

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

UNITED STATES)	No. ACM 40807
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Carlos RODRIGUEZ)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 16 May 2025, counsel for Appellant submitted a Motion for Enlargement of Time (First), requesting an additional 60 days to submit Appellant's assignments of error. The Government generally opposed 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 21st day of May, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **1 August 2025**.

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



FOR THE COURT

[Redacted signature block]

OLGA STANFORD, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Airman (E-4)

CARLOS RODRIGUEZ,

United States Air Force

Appellant

) **APPELLANT’S MOTION FOR**
) **ENLARGEMENT OF TIME (FIRST)**

)
) Before Panel No. 1

)
) No. ACM 40807

)
) 16 May 2025

)

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Senior Airman (SrA) Carlos Rodriguez, Appellant, hereby moves for an enlargement of time (EOT) to file his assignments of error. SrA Rodriguez requests an enlargement for a period of 60 days, which will end on **1 August 2025**. The record of trial was docketed with this Court on 3 April 2025. From the date of docketing to the present date, 43 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
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(240) 612-4770
Megan.crouch.1@us.af.mil

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 16 May 2025.



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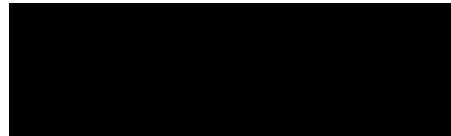
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
	)	OPPOSITION TO APPELLANT'S
<i>Appellee,</i>	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
CARLOS RODRIGUEZ,	)	No. ACM 40807
United States Air Force,)	
<i>Appellant.</i>	)	20 May 2025

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its 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.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 20 May 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

UNITED STATES) APPELLANT’S MOTION FOR
Appellee,) ENLARGEMENT OF TIME
) (SECOND)
v.)
) Before Panel No. 1
Senior Airman (E-4))
CARLOS RODRIGUEZ,) No. ACM 40807
United States Air Force)
Appellant) 21 July 2025

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court's Rules of Practice and Procedure, Senior Airman (SrA) Calros Rodriguez, Appellant, hereby moves for an enlargement of time (EOT) to file his assignments of error. SrA Rodriguez requests an enlargement for a period of 30 days, which will end on **31 August 2025**. The record of trial was docketed with this Court on 3 April 2025. From the date of docketing to the present date, 109 days have elapsed. On the date requested, 150 days will have elapsed.

On 5 December 2024, a general court-martial composed of a military judge sitting alone convicted SrA Rodriguez, consistent with his pleas, of one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one specification of false official statement, in violation of Article 107, UCMJ, 10 U.S.C. § 907; seven specifications of sexual abuse of a child, in violation of Article 920b, UCMJ, 10 U.S.C. § 920b; two specifications of assault consummated by a battery, in violation of Article 128, UCMJ, 10 U.S.C. § 928; one specification of traveling within interstate commerce for the purpose engaging in illicit sexual conduct, one specification of production of child pornography, one specification of viewing child pornography,

and one specification of possession of child pornography, in violation of Article 134, UCMJ, 10 U.S.C. § 934. R. at 289; Entry of Judgment. The military judge sentenced him to a reduction to the grade of E-1, total forfeiture of all pay and allowances, a dishonorable discharge, a total of 20 years' confinement, and a reprimand. R. at 390. The convening authority took no action on the findings and approved the sentence in its entirety. Convening Authority Decision on Action.

The record of trial includes five prosecution exhibits, four defense exhibits, and five appellate exhibits. The transcript is 391 pages. SrA Rodriguez is confined.

Through no fault of SrA Rodriguez, 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 SrA Rodriguez's case and advise him regarding potential errors. SrA Rodriguez was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

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

Respectfully submitted,



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
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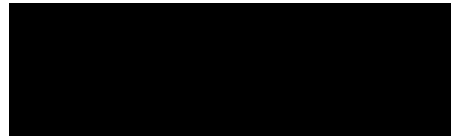
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
	)	OPPOSITION TO APPELLANT'S
<i>Appellee,</i>	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
CARLOS RODRIGUEZ,	)	No. ACM 40807
United States Air Force,)	
<i>Appellant.</i>	)	23 July 2025

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its 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.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 23 July 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
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**UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS**

UNITED STATES)	No. ACM 40807
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Carlos RODRIGUEZ)	
Senior Airman (E-3))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 3

