

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)	)	
<b>DEREK S. RILEY,</b>	)	No. ACM 40498
United States Air Force,	)	
<i>Appellant.</i>	)	19 September 2023

**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 the first enlargement of time to file an Assignments of Error (AOE) brief. Appellant requests an enlargement for a period of 60 days, which will end on **30 November 2023**. The record of trial was docketed with this Court on 2 August 2023. From the date of docketing to the present date, 48 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,

  
SAMANTHA P. GOLSETH, Maj, USAF  
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 email to the Court and served on the Government Trial and Appellate Operations Division on 19 September 2023.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Samantha P. Golseth.

SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

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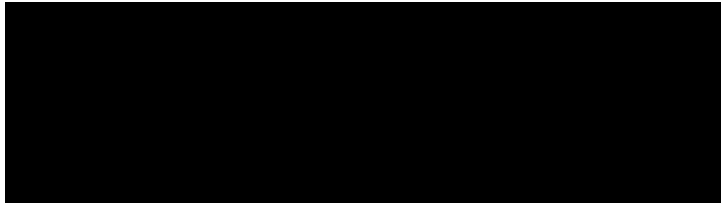
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM 40498
DEREK S. RILEY, 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.

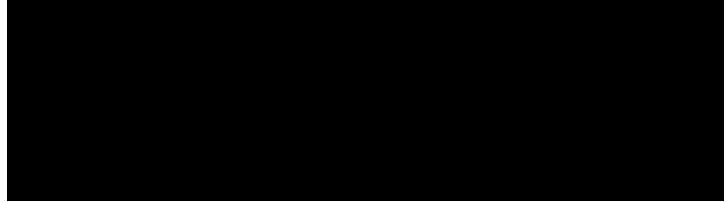


PETE FERRELL, Lt Col, USAF  
Director of Operations  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**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 September 2023.



PETE FERRELL, Lt Col, USAF  
Director of Operations  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



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

<b>UNITED STATES,</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(SECOND)</b>
v.	)	
	)	Before Panel No. 1
Senior Airman (E-4)	)	
<b>DEREK S. RILEY,</b>	)	No. ACM 40498
United States Air Force,	)	
<i>Appellant.</i>	)	21 November 2023

**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, Senior Airman (SrA) Derek S. Riley, Appellant, hereby moves for a second enlargement of time to file Assignments of Error. SrA Riley requests an enlargement for a period of 30 days, which will end on **30 December 2023**. The record of trial was docketed with this Court on 2 August 2023. From the date of docketing to the present date, 111 days have elapsed. On the date requested, 150 days will have elapsed.

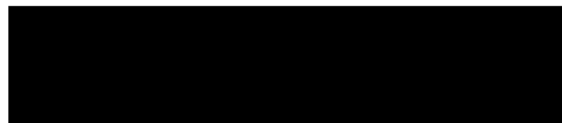
At Joint Base Charleston, South Carolina, on 3 April 2023, a military judge sitting as a general court-martial convicted SrA Riley, in accordance with his pleas, of two specifications of aggravated assault in violation of Article 128, Uniform Code of Military Justice, *Manual for Courts-Martial, United States* (2019 ed.), 10 U.S.C. § 928. R. at 54. The military judge sentenced SrA Riley to a reduction in pay grade to E-1, three months’ confinement, and a bad conduct discharge. R. at 99. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action, 23 April 2023. The convening authority deferred the reduction in grade until the military judge signed the entry of judgment and waived all automatic forfeitures for the benefit of SrA Riley’s dependents for a period of three months, or release from confinement, or expiration of term of service, whichever is sooner. *Id.* On 8 May 2023, the

military judge entered the above findings and sentence in the entry of judgment. Entry of Judgment, 8 May 2023. The record of trial consists of 3 prosecution exhibits, 11 defense exhibits, 3 appellate exhibits, and 1 court exhibit. The transcript is 99 pages. SrA Riley is not confined.

Through no fault of SrA Riley, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review his case and advise him regarding potential errors.

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Maj, USAF  
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 email to the Court and served on the Government Trial and Appellate Operations Division on 21 November 2023.

