

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

COLLIN J. ROSS,

Airman (E-2)

United States Air Force

Appellant

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

)
) Before Panel No. 1

)
) No. ACM 40289

)
) 25 July 2022


**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, Appellant hereby moves for an enlargement of time (EOT) to file an Assignment of Errors. Appellant requests an enlargement for a period of 60 days, which will end on **6 October 2022**. The record of trial was docketed with this Court on 8 June 2022. From the date of docketing to the present date, 47 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Capt, USAF
Appellate Defense Counsel
AF/JAJA
United States Air Force


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 25 July 2022.



SAMANTHA P. GOLSETH, Capt, USAF
Appellate Defense Counsel
AF/JAJA
United States Air Force



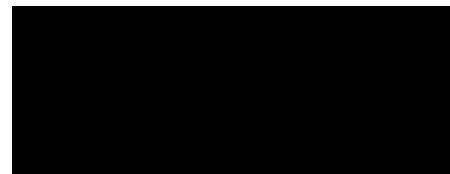
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman (E-2)	)	ACM 40289
COLLIN J. ROSS, 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.



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



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 27 July 2022.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

COLLIN J. ROSS,

Airman (E-2)

United States Air Force

Appellant

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

) Before Panel No. 1

) No. ACM 40289

)
27 September 2022

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a second enlargement of time (EOT) to file an Assignment of Errors. Appellant requests an enlargement for a period of 30 days, which will end on **5 November 2022**. The record of trial was docketed with this Court on 8 June 2022. From the date of docketing to the present date, 111 days have elapsed. On the date requested, 150 days will have elapsed.

Appellant was tried by a general court-martial composed of a military judge alone at Robins Air Force Base, Georgia. (Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1.) On 15 February 2022, consistent with Appellant’s pleas, the military judge found Appellant guilty of: (1) Charge II and its specification of assault consummated by a battery, in violation of Article 128, Uniform Code of Military Justice (UCMJ), and (2) the Additional Charge and its specification of assault consummated by a battery, in violation of Article 128, UCMJ. (*Id.* at 1-2.) On 15 February 2022, the military judge sentenced appellant to a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for 4 months, confinement for a total of 4 months, and a bad conduct discharge. (ROT, Vol. 1, Statement of Trial Results at 3.) On 27 April 2022, the convening authority reduced the period of confinement from 4 months to 3 months, based on conditions of Appellant’s

confinement. (ROT, Vol. 1, Convening Authority Decision on Action at 1.) On 17 May 2022, the military judge entered the following sentence: a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for 4 months, confinement for a total of 3 months, and a bad conduct discharge. (ROT, Vol. 1, EOJ at 3.) The record of trial consists of 11 prosecution exhibits, 1 defense exhibit, 2 court exhibits, and 4 appellate exhibits. The transcript is 130 pages. Appellant is not currently in confinement.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. Appellant was informed of his right to a timely appeal and concurs with this request for an enlargement of time. This 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,



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



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 27 September 2022.

[REDACTED]

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

[REDACTED]

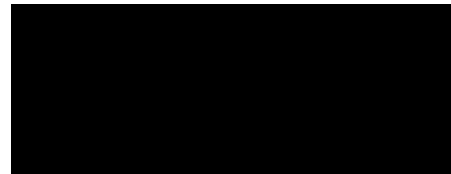
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman (E-2)	)	ACM 40289
COLLIN J. ROSS, 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.



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

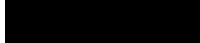


CERTIFICATE OF FILING AND SERVICE

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



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



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. 1
)	
COLLIN J. ROSS,	)	No. ACM 40289
Airman (E-2))	
United States Air Force)	
<i>Appellant</i>	)	24 October 2022

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **5 December 2022**. The record of trial was docketed with this Court on 8 June 2022. From the date of docketing to the present date, 138 days have elapsed. On the date requested, 180 days will have elapsed. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and concurs with this request for an enlargement of time.

