

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FIRST)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40565
ANGEL R. RODRIGUEZ,)	
United States Air Force,	)	19 March 2024
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **28 May 2024**. The record of trial was docketed with this Court on 29 January 2024. From the date of docketing to the present date, 50 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,

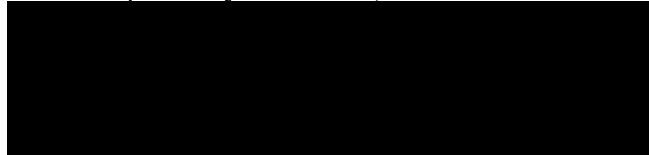


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

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 19 March 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

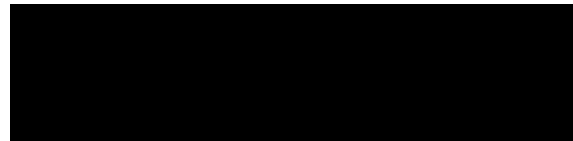
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40565
ANGEL R. RODRIGUEZ, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

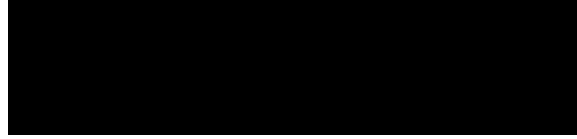
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 20 March 2024.



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

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

UNITED STATES)	No. ACM 40565
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Angel R. RODRIGUEZ)	
Senior Airman (E-2))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 20 May 2024, counsel for Appellant submitted a Motion for Enlargement of Time (Second) 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 23d day of May, 2024,

ORDERED:

Appellant’s Motion for Enlargement of Time (Second) is **GRANTED**. Appellant shall file any assignments of error not later than **27 June 2024**.

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



FOR THE COURT

[Redacted Signature]

OLGA STANFORD Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SECOND)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40565
ANGEL R. RODRIGUEZ,)	
United States Air Force,	)	20 May 2024
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(2) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his second enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **27 June 2024**. The record of trial was docketed with this Court on 29 January 2024. From the date of docketing to the present date, 112 days have elapsed. On the date requested, 150 days will have elapsed.

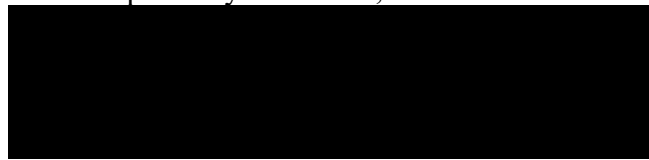
On 17 October 2023, pursuant to his pleas, Senior Airman (SrA) Angel Rodriguez was convicted at a general court-martial convened at Nellis Air Force Base, Nevada, of one charge and specification of wrongfully possessing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ). (R. at 14.) The military judge sentenced SrA Rodriguez to reduction to the grade of E-1, confinement for six months, and to be discharged with a bad-conduct discharge. (R. at 86.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action, dated 1 November 2023.)

The record of trial consists of two volumes. The transcript is 86 pages. There are two prosecution exhibits, six defense exhibits, and five appellate exhibits. SrA Rodriguez is not currently in confinement.

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

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

Respectfully submitted,

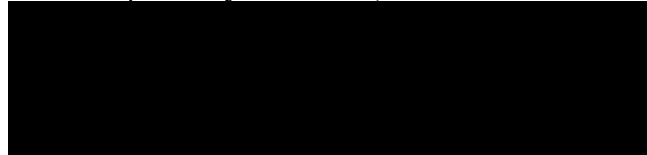


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
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(240) 612-4770

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 20 May 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

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 40565
ANGEL R. RODRIGUEZ, 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.



BRITTANY M. SPEIRS, Maj, USAFR
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 21 May 2024.



BRITTANY M. SPEIRS, Maj, USAFR
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (THIRD)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40565
ANGEL R. RODRIGUEZ,)	
United States Air Force,	)	20 June 2024
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(2) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his third enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **27 July 2024**. The record of trial was docketed with this Court on 29 January 2024. From the date of docketing to the present date, 143 days have elapsed. On the date requested, 180 days will have elapsed.

On 17 October 2023, pursuant to his pleas, Senior Airman (SrA) Angel Rodriguez was convicted at a general court-martial convened at Nellis Air Force Base, Nevada, of one charge and specification of wrongfully possessing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ). (R. at 14.) The military judge sentenced SrA Rodriguez to reduction to the grade of E-1, confinement for six months, and to be discharged with a bad-conduct discharge. (R. at 86.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action, dated 1 November 2023.)

The record of trial consists of two volumes. The transcript is 86 pages. There are two prosecution exhibits, six defense exhibits, and five appellate exhibits. SrA Rodriguez is not currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the

request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Furthermore, undersigned counsel has been in communication with Appellant concerning the status of this case's progress in anticipation of this request. Counsel asserts attorney-client privilege concerning the substance of those communications.