Respectfully submitted,

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SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

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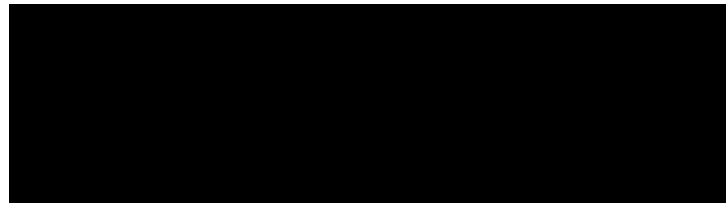
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM 40498
DEREK S. RILEY, 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.



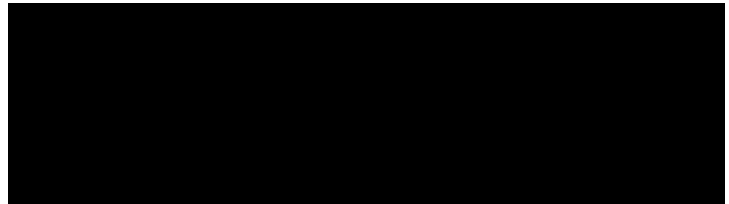
PETE FERRELL, Lt Col, USAF  
Director of Operations  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force





**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 22 November 2023.



PETE FERRELL, Lt Col, USAF  
Director of Operations  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



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

<b>UNITED STATES,</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(THIRD)</b>
v.	)	
	)	Before Panel No. 1
Senior Airman (E-4)	)	
<b>DEREK S. RILEY,</b>	)	No. ACM 40498
United States Air Force,	)	
<i>Appellant.</i>	)	19 December 2023

**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, Senior Airman (SrA) Derek S. Riley, Appellant, hereby moves for a third enlargement of time to file his Assignments of Error. SrA Riley requests an enlargement for a period of 30 days, which will end on **29 January 2024**. The record of trial was docketed with this Court on 2 August 2023. From the date of docketing to the present date, 139 days have elapsed. On the date requested, 180 days will have elapsed.

At Joint Base Charleston, South Carolina, on 3 April 2023, a military judge sitting as a general court-martial convicted SrA Riley, in accordance with his pleas, of two specifications of aggravated assault in violation of Article 128, Uniform Code of Military Justice, *Manual for Courts-Martial, United States* (2019 ed.), 10 U.S.C. § 928. R. at 54. The military judge sentenced SrA Riley to a reduction in pay grade to E-1, three months’ confinement, and a bad conduct discharge. R. at 99. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action, 23 April 2023. The convening authority deferred the reduction in grade until the military judge signed the entry of judgment and waived all automatic forfeitures for the benefit of SrA Riley’s dependents for a period of three months, or release from confinement, or expiration of term of service, whichever is sooner. *Id.* On 8 May 2023, the

military judge entered the above findings and sentence in the entry of judgment. Entry of Judgment, 8 May 2023. The record of trial consists of 3 prosecution exhibits, 11 defense exhibits, 3 appellate exhibits, and 1 court exhibit. The transcript is 99 pages. SrA Riley is not confined.

Through no fault of SrA Riley, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review his case and advise him regarding potential errors.

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Maj, USAF  
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 email to the Court and served on the Government Trial and Appellate Operations Division on 19 December 2023.

Respectfully submitted,

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SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

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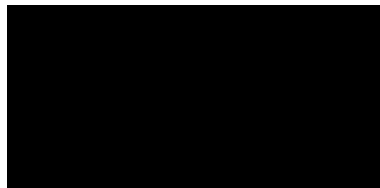
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM 40498
DEREK S. RILEY, 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.

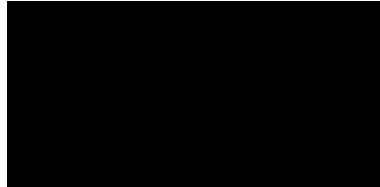


JOCELYN Q. WRIGHT, Capt, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**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 20 December 2023.



JOCELYN Q. WRIGHT, Capt, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



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

<b>UNITED STATES,</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(FOURTH)</b>
v.	)	
	)	Before Panel No. 1
Senior Airman (E-4)	)	
<b>DEREK S. RILEY,</b>	)	No. ACM 40498
United States Air Force,	)	
<i>Appellant.</i>	)	22 January 2024

**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, Senior Airman (SrA) Derek S. Riley, Appellant, hereby moves for a fourth enlargement of time to file Assignments of Error. SrA Riley requests an enlargement for a period of 30 days, which will end on **28 February 2024**. The record of trial was docketed with this Court on 2 August 2023. From the date of docketing to the present date, 173 days have elapsed. On the date requested, 210 days will have elapsed.

