

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

First Lieutenant (O2-E)

JASON D. ORT

United States Air Force,

Appellant.

**MOTION FOR ENLARGEMENT OF
TIME (FIRST)**

Before Panel No. 1

Case No. ACM 40261 (f rev)

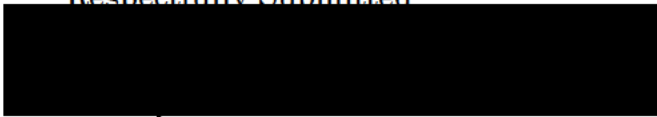

Filed on: 19 December 2022

**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 a first enlargement of time to file an Assignment of Errors. Appellant requests an enlargement for a period of 60 days, which will end on 25 February 2023. The corrected record of trial was received by this Court on 28 October 2022. From the date of re-docketing to the date of this filing, 52 days have elapsed. On the date requested, 120 days will have elapsed from the date this completed record was received by this Court.

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

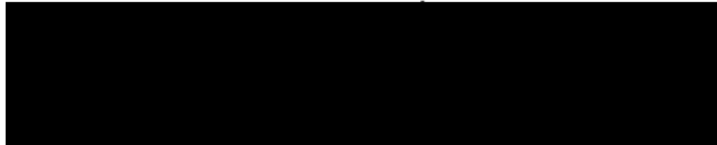
Respectfully Submitted


NICOLE J. HERBERS
Appellate Defense Counsel
Air Force Appellate Defense Division


E-Mail: nicole.herbers@us.af.mil

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via electronic mail to the Court and served on the Appellate Government Division on 19 Dec 2022.



NICOLE J. HERBERS
Appellate Defense Counsel
Air Force Appellate Defense Division



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
)	
First Lieutenant (O-2)	)	ACM 40261 (f rev)
JASON D. ORT, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

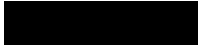
**TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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.

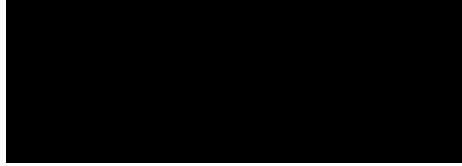


MATTHEW J. NEIL, Lt Col, USAF
Director of Operations, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force

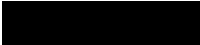


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 19 December 2022.



MATTHEW J. NEIL, Lt Col, USAF
Director of Operations, 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

Appellee,

v.

First Lieutenant (O2-E)

JASON D. ORT

United States Air Force,

Appellant.

**MOTION FOR ENLARGEMENT OF
TIME (SECOND)**

Before Panel No. 1

Case No. ACM 40261 (f rev)

Filed on: 17 Feb 2023

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

Pursuant to Rule 23.3(m)(3) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Errors. Appellant requests an enlargement for a period of 30 days, which will end on 17 March 2023. The corrected record of trial was received by this Court on 28 October 2022. From the date of re-docketing to the date of this filing, 112 days have elapsed. On the date requested, 150 days will have elapsed from the date this case was received by this Court.

On 25 January 2022, Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Andrews NAF, Washington, MD. Consistent with his plea, Appellant was convicted of one charge and five specifications in violation of Article 120(c), Uniform Code of Military Justice (UCMJ) and one charge and one specification in violation of Article 80, UCMJ. R. at 116. He was convicted of five specifications of recording a person's private area without consent and under circumstances when each person had a reasonable expectation of privacy and of

attempt to record the private area of a sixth person. R. at 116, Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ). The military judge sentenced him to a dismissal and concurrent terms of confinement as follows: 60 months of confinement for specification 1, 2, 3, and 4 of Charge I, 36 months of confinement on specification 5 of Charge I, and 18 months confinement on the specification of Charge II. R. at 154, ROT Vol. 1, EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action dated February 17, 2022.

The record of trial consists of 6 prosecution exhibits, 1 defense exhibit, 3 court exhibits, and 5 appellate exhibits; the transcript is 155 pages. The Appellant is currently confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters as a Reservist. Counsel has reviewed Appellant's record of trial but has not yet finalized coordination with the Appellant on the matters to be raised. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully brief Appellant's case and advise Appellant regarding potential errors.

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

Respectfully Submitted

Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via electronic mail to the Court and served on the Appellate Government Division on 17 February 2023.