On 1 August 2025, counsel for Appellant submitted a Consent Motion to Examine Sealed Materials, requesting both parties be allowed to examine Prosecution Exhibit 1, Attachments 1–5, 10, 12–18, 20, 22–25, 27–29, and 31; Prosecution Exhibit 2; Appellate Exhibit I; Notice of Preferral and Request for Appointment of a Preliminary Hearing Officer Memorandum, dated 15 Nov. 2024, Attachments 2–10, and 17; Response to Request for Bill of Particulars, dated 15 Nov. 2024, Attachments 1–3; Pretrial Confinement 72-Hour Memorandum, Attachments 1 and 3; and Pretrial Confinement Review Officer Report Memorandum, Attachments 4, 5, and Attachments 1 and 3 to Attachment 6. According to Appellant’s motion, trial counsel and trial defense counsel at Appellant’s court-martial viewed these documents.

On 7 August 2025, the court held a status conference to discuss this motion. Appellant was represented by Captain John M. Fredericks. Lieutenant Colonel Allen S. Abrams and Ms. Megan Marinos from the Appellate Defense Division were also present. Major Vanessa Bairos represented the Government. In response to questions from the court, Captain Fredericks explained that the electronic record of trial (ROT) includes slip pages about the sealed documents requested but does not include the descriptions (that we determine are available in the physical ROT) indicating that several of the requested sealed documents are cross-references to exhibits and attachments elsewhere in the ROT. Both appellate defense counsel and appellate government counsel maintained their Consent Motion to Examine Sealed Materials in this case. 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 finds Appellant has made a colorable showing that review of sealed materials is reasonably necessary for a proper fulfillment of appellate defense counsel's responsibilities. This court's order permits counsel for both parties to examine the sealed materials.

Accordingly, it is by the court on this 7th day of August, 2025,

ORDERED:

Appellant's Consent Motion to Examine Sealed Materials is **GRANTED IN PART**.

Appellate defense counsel and appellate government counsel may view:

- **Attachments 1–5, 10, 12–18, 22–25, 27, 29, and 31 of Prosecution Exhibit 1.** These attachments are located on a single disc, labeled disc 1 of 10, and consists of a single .pdf, 506 pages;
- **Attachment 20 of Prosecution Exhibit 1.** This attachment is a thumb drive and is stored in a separate envelope in the ROT and labeled accordingly;
- **Attachment 28 of Prosecution Exhibit 1.** This attachment is a single disc and is stored in a separate envelope in the ROT, and is labeled disc 8 of 10;
- **Prosecution Exhibit 2;** and
- **Appellate Exhibit I.**

To view the sealed materials, counsel will coordinate with the court. No counsel will photocopy, photograph, or otherwise reproduce this material and will not disclose or make available its contents to any other individual without this court's prior written authorization.

The below list of materials from Appellant's Consent Motion to Examine Sealed Materials are **MOOT**. These materials are not separately sealed materials. Instead, these requested materials are duplicates of the above-requested sealed materials and are cross-referenced accordingly in the original record of trial.

- Attachments 2–10, and 17 to Notice of Preferral and Request for Appointment of a Preliminary Hearing Officer Memorandum;
- Attachments 1–3 to Response to Request for Bill of Particulars;

- Attachments 1 and 3 to Pretrial Confinement 72-Hour Memorandum; and
- Attachments 4, 5, and Attachments 1 and 3 to Attachment 6, to Pretrial Confinement Review Officer Report Memorandum.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

UNITED STATES,
Appellee,

v.

Senior Airman (E-4)
CARLOS RODRIGUEZ,
United States Air Force,
Appellant.

)
)
)
)
)
)
)
)
)

**CONSENT MOTION TO EXAMINE
SEALED MATERIALS**

Before Panel No. 1

No. ACM 40807

1 August 2025

Pursuant to Rules 3.1 and 23.3(f) of this Court’s Rules of Practice and Procedure and Rule for Courts-Martial (R.C.M.) 1113(b)(3)(B)(i), the Appellant hereby withdraws the filing of the same name, dated 31 July 2025, due to record citation errors and moves for both parties to examine the following sealed materials:

These exhibits were viewed by the military judge and the parties and were ordered sealed by the military judge. Pros. Exs. 1-2; Ex. Index at 1; R. at 38-41. Counsel is requesting to review Attachments 1-5, 10, 12-18, 20, 22-25, 27-29, and 31 of Prosecution Exhibit 1 as identified on the attachments list of Prosecution Exhibit 1.¹ Pros. Ex. 1 at 25 (showing attachment list).

