge and two specifications possessing and distributing child pornography, in violation of Article 134, Uniform Code of Military Justice (UCMJ). Record (R.) at 103. The judge sentenced Appellant to be reduced to the grade of E-1, to forfeit all pay and allowances, to be confined for five years, and to be dishonorably discharged from the service. R. at 153. On 17 August 2021, the convening authority denied Appellant’s request for deferments of the reduction in grade and adjudged forfeitures. Record of Trial, Volume 1, Convening Authority Decision on Action, 17 August 2021. The record of trial consists of six prosecution exhibits, two defense exhibits, and ten appellate exhibits. The transcript is 154 pages. Appellant is currently confined. Counsel has reviewed the entire case file except for sealed materials. On 20 July 2022, this Court denied Appellant’s 14 July 2022 motion to view sealed materials. Appellant filed a new motion to view sealed material on 21 July 2022.


3. *United States v. Schauer*, ACM 40203 – In accordance with his pleas, Appellant was convicted of wrongful production and possession of child pornography, in violation of Article 134, Uniform Code of Military Justice (UCMJ). R. at 59. The Military Judge sentenced Appellant to be reduced to the grade of E-1, to forfeit all pay and allowances, to be confined for 48 months, and to be discharged from the service with a dishonorable service characterization. R. at 83. The convening authority took no actions on the findings and approved the sentence in its entirety.

Record of Trial, Vol. 1, Convening Authority Decision on Action, 4 October 2021. The record of trial consists of three volumes, three prosecution exhibits, 11 defense exhibits, one court exhibit, and ten appellate exhibits. The transcript is 84 pages. Appellant is confined. Counsel has reviewed the entire case file except for sealed materials. On 21 July 2022, Appellant filed a motion to view sealed materials which this Court granted on 25 July 2022. Counsel has not yet reviewed the sealed materials.

4. *United States v. Dagan*, ACM S32718 – On 16 August 2021, consistent with his pleas, a military judge in a special court-martial at Kadena Air Base, Japan convicted Appellant of one charge and two specifications of wrongful distribution and use of LSD in violation of Article 112a, Uniform Code of Military Justice. R. at 45. The military judge sentenced appellant to be reduced to E-1, to be confined for 30 days, and to be discharged from the service with a bad conduct service characterization. R. at 65. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, Convening Authority Decision on Action, dated 3 September 2021. The record of trial consists of two volumes with five prosecution exhibits, seven defense exhibits, and three appellate exhibits; the transcript is 66 pages. Appellant is not confined. On 27 July 2022, Appellant filed a Motion to Withdraw from Appellate Review and Attach which this Court has not yet ruled on.

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

Respectfully submitted,

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

N, Maj, USAF

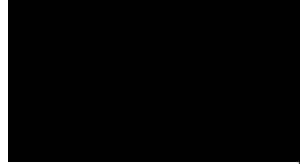
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force

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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 Division on 27 July 2022.

Respectfully submitted,



N, Maj, USAF

Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force



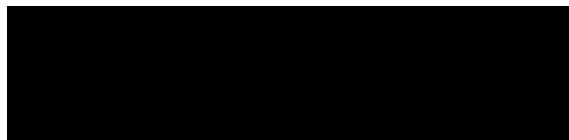
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM S32720
JONATHAN A. LOPEZ, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

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

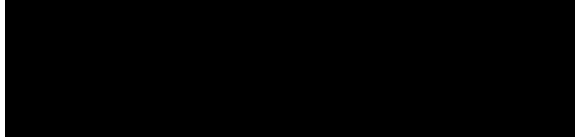


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 28 July 2022.



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



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

UNITED STATES	)	No. ACM S32720
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Jonathan A. LOPEZ	)	
Airman First Class (E-3)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 2</b>

On 25 August 2022, counsel for Appellant submitted a Motion for Enlargement of Time (Fifth) requesting an additional 30 days to submit Appellant’s assignments of error. The Government opposes the motion.

The court has considered Appellant’s motion, the Government’s opposition, case law, and this court’s Rules of Practice and Procedure. Accordingly, it is by the court on this 31st day of August, 2022,

**ORDERED:**

Appellant’s Motion for Enlargement of Time (Fifth) is **GRANTED**. Appellant shall file any assignments of error not later than **2 October 2022**.

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



FOR THE COURT



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



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

UNITED STATES,	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (FIFTH)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM S32720
<b>JONATHAN A. LOPEZ,</b>	)	
United States Air Force,	)	25 August 2022
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fifth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **2 October 2022**. The record of trial was docketed with this Court on 4 February 2022. From the date of docketing to the present date, 202 days have elapsed. On the date requested, 240 days will have elapsed.