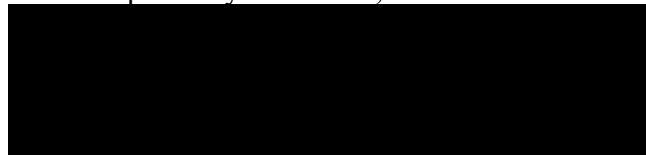
Undersigned counsel is currently assigned 20 cases; 13 cases are pending initial AOE's before this Court. Of those, the following cases are counsel's highest priorities:

- 1) *United States v. Hilton* – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its eighth enlargement of time. Undersigned counsel continues to work on his initial review of the record of trial.
- 2) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 134 page transcript. This case is on its sixth enlargement of time. Counsel has completed an initial review of the record of trial from the remanded hearing.
- 3) *United States v. Johnson*, ACM 40537 – The record of trial is 7 volumes consisting of 19 prosecution exhibits, 4 defense exhibits, 27 appellate exhibits, and 2 court exhibits. The transcript is 605 pages. This case is on its fifth enlargement of time. Counsel has completed an initial review of the record of trial.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Counsel is hard at work on other cases that are in higher enlargements of time, which has prevented him from being able to dedicate the appropriate amount of time to thoroughly review the instant 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,

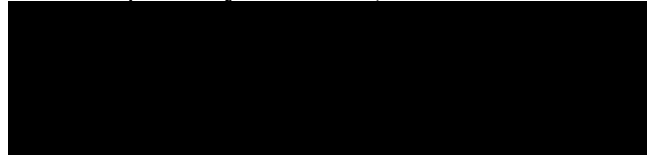


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
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(240) 612-4770

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 20 June 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

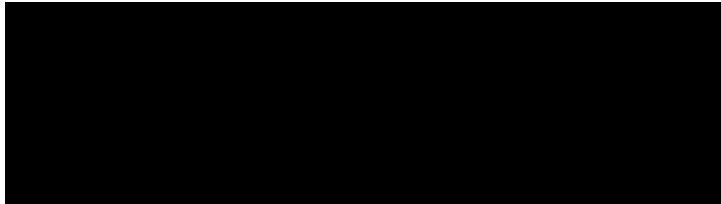
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40565
ANGEL R. RODRIGUEZ, 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.

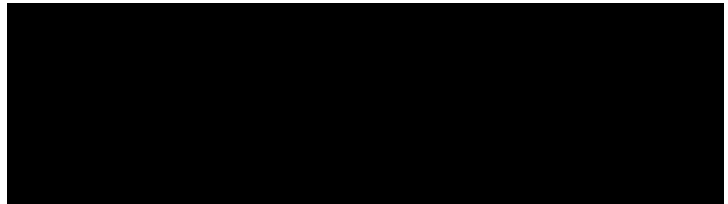
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



J. PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 24 June 2024.



J. PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FOURTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40565
ANGEL R. RODRIGUEZ,)	
United States Air Force,	)	20 July 2024
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fourth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **26 August 2024**. The record of trial was docketed with this Court on 29 January 2024. From the date of docketing to the present date, 173 days have elapsed. On the date requested, 210 days will have elapsed.

On 17 October 2023, pursuant to his pleas, Senior Airman (SrA) Angel Rodriguez was convicted at a general court-martial convened at Nellis Air Force Base, Nevada, of one charge and specification of wrongfully possessing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ). (R. at 14.) The military judge sentenced SrA Rodriguez to reduction to the grade of E-1, confinement for six months, and to be discharged with a bad-conduct discharge. (R. at 86.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action, dated 1 November 2023.)

The record of trial consists of two volumes. The transcript is 86 pages. There are two prosecution exhibits, six defense exhibits, and five appellate exhibits. SrA Rodriguez is not currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the

request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Furthermore, undersigned counsel has been in communication with Appellant concerning the status of this case's progress in anticipation of this request. Counsel asserts attorney-client privilege concerning the substance of those communications.

Undersigned counsel is currently assigned 20 cases; 13 cases are pending initial AOE's before this Court. Of those, the following cases are counsel's highest priorities:

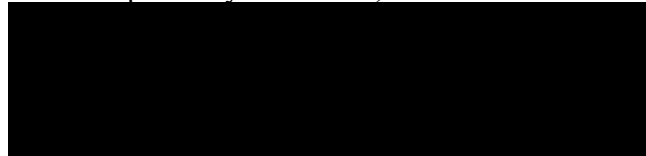
- 1) *United States v. Hilton* – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its ninth enlargement of time. Undersigned counsel has nearly completed a review of the record of trial.
- 2) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 1134 page transcript. This case is on its seventh enlargement of time. Undersigned counsel has completed an initial review of the record of trial.
- 3) *United States v. Johnson*, ACM 40537 – The record of trial is 7 volumes consisting of 19 prosecution exhibits, 4 defense exhibits, 27 appellate exhibits, and 2 court exhibits. The transcript is 605 pages. This case is on its sixth enlargement of time. Undersigned counsel has completed an assignment of errors with civilian counsel that they anticipated filing with this Court on 25 July 2024.
- 4) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution

exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case is on its fifth enlargement of time. Undersigned counsel has not yet completed an initial review of the record of trial.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Undersigned counsel has been diligently working to complete a review of the record of trial for *United States v. Hilton* in order to coordinate with civilian counsel to begin drafting an assignment of errors. Following this, counsel will begin drafting an assignment of errors for *United States v. Martinez*. 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,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