A slip page in counsel's copy of the electronic record of trial states that it was sealed by

1

the military judge. Appellate Ex. I; Ex. Index at 1. However, the military judge does not, on the record, seal this exhibit. R at 2. This exhibit contains Article 30a, Uniform Code of Military Justice (UCMJ), proceedings conducted in this case and likely contains contraband evidence. *Id.*

- 3) **Notice of Preferral and Request for Appointment of a Preliminary Hearing Officer Memorandum, Attachments 2-10, and 17.** These documents were ostensibly viewed by the parties in discovery, but it is not readily apparent from the transcript or counsel's copy of the electronic record whether the military judge also viewed them. The record does not indicate that the military judge ordered this exhibit sealed. Nevertheless, counsel's copy of the record has a slip page indicating these materials were sealed by the military judge. Notice of Preferral and Request for Appointment of a Preliminary Hearing Officer Memorandum (Nov. 15, 2024).
- 4) **Response to Request for Bill of Particulars, Attachments 1-3.** These documents are contraband. Response to Request for Bill of Particulars (Nov. 15, 2024); *see* R. at 39 (requesting the original bill of particulars attached to the stipulation of fact (Pros. Ex. 1) be sealed). These documents were provided by the Government as part of their response to the trial defense counsel's request for a bill of particulars and serve as the basis for multiple charges and specifications. *Id.* While these documents were ostensibly viewed by the parties, it is not readily apparent from the record whether the military judge also viewed them, or copies of them, or if they were also attached to Prosecution Exhibit 1, or are encompassed by Prosecution Exhibit 2. The record does not indicate that the military judge ordered *this* exhibit sealed because there are three copies of this document with different dates in counsel's copy of the electronic record. *See* Pros. Ex. 1 at 25

(Attachment 2 is identified as a “Bill of Particulars, dated 22 November 2024, 29 pages”); Pros. Ex. 2 (identified as “Response to Request for Bill of Particulars, dated 4 Dec 2024, 28 pgs”); Response to Request for Bill of Particulars (Nov. 15, 2024) (of an unknown page length). Nevertheless, counsel’s copy of the record has a slip page indicating these materials were sealed by the military judge. Response to Request for Bill of Particulars (Nov. 15, 2024).

5) **Pretrial Confinement 72-Hour Memorandum, Attachments 1 and 3.** These documents were ostensibly viewed by the parties, but it is not readily apparent from the record whether the military judge also viewed them, or whether copies of them are in Prosecution Exhibit 1, Attachments 3-4. Pretrial Confinement of SrA Carlos Rodriguez Memorandum (Aug. 9, 2024); *see also* Pros. Ex. 1 at 25 (showing attachment list). The record does not indicate that the military judge ordered this exhibit sealed. Nevertheless, counsel’s copy of the record has a slip page indicating these materials were sealed by the military judge. Pretrial Confinement of SrA Carlos Rodriguez Memorandum (Aug. 9, 2024).

6) **Pretrial Confinement Review Officer Report Memorandum, Attachments 4, 5, and 6 (Attachments 1 and 3).** These documents were ostensibly viewed by the parties, but it is not readily apparent from the record whether the military judge also viewed them, or whether copies of them exist in Prosecution Exhibit 1, Attachments 3-4. Pretrial Confinement Review – SrA Carlos Rodriguez, 7 AMXS Memorandum (Aug. 9, 2024); *see* Pros. Ex. 1 (showing attachment list). Attachment 6 of the Pretrial Confinement Review Officer Report Memorandum purports to be a copy of the Pretrial Confinement 72-Hour Memorandum referenced in paragraph (5) above and is likely a duplicate. *See*

Pretrial Confinement of SrA Carlos Rodriguez Memorandum (Aug. 9, 2024). The record does not indicate that the military judge ordered this exhibit sealed. Nevertheless, counsel's copy of the record has a slip page indicating these materials were sealed by the military judge. Pretrial Confinement Review – SrA Carlos Rodriguez, 7 AMXS Memorandum (Aug. 9, 2024).