At Joint Base Charleston, South Carolina, on 3 April 2023, a military judge sitting as a general court-martial convicted SrA Riley, in accordance with his pleas, of two specifications of aggravated assault in violation of Article 128, Uniform Code of Military Justice, *Manual for Courts-Martial, United States* (2019 ed.), 10 U.S.C. § 928. R. at 54. The military judge sentenced SrA Riley to a reduction in pay grade to E-1, three months’ confinement, and a bad conduct discharge. R. at 99. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action, 23 April 2023. The convening authority deferred the reduction in grade until the military judge signed the entry of judgment and waived all automatic forfeitures for the benefit of SrA Riley’s dependents for a period of three months, or release from confinement, or expiration of term of service, whichever is sooner. *Id.* On 8 May 2023, the

military judge entered the above findings and sentence in the entry of judgment. Entry of Judgment, 8 May 2023. The record of trial consists of 3 prosecution exhibits, 11 defense exhibits, 3 appellate exhibits, and 1 court exhibit. The transcript is 99 pages. SrA Riley is not confined.

Through no fault of SrA Riley, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review his case and advise him regarding potential errors.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel currently represents 34 clients and is presently assigned 14 cases pending initial brief before this Court. Six cases pending before this Court currently have priority over the present case:

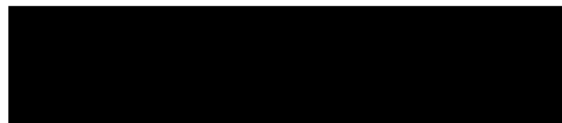
1. *United States v. George*, No. ACM 40397 – The record of trial consists of 3 prosecution exhibits, 12 defense exhibits, 1 court exhibit, and 22 appellate exhibits. The transcript is 779 pages. The appellant is not confined and undersigned counsel is currently reviewing this record.
2. *United States v. Christensen*, No. ACM 40408 – The record of trial consists of 4 prosecution exhibits, 14 defense exhibits, 3 court exhibits, and 31 appellate exhibits. The appellant is not confined.
3. *United States v. Gubicza*, No. ACM 40464 - The record of trial consists of 3 prosecution exhibits, 23 defense exhibits, and 4 appellate exhibits. The transcript is 96 pages. The appellant is confined.
4. *United States v. Goodwater*, No. ACM 40304 (f rev) – The record of trial consists of 18 prosecution exhibits, 5 defense exhibits, and 26 appellate exhibits. The transcript is 413 pages. The appellant is confined.



5. *United States v. Galera*, No. ACM 40477 – The record of trial consists of three prosecution exhibits, five defense exhibits, three appellate exhibits, and three court exhibits. The transcript is 174 pages. The appellant is confined.
6. *United States v. Johnson*, No. ACM 40291 (f rev) – The record of trial consists of 23 appellate exhibits, 28 prosecution exhibits, and 4 defense exhibits. The transcript is 395 pages. The appellant is not confined.

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

Respectfully submitted,



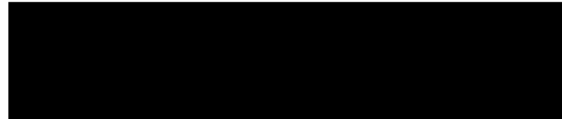
SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 22 January 2024.

Respectfully submitted,

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SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

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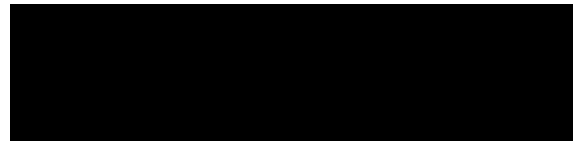
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM 40498
DEREK S. RILEY, 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.

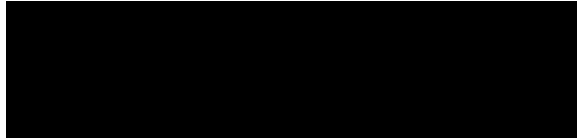


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**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 24 January 2024.