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 20 July 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

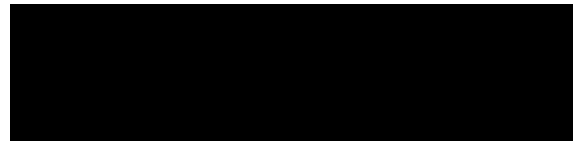
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40565
ANGEL R. RODRIGUEZ, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 22 July 2024.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FIFTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40565
ANGEL R. RODRIGUEZ,)	
United States Air Force,	)	16 August 2024
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fifth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **25 September 2024**. The record of trial was docketed with this Court on 29 January 2024. From the date of docketing to the present date, 200 days have elapsed. On the date requested, 240 days will have elapsed.

On 17 October 2023, pursuant to his pleas, Senior Airman (SrA) Angel Rodriguez was convicted at a general court-martial convened at Nellis Air Force Base, Nevada, of one charge and specification of wrongfully possessing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ). (R. at 14.) The military judge sentenced SrA Rodriguez to reduction to the grade of E-1, confinement for six months, and to be discharged with a bad-conduct discharge. (R. at 86.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action, dated 1 November 2023.)

The record of trial consists of two volumes. The transcript is 86 pages. There are two prosecution exhibits, six defense exhibits, and five appellate exhibits. SrA Rodriguez is not currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the

request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Furthermore, undersigned counsel has been in communication with Appellant concerning the status of this case's progress, but has not had a substantive update to provide at this time. Counsel asserts attorney-client privilege concerning the substance all communications.

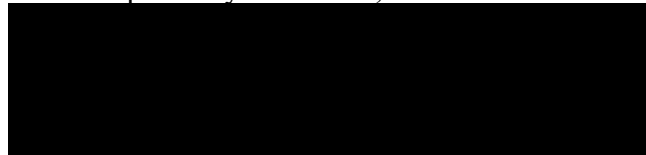
Undersigned counsel is currently assigned 20 cases; 13 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its tenth enlargement of time. Counsel has completed reviewing the record of trial and has begun drafting and assignment of errors.
- 2) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 134 page transcript. This case is on its eighth enlargement of time. Counsel has completed an initial review of the remanded record of trial.
- 3) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case in its sixth enlargement of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Over the past month, counsel was at work on a reply brief in the matter of *United States v. Saul*, ACM 40341, for submission to the Court of Appeals for the Armed Forces. Additionally, counsel has been at work drafting an assignment of errors for *United States v. Hilton*. This has prevented counsel from dedicating the time necessary to complete an in-depth review of this case in order to identify issues and advise Appellant. Accordingly, an enlargement of time is necessary for counsel to fully review Appellant's case.

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

Respectfully submitted,

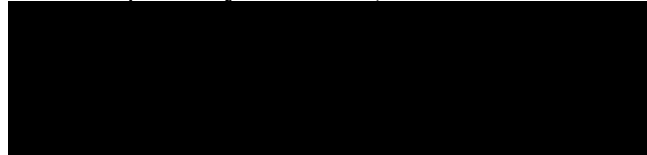


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 16 August 2024.

Respectfully submitted,



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(240) 612-4770

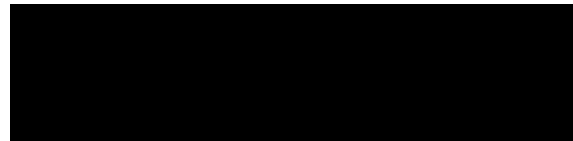
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40565
ANGEL R. RODRIGUEZ, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 20 August 2024.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SIXTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40565
ANGEL R. RODRIGUEZ,)	
United States Air Force,	)	18 September 2024
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his sixth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **25 October 2024**. The record of trial was docketed with this Court on 29 January 2024. From the date of docketing to the present date, 233 days have elapsed. On the date requested, 270 days will have elapsed.

On 17 October 2023, pursuant to his pleas, Senior Airman (SrA) Angel Rodriguez was convicted at a general court-martial convened at Nellis Air Force Base, Nevada, of one charge and specification of wrongfully possessing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ). (R. at 14.) The military judge sentenced SrA Rodriguez to reduction to the grade of E-1, confinement for six months, and to be discharged with a bad-conduct discharge. (R. at 86.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action, dated 1 November 2023.)