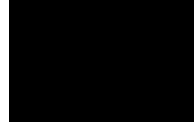
In accordance with R.C.M. 1113(b)(3)(B)(i), which requires a colorable showing that examination of these matters is reasonably necessary to appellate counsels' responsibilities, undersigned counsel asserts that review of the referenced exhibits is necessary to conduct a complete review of the record of trial and be in a position to advocate competently on behalf of Appellant. The Appellant stands convicted of an offense related to the sealed materials admitted at trial. In order to fully present matters to this Court, the undersigned counsel requires access to sealed material.

While this Court has “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.” *United States v. May*, 47 M.J. 478, 481 (C.A.A.F. 1998). “Independent review is not the same as competent appellate representation.” *Id.* The sealed materials here must be reviewed for counsel to provide “competent appellate representation.” *Id.* Viewing these exhibits is reasonably necessary to determine whether Appellant is entitled to relief due to errors during any portion of the proceedings—before, during, or after trial. Therefore, undersigned counsel's examination of the sealed materials is reasonably necessary to fulfill his responsibilities in this case as counsel cannot perform his duty of representation under Article 70, Uniform Code of Military Justice, 10 U.S.C. § 870, or fulfill his duty to provide effective assistance of counsel, without first reviewing the complete record of trial.

The Government consents to both parties viewing the sealed materials.

WHEREFORE, Appellant respectfully requests that this Court grant this consent motion to view sealed materials.

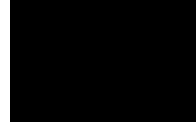
Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
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1500 West Perimeter Road, Suite 1100
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(240) 612-4770
John.Fredericks.2@us.af.mil

CERTIFICATE OF FILING AND SERVICE

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



JOHN M. FREDERICKS, Capt, USAF
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**UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS**

UNITED STATES)	No. ACM 40807
<i>Appellee</i>)	
)	
v.)	
	)	NOTICE OF PANEL CHANGE
Carlos RODRIGUEZ)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>)	

It is by the court on this 4th day of August, 2025,

ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from Panel 1 and referred to Panel 3 for appellate review.

This panel letter supersedes all previous panel assignments.



FOR THE COURT



AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

V.

Senior Airman (E-4)

CARLOS RODRIGUEZ,

United States Air Force,

Appellant.

) **MOTION FOR WITHDRAWAL OF**
) **APPELLATE DEFENSE COUNSEL**

) Before Panel No. 1

) No. ACM 40807

) 31 July 2025

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

Pursuant to Rules 12(b), 12.4, and 23.3(h) of this Honorable Court's Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. As a result of new counsel joining the Air Force Appellate Defense Division, and in order to best allocate resources within the Division and support speedy appellate review for clients, Maj Megan Crouch is no longer detailed under Article 70, Uniform Code of Military Justice (UCMJ), to represent Appellant. Capt John Fredericks has been detailed substitute appellate military counsel in undersigned counsel's stead and made his notice of appearance on 31 July 2025. Counsel have completed a thorough turnover of the record.

Appellant has been advised of this motion to withdraw as counsel and consents to undersigned counsel's withdrawal. A copy of this motion will be delivered to Appellant following its filing.

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

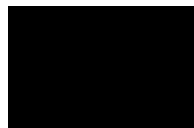
Respectfully submitted,

A solid black rectangular box used to redact the signature of the appellant.

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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Email: megan.crouch.1@us.af.mil

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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES)	APPELLANT’S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(THIRD)
v.)	
	)	Before Panel No. 3
Senior Airman (E-4))	
CARLOS RODRIGUEZ	)	No. ACM 40807
United States Air Force)	
<i>Appellant</i>	)	21 August 2025

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

Pursuant to Rule 23.3(m)(1), (3)-(4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **30 September 2025**. The record of trial was docketed with this Court on 3 April 2025. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

On 4 through 5 December 2024, Appellant was tried by a general court-martial composed of a military judge alone at Dyess Air Force Base, Texas. Trial Tr. at 1, 18. Appellant was found guilty, consistent with his pleas, of one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one specification of false official statement, in violation of Article 107, UCMJ, 10 U.S.C. § 907; seven specifications of sexual abuse of a child, in violation of Article 120b, UCMJ, 10 U.S.C. § 920b; two specifications of assault consummated by a battery, in violation of Article 128, UCMJ, 10 U.S.C. § 928; one specification of traveling within interstate commerce for the purpose engaging in illicit sexual conduct, one specification of production of child pornography, one specification of viewing child pornography, and one specification of

possession of child pornography, in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. at 289; Electronic Record of Trial (eROT) Vol. 1, *Entry of Judgment* (Feb. 10, 2025).