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



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

<b>UNITED STATES,</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(FIFTH)</b>
v.	)	
	)	Before Panel No. 1
Senior Airman (E-4)	)	
<b>DEREK S. RILEY,</b>	)	No. ACM 40498
United States Air Force,	)	
<i>Appellant.</i>	)	21 February 2024

**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, Senior Airman (SrA) Derek S. Riley, Appellant, hereby moves for a fifth enlargement of time to file Assignments of Error. SrA Riley requests an enlargement for a period of 30 days, which will end on **29 March 2024**. The record of trial was docketed with this Court on 2 August 2023. From the date of docketing to the present date, 203 days have elapsed. On the date requested, 240 days will have elapsed.

At Joint Base Charleston, South Carolina, on 3 April 2023, a military judge sitting as a general court-martial convicted SrA Riley, in accordance with his pleas, of two specifications of aggravated assault in violation of Article 128, Uniform Code of Military Justice, *Manual for Courts-Martial, United States* (2019 ed.), 10 U.S.C. § 928. R. at 54. The military judge sentenced SrA Riley to a reduction in pay grade to E-1, three months’ confinement, and a bad conduct discharge. R. at 99. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action, 23 April 2023. The convening authority deferred the reduction in grade until the military judge signed the entry of judgment and waived all automatic forfeitures for the benefit of SrA Riley’s dependents for a period of three months, or release from confinement, or expiration of term of service, whichever is sooner. *Id.* On 8 May 2023, the

military judge entered the above findings and sentence in the entry of judgment. Entry of Judgment, 8 May 2023. The record of trial consists of 3 prosecution exhibits, 11 defense exhibits, 3 appellate exhibits, and 1 court exhibit. The transcript is 99 pages. SrA Riley is not confined.

Through no fault of SrA Riley, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review his case and advise him regarding potential errors.

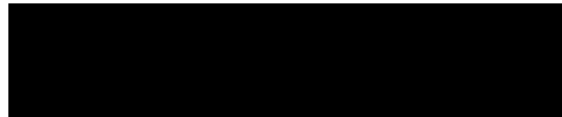
Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel currently represents 29 clients and is presently assigned 17 cases pending initial brief before this Court. Six cases pending before this Court currently have priority over the present case:

1. *United States v. George*, No. ACM 40397 – The record of trial consists of 3 prosecution exhibits, 12 defense exhibits, 1 court exhibit, and 22 appellate exhibits. The transcript is 779 pages. The appellant is not confined. Undersigned counsel is currently finalizing the assignments of error which will be filed on or before 27 February 2024.
2. *United States v. Christensen*, No. ACM 40408 – The record of trial consists of 4 prosecution exhibits, 14 defense exhibits, 3 court exhibits, and 31 appellate exhibits. The appellant is not confined. Undersigned counsel is reviewing the record but has not finished her review.
3. *United States v. Gubicza*, No. ACM 40464 - The record of trial consists of 3 prosecution exhibits, 23 defense exhibits, and 4 appellate exhibits. The transcript is 96 pages. The appellant is confined.

4. *United States v. Goodwater*, No. ACM 40304 (f rev) – The record of trial consists of 18 prosecution exhibits, 5 defense exhibits, and 26 appellate exhibits. The transcript is 413 pages. The appellant is confined.
5. *United States v. Galera*, No. ACM 40477 – The record of trial consists of three prosecution exhibits, five defense exhibits, three appellate exhibits, and three court exhibits. The transcript is 174 pages. The appellant is confined.
6. *United States v. Johnson*, No. ACM 40291 (f rev) – The record of trial consists of 23 appellate exhibits, 28 prosecution exhibits, and 4 defense exhibits. The transcript is 395 pages. The appellant is not confined.

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**CERTIFICATE OF FILING AND SERVICE**

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Respectfully submitted,

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SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

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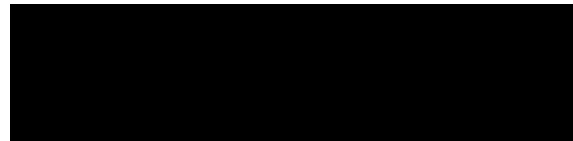
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM 40498
DEREK S. RILEY, 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.

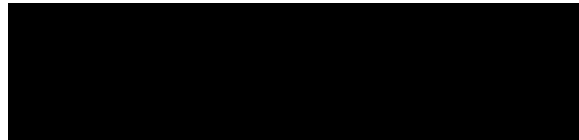


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**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 22 February 2024.