The record of trial consists of two volumes. The transcript is 86 pages. There are two prosecution exhibits, six defense exhibits, and five appellate exhibits. SrA Rodriguez is not currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the

request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Furthermore, undersigned counsel has been in communication with Appellant concerning the status of this case's progress, but has not had a substantive update to provide at this time. Counsel asserts attorney-client privilege concerning the substance all communications.

Undersigned counsel is currently assigned 20 cases; 13 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

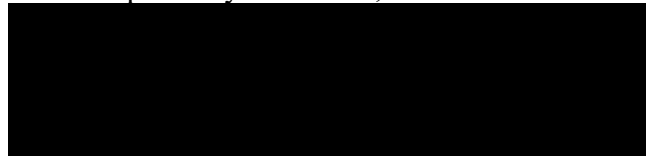
- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its eleventh enlargement of time. Counsel has completed reviewing the record of trial and has begun drafting and assignment of errors.
- 2) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 134 page transcript. This case is on its ninth enlargement of time. Counsel has been at work drafting an assignment of errors.
- 3) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case in its seventh enlargement of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Counsel's has been at work with

civilian counsel in order to draft an assignment of errors for *United States v. Hilton*. Additionally, counsel has been working on an assignment of errors for *United States v. Martinez* which counsel intends to submit without any additional enlargements of time. Furthermore, counsel is at work on a supplement to a petition for review before the Court of Appeals for the Armed Forces in *United States v. Schneider*. All of these matters have taken priority over completing work on the case at bar. Accordingly, an enlargement of time is necessary for counsel to fully review Appellant's case.

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

Respectfully submitted,

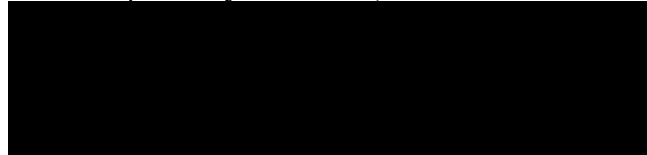


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

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 18 September 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

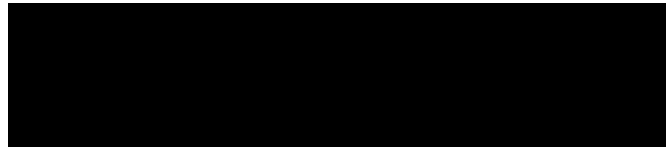
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40565
ANGEL R. RODRIGUEZ, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 20 September 2024.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SEVENTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40565
ANGEL R. RODRIGUEZ,)	
United States Air Force,	)	18 October 2024
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his sixth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **24 November 2024**. The record of trial was docketed with this Court on 29 January 2024. From the date of docketing to the present date, 263 days have elapsed. On the date requested, 300 days will have elapsed.

On 17 October 2023, pursuant to his pleas, Senior Airman (SrA) Angel Rodriguez was convicted at a general court-martial convened at Nellis Air Force Base, Nevada, of one charge and specification of wrongfully possessing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ). (R. at 14.) The military judge sentenced SrA Rodriguez to reduction to the grade of E-1, confinement for six months, and to be discharged with a bad-conduct discharge. (R. at 86.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action, dated 1 November 2023.)

The record of trial consists of two volumes. The transcript is 86 pages. There are two prosecution exhibits, six defense exhibits, and five appellate exhibits. SrA Rodriguez is not currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the

request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Furthermore, undersigned counsel has been in communication with Appellant concerning the status of this case's progress, but has not had a substantive update to provide at this time. Counsel asserts attorney-client privilege concerning the substance all communications.

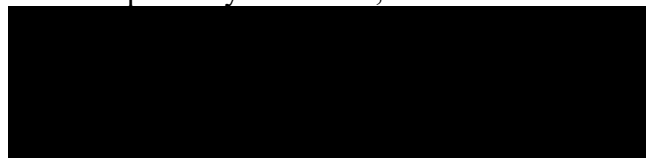
Undersigned counsel is currently assigned 20 cases; 13 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its twelfth enlargement of time. Counsel has completed reviewing the record of trial and has begun drafting and assignment of errors.
- 2) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 134 page transcript. This case is on its tenth enlargement of time. Counsel has submitted a draft assignment of errors for internal review.
- 3) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case in its eighth enlargement of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Undersigned counsel has been balancing several priorities over the last thirty days. This includes preparing for oral arguments before the Court of Appeals for the Armed Forces (C.A.A.F.) in *United States v. Saul* which is taking place on 22 October 2024. Counsel also submitted a supplement for petition for review to the C.A.A.F. in *United States v. Schneider*. Additionally, counsel completed drafting an assignment of errors for *United States v. Martinez* which is due for submission to this Court on 21 October 2024. Counsel has also completed an assignment of errors with civilian counsel in *United States v. Cepeda* which is due to this Court on 30 October 2024, and will be submitted upon completion of internal review. These time-consuming priorities have prevented undersigned counsel from dedicating more time to the case at bar. Accordingly, an enlargement of time is necessary for undersigned counsel to review the record of trial and advise Appellant on potential errors.