The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for a total of twenty years (with confinement for each specification running concurrently), total forfeitures of all pay and allowances, a reprimand, and to be dishonorably discharged. Trial Tr. at 390; eROT Vol. 1, *Entry of Judgment* (Feb. 10, 2025). The convening authority took no action on the findings or the sentence. eROT Vol. 1, *Convening Authority Decision on Action* (Jan. 24, 2025).

The trial transcript is 391 pages long. The electronic record of trial contains five Prosecution Exhibits, four Defense Exhibits, and five Appellate Exhibits. Appellant is currently confined.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

Through no fault of Appellant, undersigned counsel has been unable to complete their review of Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

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

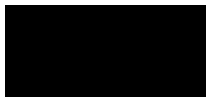
Respectfully submitted,



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Appellate Defense Counsel
Air Force Appellate Defense Division
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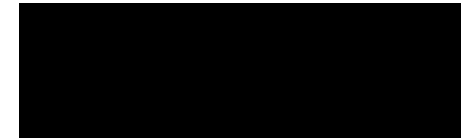
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 3
Senior Airman (E-4))	
CARLOS RODRIGUEZ	)	No. ACM 40807
United States Air Force.)	
<i>Appellant</i>	)	22 August 2025

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

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

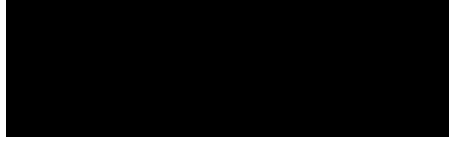
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 22 August 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES <i>Appellee</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
	)	(FOURTH)
v.)	
	)	Before Panel No. 3
Senior Airman (E-4))	
CARLOS RODRIGUEZ	)	No. ACM 40807
United States Air Force)	
<i>Appellant</i>	)	19 September 2025

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **30 October 2025**. The record of trial was docketed with this Court on 3 April 2025. From the date of docketing to the present date, 169 days have elapsed. On the date requested, 210 days will have elapsed.

On 4 through 5 December 2024, Appellant was tried by a general court-martial composed of a military judge alone at Dyess Air Force Base, Texas. Trial Tr. at 1, 18. Appellant was found guilty, consistent with his pleas, of one specification of attempted sexual assault of a child and one specification of attempted sexual abuse of a child, in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one specification of false official statement, in violation of Article 107, UCMJ, 10 U.S.C. § 907; seven specifications of sexual abuse of a child, in violation of Article 120b, UCMJ, 10 U.S.C. § 920b; two specifications of assault consummated by a battery, in violation of Article 128, UCMJ, 10 U.S.C. § 928; one specification of traveling within interstate commerce for the purpose engaging in illicit sexual conduct, one specification of production of child pornography, one specification of viewing child pornography, and one specification of

possession of child pornography, in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. at 289; Electronic Record of Trial (eROT) Vol. 1, *Entry of Judgment* (Feb. 10, 2025).

The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for a total of twenty years (with confinement for each specification running concurrently), total forfeitures of all pay and allowances, a reprimand, and to be dishonorably discharged. Trial Tr. at 390; eROT Vol. 1, *Entry of Judgment* (Feb. 10, 2025). The convening authority took no action on the findings or the sentence. eROT Vol. 1, *Convening Authority Decision on Action* (Jan. 24, 2025).

The trial transcript is 391 pages long. The electronic record of trial contains five Prosecution Exhibits, four Defense Exhibits, and five Appellate Exhibits. Appellant is currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned thirty cases; seventeen cases are pending before this Court (fifteen cases are pending AOE's) and thirteen cases pending before the United States Supreme Court (for petition for writ of certiorari). To date, undersigned counsel has fourteen cases prioritized over the present case:

1. *United States v. Armour*, Misc. Dkt. No. 2025-10 – The trial transcript is 118 pages long and the record of trial is five volumes containing twenty-one Appellate Exhibits. This appellant is not currently confined. Undersigned counsel has completed review of the record of trial.

2. *United States v. Lara*, USCA Dkt. No. 25-0163/AF – The appellant's petition for a writ of certiorari to the Supreme Court is due on 15 October 2025. Counsel is currently working on the appellant's petition.

3. *United States v. Cadavona*, USCA Dkt. No. 25-0114/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 20 October 2025. Counsel is currently working on the appellant’s petition.