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 40498
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Derek S. RILEY	)	
Senior Airman (E-4)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 1</b>

On 21 February 2024, counsel for Appellant submitted a Motion for Enlargement of Time (Fifth) requesting 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 23d day of February, 2024,

**ORDERED:**

Appellant’s Motion for Enlargement of Time (Fifth) is **GRANTED**. Appellant shall file any assignments of error not later than **29 March 2024**.

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 Appellant’s 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

[Redacted signature]

OLGA STANFORD, Capt, USAF  
Commissioner

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

<b>UNITED STATES,</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(SIXTH)</b>
v.	)	
	)	Before Panel No. 1
Senior Airman (E-4)	)	
<b>DEREK S. RILEY,</b>	)	No. ACM 40498
United States Air Force,	)	
<i>Appellant.</i>	)	20 March 2024

**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, Senior Airman (SrA) Derek S. Riley, Appellant, hereby moves for a sixth enlargement of time to file Assignments of Error. SrA Riley was advised of his right to a timely appeal, advised of this request for an enlargement of time, and he agrees with this request for an enlargement of time. SrA Riley requests an enlargement for a period of 30 days, which will end on **28 April 2024**. The record of trial was docketed with this Court on 2 August 2023. From the date of docketing to the present date, 231 days have elapsed. On the date requested, 270 days will have elapsed.

At Joint Base Charleston, South Carolina, on 3 April 2023, a military judge sitting as a general court-martial convicted SrA Riley, in accordance with his pleas, of two specifications of aggravated assault in violation of Article 128, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 928. R. at 54. The military judge sentenced SrA Riley to a reduction in pay grade to E-1, three months’ confinement, and a bad conduct discharge. R. at 99. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action, 23 April 2023. The convening authority deferred the reduction in grade until the military judge signed the entry of judgment and waived all automatic forfeitures for the benefit of SrA Riley’s dependents

for a period of three months, or release from confinement, or expiration of term of service, whichever is sooner. *Id.* On 8 May 2023, the military judge entered the above findings and sentence in the entry of judgment. Entry of Judgment, 8 May 2023. The record of trial consists of 3 prosecution exhibits, 11 defense exhibits, 3 appellate exhibits, and 1 court exhibit. The transcript is 99 pages. SrA Riley is not confined.

Through no fault of SrA Riley, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review his case and advise him regarding potential errors. Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel currently represents 29 clients and is presently assigned 18 cases pending initial brief before this Court. Eight cases currently have priority over the present case:

1. *United States v. Christensen*, No. ACM 40408 – The record of trial consists of 4 prosecution exhibits, 14 defense exhibits, 3 court exhibits, 31 appellate exhibits, and 395 pages. The appellant is not confined. Undersigned counsel is discussing potential issues with the appellant for filing on or before 26 March 2024.
2. *United States v. Gubicza*, No. ACM 40464 – The record of trial consists of 3 prosecution exhibits, 23 defense exhibits, and 4 appellate exhibits. The transcript is 96 pages. The appellant is confined. Undersigned counsel is reviewing the record of trial and anticipates filing any assignments of error on or before 11 April 2024.
3. Before the United States Court of Appeals for the Armed Forces (CAAF), undersigned counsel anticipates filing a petition and supplemental brief in *United States v. Bickford*, No. ACM 40326, which is due on 9 April 2024.

4. Before the CAAF, undersigned counsel anticipates filing a petition and supplemental brief in *United States v. Stanford*, No. ACM 40327, which is also due on 9 April 2024.
5. *United States v. Carlisle*, Misc. Dkt. No. 2024-03 – The Government filed the record of trial and notice of an intent to appeal pursuant Article 62, UCMJ, 10 U.S.C. § 862. The Government’s supporting brief is due on 7 April 2024. Undersigned counsel represents the appellee and anticipates the appellee’s answer will be due on 28 April 2024, or sooner if the Government’s brief is filed early. In accordance with Rule 20(d) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel will give priority to this appeal pursuant to Article 62, UCMJ.
6. *United States v. Goodwater*, No. ACM 40304 (f rev) – The record of trial consists of 18 prosecution exhibits, 5 defense exhibits, and 26 appellate exhibits. The transcript is 413 pages. The appellant is confined. Undersigned counsel has begun to review the record of trial.
7. *United States v. Galera*, No. ACM 40477 – The record of trial consists of three prosecution exhibits, five defense exhibits, three appellate exhibits, and three court exhibits. The transcript is 174 pages. The appellant is confined.
8. *United States v. Johnson*, No. ACM 40291 (f rev) – The record of trial consists of 23 appellate exhibits, 28 prosecution exhibits, and 4 defense exhibits. The transcript is 395 pages. The appellant is not confined. Undersigned counsel has begun to review the record of trial.