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

Respectfully submitted,

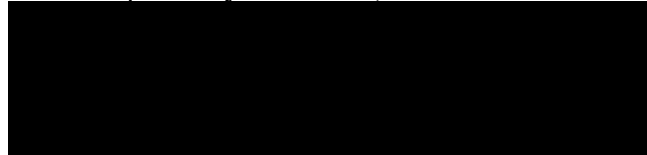


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

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 18 October 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40565
ANGEL R. RODRIGUEZ, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

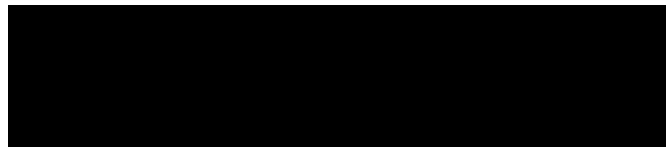
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 22 October 2024.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (EIGHTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40565
ANGEL R. RODRIGUEZ,)	
United States Air Force,	)	15 November 2024
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his eighth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **24 December 2024**. The record of trial was docketed with this Court on 29 January 2024. From the date of docketing to the present date, 291 days have elapsed. On the date requested, 330 days will have elapsed.

On 17 October 2023, pursuant to his pleas, Senior Airman (SrA) Angel Rodriguez was convicted at a general court-martial convened at Nellis Air Force Base, Nevada, of one charge and specification of wrongfully possessing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ). (R. at 14.) The military judge sentenced SrA Rodriguez to reduction to the grade of E-1, confinement for six months, and to be discharged with a bad-conduct discharge. (R. at 86.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action, dated 1 November 2023.)

The record of trial consists of two volumes. The transcript is 86 pages. There are two prosecution exhibits, six defense exhibits, and five appellate exhibits. SrA Rodriguez is not currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the

request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Furthermore, undersigned counsel has been in communication with Appellant concerning the status of this case's progress, but has not had a substantive update to provide at this time. Counsel asserts attorney-client privilege concerning the substance all communications.

Undersigned counsel is currently assigned 20 cases; 11 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its thirteenth enlargement of time. Counsel has completed reviewing the record of trial and has begun drafting and assignment of errors.
- 2) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case is on its ninth enlargement of time.
- 3) *United States v. Titus*, ACM 40557 - The record of trial consists of four volumes. The transcript is 142 pages. There are five prosecution exhibits, five defense exhibits, 31 appellate exhibits, and five court exhibits. This case is on its eighth enlargement of time.

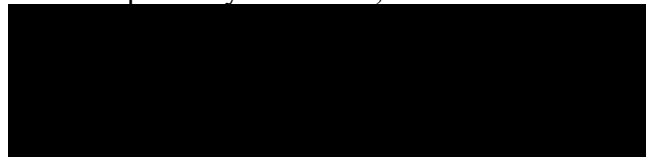
Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Counsel's top priority before this Court remains *United States v. Hilton*. Additionally, counsel is working on an assignment of errors in *United States v. Jenkins*. Counsel's immediate priorities also include submitting a supplement

to petition for review in *United States v. Vargo* before the Court of Appeals for the Armed Forces (CAAF). This supplement is due on 20 November 2024. Counsel also must submit a reply brief to this Court in *United States v. Martinez*, which is due on 21 November 2024.

Over the past thirty days, counsel took leave from 30 October 2024 to 5 November 2024. Counsel then worked towards completion of supplement to for petition of review before the CAAF in *United States v. Bates*, which was due on 13 November 2024. These completing priorities have prevented counsel from dedicating the time necessary. Accordingly, an enlargement of time is necessary for undersigned counsel to review the record of trial and advise Appellant on potential errors.

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

Respectfully submitted,

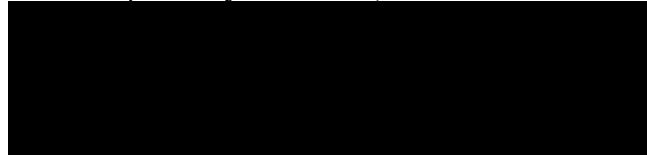


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

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 15 November 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40565
ANGEL R. RODRIGUEZ, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 330 days in length. Appellant's nearly year long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellant processing standards. Appellant has already consumed almost two thirds of the 18 month standards for this Court to issue a decision, which only leaves about 7 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

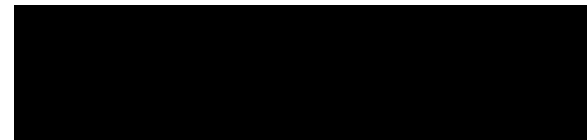
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 19 November 2024.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (NINTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40565
ANGEL R. RODRIGUEZ,)	
United States Air Force,	)	17 December 2024
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his ninth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **23 January 2025**. The record of trial was docketed with this Court on 29 January 2024. From the date of docketing to the present date, 323 days have elapsed. On the date requested, 360 days will have elapsed.