On 30 September 2021, consistent with his plea, Appellant was convicted at a special court martial at Vandenberg Space Force Base, California of one specification of drug use in violation of Article 112a, Uniform Code of Military Justice, UCMJ, by wrongfully consuming a Schedule I drug.<sup>1</sup> Record of Trial (ROT), Vol. 1, Entry of Judgment; R. at 251, 776. Contrary to his plea, Appellant was convicted of a separate specification of drug use in violation of Article 112a, UCMJ, for wrongfully consuming a Schedule I substance. ROT, Vol. 1, Entry of Judgment; R. at 251, 776. On 1 October 2021, panel members sentenced Appellant to be discharged from the

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<sup>1</sup> The Government withdrew and dismissed one specification of wrongful possession under Article 112a, UCMJ, and the members found Appellant not guilty of one charge, one specification of sleeping on post, in violation of Article 95, UCMJ. ROT, Vol 1., Entry of Judgment.

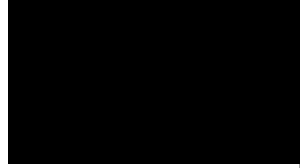
service with a bad conduct discharge, to be reduced to the rank of E-1, to perform hard labor without confinement for two months, to be restricted to Vandenberg Space Force Base cantonment area for two months, and to be reprimanded. ROT, Vol. 1, Entry of Judgment; R. at 829. The Convening Authority took no action on the findings or sentence. ROT, Vol. 1, Convening Authority Decision on Action. The Record of Trial consists of 24 prosecution exhibits, seven defense exhibits, and 38 appellate exhibits. The transcript is 830 pages and the Appellant is not confined.

Counsel is currently assigned 17 cases; 7 cases are pending initial AOE's before this Court. Counsel has one case pending petition/supplement to the Court of Appeals for the Armed Forces. Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has not yet finished Appellant's case. Counsel has started reviewing the record in Appellant's case. Appellant is aware of his right to speedy appellate review, extensions of time, and consents to this extension of time. One case has priority over the present case:

1. *United States v. Schauer*, ACM 40203 – In accordance with his pleas, Appellant was convicted of wrongful production and possession of child pornography, in violation of Article 134, Uniform Code of Military Justice (UCMJ). R. at 59. The Military Judge sentenced Appellant to be reduced to the grade of E-1, to forfeit all pay and allowances, to be confined for 48 months, and to be discharged from the service with a dishonorable service characterization. R. at 83. The convening authority took no actions on the findings and approved the sentence in its entirety. Record of Trial, Vol. 1, Convening Authority Decision on Action, 4 October 2021. The record of trial consists of three volumes, three prosecution exhibits, 11 defense exhibits, one court exhibit, and ten appellate exhibits. The transcript is 84 pages. Appellant is confined. Counsel has reviewed the entire case file, drafted the AOE, and is finalizing the AOE for submission to this Court.

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

Respectfully submitted,



N, Maj, USAF

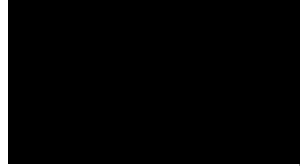
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force



**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 Division on 25 August 2022.

Respectfully submitted,



N, Maj, USAF

Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force



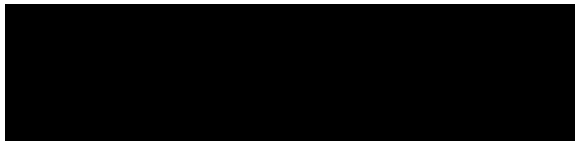
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM S32720
JONATHAN A. LOPEZ, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

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

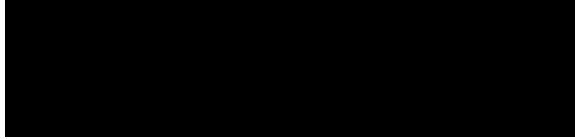


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

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



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



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

UNITED STATES,	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (SIXTH)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM S32720
<b>JONATHAN A. LOPEZ,</b>	)	
United States Air Force,	)	12 September 2022
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his sixth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **1 November 2022**. The record of trial was docketed with this Court on 4 February 2022. From the date of docketing to the present date, 220 days have elapsed. On the date requested, 270 days will have elapsed.