[REDACTED]

NICOLE J. HERBERS
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

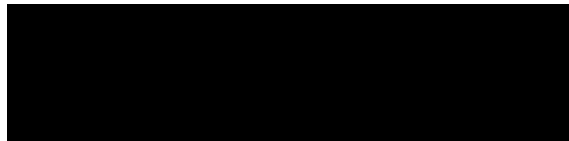
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
First Lieutenant (O-2)	)	ACM 40261 (f rev)
JASON D. ORT, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

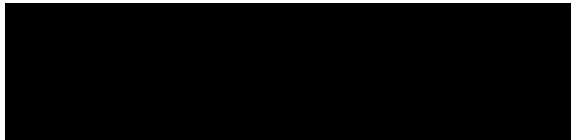


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 21 February 2023.



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

Appellee,

v.

First Lieutenant (O2-E)

JASON D. ORT

United States Air Force,

Appellant.

**MOTION FOR ENLARGEMENT OF
TIME (THIRD)**

Before Panel No. 1

Case No. ACM 40261 (f rev)

Filed on: 10 March 2023

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

Pursuant to Rule 23.3(m)(3) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignment of Errors. Appellant requests an enlargement for a period of 30 days, which will end on 26 April 2023. The previous enlargement contained a scrivener's error, calculating the due date of 17 March 2023 versus 27 March 2023. Thus, this request is made 7 days prior to the 17 March date noted in the Enlargement of Time (Second) but is requesting 30 days from the corrected date of 27 March 2023. The corrected record of trial was received by this Court on 28 October 2022. From the date of docketing to the date of this filing, 133 days have elapsed. On the date requested, 180 days will have elapsed from the date this case was received by this Court.

On 25 January 2022, Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Andrews NAF, Washington, MD. Consistent with his plea, Appellant was convicted of one charge and five specifications in violation of Article 120(c), Uniform Code of Military Justice (UCMJ) and one charge

and one specification in violation of Article 80, UCMJ. R. at 116. He was convicted of five specifications of recording a person's private area without consent and under circumstances when each person had a reasonable expectation of privacy and of attempt to record the private area of a sixth person. R. at 116, Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ). The military judge sentenced him to a dismissal and concurrent terms of confinement as follows: 60 months of confinement for specification 1, 2, 3, and 4 of Charge I, 36 months of confinement on specification 5 of Charge I, and 18 months confinement on the specification of Charge II. R. at 154, ROT Vol. 1, EOJ. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action dated February 17, 2022.

The record of trial consists of 6 prosecution exhibits, 1 defense exhibit, 3 court exhibits, and 5 appellate exhibits; the transcript is 155 pages. Appellant is currently confined.

Through no fault of Appellant, undersigned counsel has not been able to finalize the matters the Appellant wishes to raise on appeal. While Counsel has reviewed Appellant's Record of Trial and is coordinating matters with the Appellant he may wish to raise, it takes a significant amount of time to coordinate written matters with Appellant within the Bureau of Prison system. For example, Appellant received a letter on 10 March 2023 mailed from the undersigned on 10 February 2023. As a result, an enlargement of time is necessary to allow the undersigned

counsel to fully brief Appellant's case and advise Appellant regarding potential errors.

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

Respectfully Submitted,

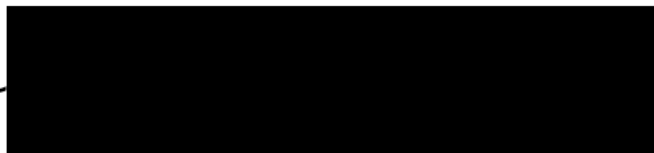


NICOLE J. HERBERS, Maj, USAFR
Appellate Defense Counsel
Air Force Appellate Defense Division



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via electronic mail to the Court and served on the Appellate Government Division on 3 Aug 2022.



NICOLE J. HERBERS, Maj, USAFR
Appellate Defense Counsel
Air Force Appellate Defense Division



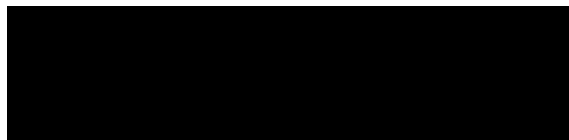
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
First Lieutenant (O-2)	)	ACM 40261 (f rev)
JASON D. ORT, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

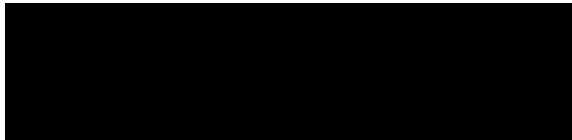


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 13 March 2023.



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 40261 (f rev)
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Jason D. ORT)	
First Lieutenant (O-2))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 22 March 2023, Appellant submitted a Motion to Withdraw from Appellate Review and Motion to Attach. Specifically, Appellant moved to attach a 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 on 13 March 2023 and Appellant’s counsel on 22 March 2023.

The Government did not submit any opposition.

Accordingly, it is by the court on this 27th day of March, 2023,

ORDERED:

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



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court