On 17 October 2023, pursuant to his pleas, Senior Airman (SrA) Angel Rodriguez was convicted at a general court-martial convened at Nellis Air Force Base, Nevada, of one charge and specification of wrongfully possessing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ). (R. at 14.) The military judge sentenced SrA Rodriguez to reduction to the grade of E-1, confinement for six months, and to be discharged with a bad-conduct discharge. (R. at 86.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action, dated 1 November 2023.)

The record of trial consists of two volumes. The transcript is 86 pages. There are two prosecution exhibits, six defense exhibits, and five appellate exhibits. SrA Rodriguez is not currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the

request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Furthermore, undersigned counsel has been in communication with Appellant concerning the status of this case's progress. Counsel asserts attorney-client privilege concerning the substance all communications.

Undersigned counsel is currently assigned 20 cases; 11 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its fourteenth enlargement of time. Counsel has been working an assignment of errors with civilian counsel.
- 2) *United States v. Titus*, ACM 40557 - The record of trial consists of four volumes. The transcript is 142 pages. There are five prosecution exhibits, five defense exhibits, 31 appellate exhibits, and five court exhibits. This case is on its ninth enlargement of time.
- 3) *United States v. Rodriguez*, ACM 40565 – This is the instant case.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters which has prevented him from completing steps necessary to bring this case to resolution. Counsel was occupied with the completion of an assignment of errors for *United States v. Jenkins*, which counsel worked on through the Thanksgiving weekend and submitted to this Court on 12 December 2024. Additionally, counsel has been working with civilian counsel in *United States v. Hilton*, which required him to dedicate time to coordinate the transmission of sealed exhibits. Counsel has had to balance his work before this Court with other priorities before the Court of Appeals for the Armed Forces (CAAF). On 13 November 2024, counsel submitted a supplement for petition for review to the CAAF in *United States v. Bates*. This supplement addressed five

issues. Additionally, counsel submitted a supplement for petition for review and a response to motion to dismiss to the CAAF in *United States v. Vargo* on 20 November 2024. Counsel worked through the weekend on 16 November 2024 in order to comply with the deadline set by the CAAF, while tending to a lingering illness that required him to go home from the office on multiple days. Additionally, counsel was on leave between 30 October 2024 and 5 November 2024. These circumstances and priorities have prevented counsel from being able to dedicate the time necessary for this case.

Counsel has completed an in-depth review of the record of trial with the exception of the sealed materials. This Court has granted a motion for counsel to view the sealed materials. Counsel anticipates examining the materials by the end of the week. Once this is complete, counsel will have fully reviewed the case and does not anticipate requiring any additional enlargements of time. However, a final enlargement of time is necessary to allow undersigned counsel to complete his review of the case and advise Appellant on potential errors.

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

Respectfully submitted,



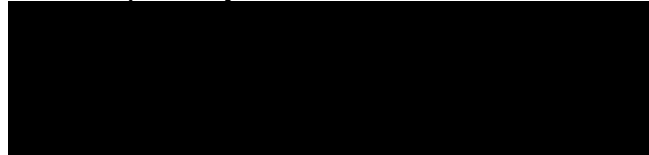
MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

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 17 December 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40565
ANGEL R. RODRIGUEZ, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 360 days in length. Appellant's nearly yearlong delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellant processing standards. Appellant has already consumed almost two thirds of the 18-month standard for this Court to issue a decision, which only leaves about 6 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

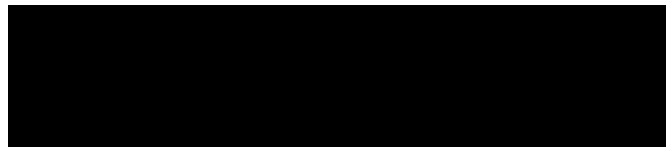
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 19 December 2024.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (TENTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40565
ANGEL R. RODRIGUEZ,)	
United States Air Force,	)	16 January 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his tenth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 10 days, which will end on **2 February 2025**. The record of trial was docketed with this Court on 29 January 2024. From the date of docketing to the present date, 353 days have elapsed. On the date requested, 370 days will have elapsed.

On 17 October 2023, pursuant to his pleas, Senior Airman (SrA) Angel Rodriguez was convicted at a general court-martial convened at Nellis Air Force Base, Nevada, of one charge and specification of wrongfully possessing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ). (R. at 14.) The military judge sentenced SrA Rodriguez to reduction to the grade of E-1, confinement for six months, and to be discharged with a bad-conduct discharge. (R. at 86.) The convening authority took no action on the findings or sentence. (ROT, Vol. 1, Convening Authority Decision on Action, dated 1 November 2023.)