On 30 September 2021, consistent with his plea, Appellant was convicted at a special court martial at Vandenberg Space Force Base, California of one specification of drug use in violation of Article 112a, Uniform Code of Military Justice, UCMJ, by wrongfully consuming a Schedule I drug.<sup>1</sup> Record of Trial (ROT), Vol. 1, Entry of Judgment; R. at 251, 776. Contrary to his plea, Appellant was convicted of a separate specification of drug use in violation of Article 112a, UCMJ, for wrongfully consuming a Schedule I substance. ROT, Vol. 1, Entry of Judgment; R. at 251, 776. On 1 October 2021, panel members sentenced Appellant to be discharged from the

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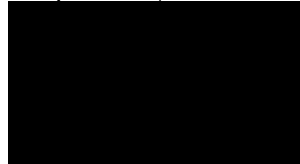
<sup>1</sup> The Government withdrew and dismissed one specification of wrongful possession under Article 112a, UCMJ, and the members found Appellant not guilty of one charge, one specification of sleeping on post, in violation of Article 95, UCMJ. ROT, Vol 1., Entry of Judgment.

service with a bad conduct discharge, to be reduced to the rank of E-1, to perform hard labor without confinement for two months, to be restricted to Vandenberg Space Force Base cantonment area for two months, and to be reprimanded. ROT, Vol. 1, Entry of Judgment; R. at 829. The Convening Authority took no action on the findings or sentence. ROT, Vol. 1, Convening Authority Decision on Action. The Record of Trial consists of 24 prosecution exhibits, seven defense exhibits, and 38 appellate exhibits. The transcript is 830 pages and the Appellant is not confined.

Counsel is currently assigned 19 cases; eight cases are pending initial AOE's before this Court. Counsel has two pending petitions/supplements to the Court of Appeals for the Armed Forces. Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has not yet finished Appellant's case. Counsel has started reviewing the record in Appellant's case.<sup>2</sup> Appellant is aware of his right to speedy appellate review, extensions of time, and consents to this extension of time. No cases have priority over this case.

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

Respectfully submitted,



N, Maj, USAF

Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force



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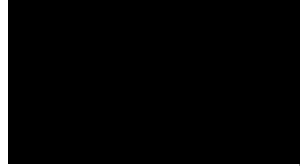
<sup>2</sup> Since the last request for an EOT, undersigned counsel has filed the AOE for *United States v. Schauer* with this Court, drafted a CAAF Petition and Supplement, and has been preparing a CAAF Brief (*United States v. Lattin*) which the CAAF granted on 26 August 2022. Counsel is filing this EOT early because he has eight days of pre-planned leave without internet or email access.



**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 Division on 12 September 2022.

Respectfully submitted,



N, Maj, USAF

Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force



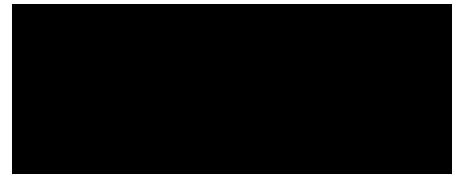
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM S32720
JONATHAN A. LOPEZ, USAF,	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

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



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

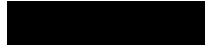


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 14 September 2022.



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



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

UNITED STATES	)	No. ACM S32720
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Jonathan A. LOPEZ	)	
Airman First Class (E-3)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 2</b>

On 14 October 2022, Appellant submitted a Motion to Withdraw from Appellate Review and Attach. Specifically, Appellant moved to attach DD Form 2330, *Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals*, signed by Appellant and Appellant’s counsel on 14 October 2022. The Government did not submit any opposition.

Accordingly, it is by the court on this 20th day of October, 2022,

**ORDERED:**

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



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



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 14 October 2022.

Respectfully submitted,



LSON, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
United States Air Force



## APPENDIX

REVIEW BY A COURT OF CRIMINAL APPEALS

(For use in courts-martial referred on or after 1 January 2019)

I have read the attached entry of judgment in my case dated 20211026

I have consulted with Maj Spencer R. Nelson, my (associate) defense counsel concerning my appellate rights and I am satisfied with his/her advice.

I understand that:

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

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

2. If I waive or withdraw appellate review -

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

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

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

JONATHAN A. LOPEZ

AIRMAN FIRST CLASS

TYPED NAME OF ACCUSED

RANK OF ACCUSED

[Redacted signature]

SIGNATURE OF ACCUSED

14 OCT 2022

DATE



STATEMENT OF COUNSEL

(Check appropriate block)

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

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

SPENCER R. NELSON

JAJA

TYPED NAME OF COUNSEL

UNIT OF COUNSEL

MAJOR

RANK OF COUNSEL

BUSINESS ADDRESS (If Civilian Counsel)

[REDACTED SIGNATURE]

20221014

SIGNATURE OF COUNSEL

DATE