4. *United States v. Denney*, USCA Dkt. No. 24-0111/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 20 October 2025. Counsel is currently working on the appellant’s petition.

5. *United States v. Gubicza*, USCA Dkt. No. 24-0219/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 20 October 2025. Counsel is currently working on the appellant’s petition.

6. *United States v. Hollenback*, USCA Dkt. No. 24-0235/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 20 October 2025. Counsel is currently working on the appellant’s petition.

7. *United States v. Jackson*, USCA Dkt. No. 24-0106/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 20 October 2025. Counsel is currently working on the appellant’s petition.

8. *United States v. Lampkins*, USCA Dkt. No. 24-0069/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 20 October 2025. Counsel is currently working on the appellant’s petition.

9. *United States v. Maymi*, USCA Dkt. No. 24-0049/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 20 October 2025. Counsel is currently working on the appellant’s petition.

10. *United States v. Schneider*, USCA Dkt. No. 24-0228/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 20 October 2025. Counsel is currently working on the appellant’s petition.

11. *United States v. Van Velson*, USCA Dkt. No. 24-0225/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 20 October 2025. Counsel is currently working on the appellant’s petition.

12. *United States v. Wood*, USCA Dkt. No. 25-0005/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 20 October 2025. Counsel is currently working on the appellant’s petition.

13. *United States v. York*, USCA Dkt. No. 25-0200/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 9 November 2025. Counsel is currently working on the appellant’s petition.

14. *United States v. Mitton*, USCA Dkt. No. 25-0223/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 19 November 2025. Counsel is currently working on the appellant’s petition.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of counsel’s progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

Through no fault of Appellant, undersigned counsel has been unable to complete their review of Appellant’s case. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise him regarding potential errors.

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

Respectfully submitted,



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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 19 September 2025.



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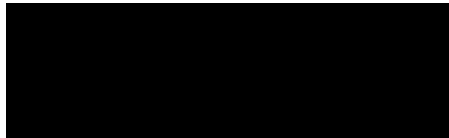
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 3
Senior Airman (E-4))	
CARLOS RODRIGUEZ	)	No. ACM 40807
United States Air Force.)	
<i>Appellant</i>	)	19 September 2025

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

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

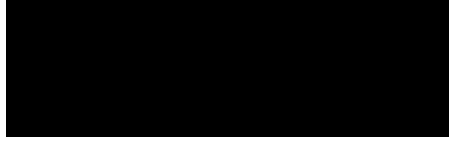
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
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Appellate Defense Division on 19 September 2025.



VANESSA BAIROS, Maj, USAF
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**UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS**

UNITED STATES)	No. ACM 40807
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Carlos RODRIGUEZ)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 3

On 21 October 2025, Appellant submitted a motion to withdraw from appellate review and motion to attach. Specifically, Appellant moved to attach a DD Form 2330, *Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals*, signed by Appellant on 16 October 2025, and by Appellant's counsel on 21 October 2025.

The Government did not submit any opposition.

Accordingly, it is by the court on this 28th day of October, 2025,

ORDERED:

Appellant's Motion to Withdraw from Appellate Review and Motion to Attach, dated 21 October 2025, are **GRANTED**. Appellant's case is forwarded to the Appellate Records Branch (JAJM) for further processing in accordance with Rules for Courts-Martial 1115(f)(3) and 1201, *Manual for Courts-Martial, United States* (2024 ed.).



FOR THE COURT



JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES <i>Appellee</i>	)	APPELLANT’S MOTION TO
	)	WITHDRAW FROM APPELLATE
	)	REVIEW AND ATTACH
v.)	
	)	Before Panel No. 3
Senior Airman (E-4))	
CARLOS RODRIGUEZ	)	No. ACM 40807
United States Air Force)	
<i>Appellant</i>	)	21 October 2025

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

Pursuant to Rule 16 of this Honorable Court’s Rules of Practice and Procedure and Rule for Courts-Martial (R.C.M.) 1115, Appellant moves to withdraw their case from appellate review. Appellant has fully consulted with Capt John Fredericks, their 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 their case from appellate review.

Further, pursuant to Rules 23(b) and 23.3(b) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel asks this Court to attach the two-page document appended to this pleading to the record of this proceeding. The appended document, Appellant’s completed DD Form 2330, Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals, is necessary to comply with R.C.M. 1115(d) and Rule 16.1 of this Honorable Court’s Rules of Practice and Procedure.

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

Respectfully submitted,



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