The record of trial consists of two volumes. The transcript is 86 pages. There are two prosecution exhibits, six defense exhibits, and five appellate exhibits. SrA Rodriguez is not currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the

request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Furthermore, undersigned counsel has been in communication with Appellant concerning the status of this case's progress. Counsel asserts attorney-client privilege concerning the substance all communications not otherwise disclosed in this request.

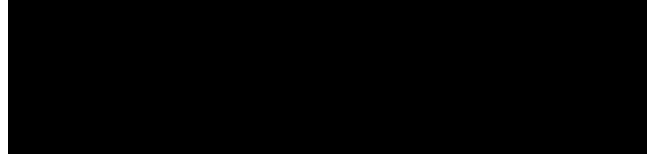
Undersigned counsel is currently assigned 20 cases; 11 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

- 1) *United States v. Rodriguez*, ACM 40565 – This is in the instant case.
- 2) *United States v. Sanger*, ACM S32773 – The record of trial consists of two electronic volumes. The transcript is 141 pages. There are four prosecution exhibits, one defense exhibit, and four appellate exhibits. This case is on its eighth enlargement of time.
- 3) *United States v. Licea*, ACM 40602 - The record of trial consists of seven electronic volumes, and the transcript is 173 pages. There are 12 prosecution exhibits, five defense exhibits, 22 appellate exhibits, and one court exhibit. This case is on its seventh enlargement of time.

Undersigned counsel has completed review of the record of trial and is prepared to submit a brief to this Court. However, SrA Rodriguez requests one final condensed enlargement of time to fully weigh his options under appellate review before this Court and to coordinate potential issues under *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982). Counsel will not be asking for any additional enlargements of time and will look to resolve this as expediently as possible. Accordingly, an enlargement of time is necessary to bring these outstanding issues to resolution and to submit a brief to this Court.

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

Respectfully submitted,

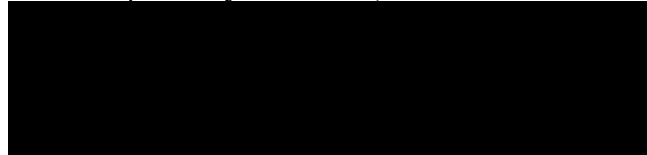


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

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 16 January 2025.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
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(240) 612-4770

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40565
ANGEL R. RODRIGUEZ, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 370 days in length. Appellant's over year long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellant processing standards. Appellant has already consumed more than two thirds of the 18-month standard for this Court to issue a decision, which only leaves about 5 months combined for the United States and this Court to perform their separate statutory responsibilities.

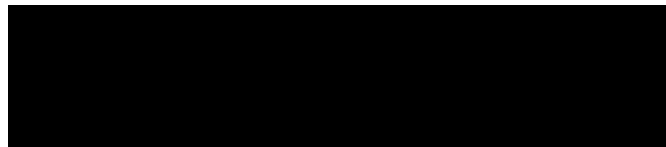
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 21 January 2025.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

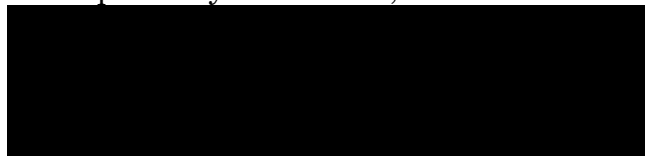
UNITED STATES	)	MERITS BRIEF
<i>Appellee</i>)	
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40565
ANGEL R. RODRIGUEZ)	
United States Air Force	)	Filed on: 3 February 2025
<i>Appellant</i>)	

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

Submission of Case Without Specific Assignment of Error

The undersigned appellate defense counsel attests he has, on behalf of Appellant, carefully examined the record of trial in this case. Appellant does not admit the findings or sentence are correct in law and fact, but submits the case to this Honorable Court on its merits with no specific assignment of error.

Respectfully Submitted,

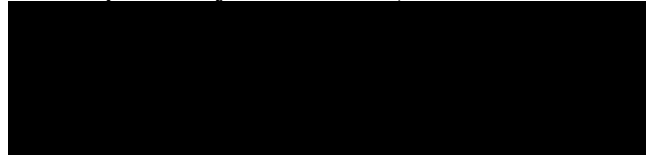


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Office: (240) 612-4770

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 3 February 2025.

Respectfully Submitted,



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

UNITED STATES)	No. ACM 40565
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Angel R. RODRIGUEZ)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 6 December 2024, counsel for Appellant submitted a Motion to Examine Sealed Materials. Specifically, counsel seeks to examine Prosecution Exhibit 1, Attachment 2. The Government does not oppose the motion as long as its counsel may also examine the sealed materials as necessary to respond to any assignments of error referencing those materials.

Appellate counsel may examine sealed materials released to counsel at trial “upon a colorable showing . . . that examination is reasonably necessary to a proper fulfillment of the appellate counsel’s responsibilities.” Rule for Courts-Martial 1113(b)(3)(B)(i), *Manual for Courts-Martial, United States* (2024 ed.).