Since filing SrA Riley’s fifth request for an enlargement of time, undersigned counsel filed seven assignments of error in *United States v. George*, No. ACM 40397, completed her review and researched all potential issues in *United States v. Christensen*, No. ACM 40408, researched a

potential motion to this Honorable Court, prepared for and participated in four moot arguments, attended one-day of arguments at the CAAF, and reviewed four records of trial in order to advise servicemembers regarding their opportunity to appeal to this Honorable Court.

**WHEREFORE**, SrA Riley respectfully requests this Honorable Court grant the requested enlargement of time.

Respectfully submitted,



SAMANTHA P. GOLSETH, Maj, USAF  
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 email to the Court and served on the Government Trial and Appellate Operations Division on 20 March 2024.

Respectfully submitted,

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SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

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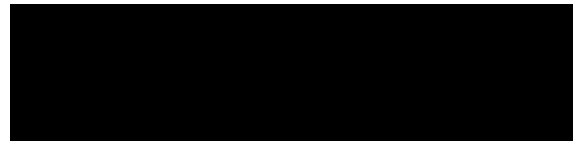
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM 40498
DEREK S. RILEY, 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.

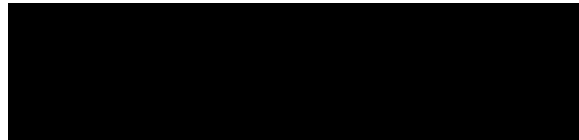


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**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 22 March 2024.



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



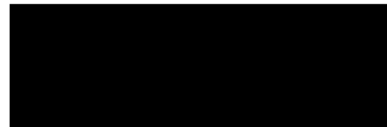
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

**UNITED STATES,** ) **NOTICE OF APPEARANCE**  
*Appellee,* )  
 ) Before Panel No. 1  
v. )  
 ) No. ACM 40498  
Senior Airman (E-4), )  
**DEREK S. RILEY,** ) 1 April 2024  
United States Air Force, )  
*Appellant.* )

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

Pursuant to Rules 12 and 13 of this Honorable Court’s Rules of Practice and Procedure, the undersigned, an attorney admitted to practice before this Court, hereby enters his appearance as the appellate counsel for the appellant in the above-captioned case.

Respectfully submitted,



ANTHONY J. GHIOTTO, Lt Col, USAF  
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 1 April 2024.

[REDACTED]

ANTHONY J. GHIOTTO, Lt Col, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

[REDACTED]

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

**UNITED STATES**

*Appellee,*

v.

**DEREK S. RILEY,**

Senior Airman (E-4)

United States Air Force

*Appellant*

**MOTION TO WITHDRAW FROM  
APPELLATE REVIEW AND ATTACH**

Before Panel No. 1

No. ACM 40498

Filed on: 17 April 2024

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

Pursuant to Rule 16 and 23.3(i) of this Honorable Court's Rules of Practice and Procedure and Rule for Courts-Martial (R.C.M.) 1115, Senior Airman Derek S. Riley, Appellant, moves to withdraw his case from appellate review. Appellant has fully consulted with Lieutenant Colonel Anthony Ghiotto, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced or induced Appellant by force, promises of clemency, or otherwise, to withdraw his case from appellate review. Further, pursuant to Rules 23(b) and 23.3(b) of this Honorable Court's Rules of Practice and Procedure, the undersigned counsel asks this Court to attach the two-page document appended to this pleading to the record of this proceeding. The appended document is necessary to comply with R.C.M. 1115(d) and R.C.M. 1115(e).

**WHEREFORE**, Appellant respectfully requests this Honorable Court to grant this motion to withdraw from appellate review, and to grant this request to attach matters to the record.

Respectfully submitted,

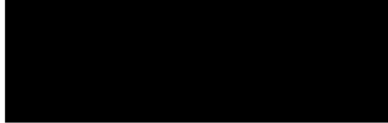
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ANTHONY J. GHIOTTO, Lt Col, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

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**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via electronic mail to the Court and served on the Appellate Government Division on 17 April 2024.



ANTHONY J. GHIOTTO, Lt Col USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