The court has considered Appellant’s motion, the Government’s response, case law, and this court’s Rules of Practice and Procedure. The court finds Appellant’s counsel has made a colorable showing that review of the sealed materials is necessary to fulfill counsel’s duties of representation to Appellant.

Accordingly, it is by the court on this 10th day of December, 2024,

ORDERED:

Appellant’s Motion to Examine Sealed Materials is **GRANTED**.

Appellate defense counsel and appellate government counsel may view Prosecution Exhibit 1, Attachment 2, subject to the following conditions:

To view the sealed material, counsel will coordinate with the court.

No counsel granted access to the materials may photocopy, photograph, reproduce, disclose, or make available the content to any other individual without the court's prior written authorization.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION TO
<i>Appellee,</i>	)	EXAMINE SEALED
	)	MATERIALS
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
ANGEL R. RODRIGUEZ,	)	No. ACM 40565
United States Air Force)	
<i>Appellant</i>	)	6 December 2024

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

Pursuant to Rule for Courts-Martial (R.C.M.) 1113(b)(3)(B)(i) and Rule 23.3(f)(1) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel hereby moves to examine Prosecution Exhibit 1 – Attachment 2. Prosecution Exhibit 1 is a stipulation of fact and Attachment 2 is a compact disc containing four contraband images.

In accordance with R.C.M. 1113(b)(3)(B)(i), which requires a colorable showing that examining these materials is reasonably necessary to fulfill appellate counsel’s responsibilities, undersigned counsel asserts that viewing the referenced materials is reasonably necessary to assess whether the ROT is complete, whether the trial defense counsel was effective in their assistance to SrA Rodriguez, and whether any other appellate issues might be raised from the evidence.

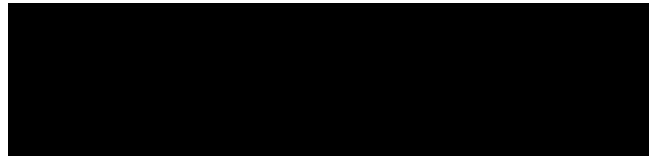
To determine whether the record of trial yields grounds for this Court to grant relief under Article 66(d), UCMJ, 10 U.S.C. § 866(d), appellate defense counsel must examine “the entire record.”

Although Courts of Criminal Appeals have a broad mandate to review the record unconstrained by an appellant's assignments of error, that broad mandate does not reduce the importance of adequate representation. As we said in *United States v. Ortiz*, 24 M.J. 323, 325 (C.M.A. 1987), independent review is not the same as competent appellate representation.

United States v. May, 47 M.J. 478, 481 (C.A.A.F. 1998). Undersigned counsel must review the sealed materials to provide “competent appellate representation.” *See id.* The materials contained on Prosecution Exhibit 1 – Attachment 2 were released and available for review by trial counsel and trial defense counsel. Accordingly, good cause exists in this case since undersigned counsel cannot fulfill his duty of representation under Article 70, UCMJ, 10 U.S.C. § 870, without first reviewing these exhibits.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant his motion.

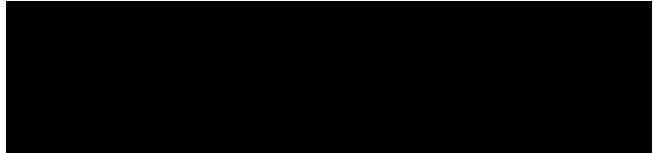
Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
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(240) 612-4770

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 6 December 2024.



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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

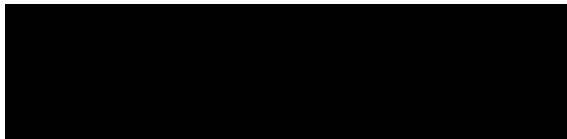
UNITED STATES,)	UNITED STATES' RESPONSE
<i>Appellee,</i>	)	TO APPELLANT'S MOTION
	)	TO EXAMINE SEALED
v.	)	MATERIAL
)	
Senior Airman (E-6)	)	ACM 40565
ANGEL R. RODRIGUEZ, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

**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 responds to Appellant's Motion to Examine Sealed Materials. The United States does not object to Appellant's counsel reviewing the exhibits, which appear to have been reviewed by both parties at trial, so long as the United States can also review the sealed portions of the record as necessary to respond to any assignment of error that references the sealed materials. The United States respectfully requests that any order issued by this Court also allow counsel for the United States to view the sealed materials.

The United States would not consent to Appellant's counsel viewing any exhibits that were reviewed in camera but not released to the parties unless this Court has determined there is good cause for Appellant's counsel to do so under R.C.M. 1113.

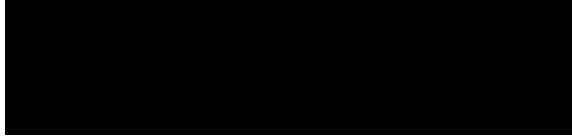
WHEREFORE, the United States respectfully responds to Appellant's motion.



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 10 December 2024.



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