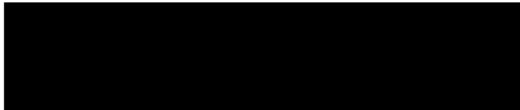
Appellant was tried by a general court-martial composed of a military judge alone at Robins Air Force Base, Georgia. (Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1.) On 15 February 2022, consistent with Appellant’s pleas, the military judge found Appellant guilty of: (1) Charge II and its specification of assault consummated by a battery, in violation of Article 128, Uniform Code of Military Justice (UCMJ), and (2) the Additional Charge and its specification of assault consummated by a battery, in violation of Article 128, UCMJ. (*Id.* at 1-2.) On 15 February 2022, the military judge sentenced appellant to a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of four months, and a bad conduct

discharge. (ROT, Vol. 1, Statement of Trial Results at 3.) On 27 April 2022, the convening authority reduced the period of confinement from four months to three months, based on conditions of Appellant's confinement. (ROT, Vol. 1, Convening Authority Decision on Action at 1.) On 17 May 2022, the military judge entered the following sentence: a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of three months, and a bad conduct discharge. (ROT, Vol. 1, EOJ at 3.) The record of trial consists of 11 prosecution exhibits, 1 defense exhibit, 2 court exhibits, and 4 appellate exhibits. The transcript is 130 pages. Appellant is not currently in confinement.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. Appellant was informed of his right to a timely appeal and concurs with this request for an enlargement of time. This 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,


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



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 24 October 2022.

[REDACTED]

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

[REDACTED]

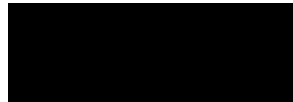
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman (E-2)	)	ACM 40289
COLLIN J. ROSS, 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.



OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



CERTIFICATE OF FILING AND SERVICE

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



OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME
	)	(FOURTH)
v.)	
	)	Before Panel No. 1
COLLIN J. ROSS,)	
Airman (E-2)	)	No. ACM 40289
United States Air Force)	
<i>Appellant</i>)	
		28 November 2022

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 a fourth enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **4 January 2023**. The record of trial was docketed with this Court on 8 June 2022. From the date of docketing to the present date, 173 days have elapsed. On the date requested, 210 days will have elapsed.

Appellant was tried by a general court-martial composed of a military judge alone at Robins Air Force Base, Georgia. (Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1.) On 15 February 2022, consistent with Appellant’s pleas, the military judge found Appellant guilty of: (1) Charge II and its specification of assault consummated by a battery, in violation of Article 128, Uniform Code of Military Justice (UCMJ), and (2) the Additional Charge and its specification of assault consummated by a battery, in violation of Article 128, UCMJ. (*Id.* at 1-2.) On 15 February 2022, the military judge sentenced appellant to a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of four months, and a bad conduct discharge. (ROT, Vol. 1, Statement of Trial Results at 3.) On 27 April 2022, the convening authority reduced the period of confinement from four months to three months, based on conditions of

Appellant's confinement. (ROT, Vol. 1, Convening Authority Decision on Action at 1.) On 17 May 2022, the military judge entered the following sentence: a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of three months, and a bad conduct discharge. (ROT, Vol. 1, EOJ at 3.) The record of trial consists of 11 prosecution exhibits, one defense exhibit, two court exhibits, and four appellate exhibits. The transcript is 130 pages. Appellant is not currently in confinement.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

(1) Undersigned counsel currently represents 18 clients and is presently assigned 12 cases pending brief before this Court. One case pending brief before this Court currently has priority over the present case:

- a. *United States v. Johnson*, ACM No. 40291 – The record of trial consists of 23 appellate exhibits, 28 prosecution exhibits, and 4 defense exhibits. The transcript is 395 pages. Appellant is confined. Counsel has begun review of this record of trial.

In addition, undersigned counsel has one case pending petition and supplement before the Court of Appeals for the Armed Forces: *United States v. Zapata*, ACM No. 40048. Since requesting the third EOT in this case, undersigned counsel attended a three-day appellate training in North Carolina; filed a response brief on behalf of the Real Party in Interest in *In Re AL*, Misc, Dkt. No. 2022-12; filed Assignments of Error in *United States v. Lopez*, ACM No. 40161; filed a Supplement to a Petition for Grant of Review in both *United States v. Wermuth*, ACM No. 39856, and *United States v. Baird*, ACM No. 40050; and co-authored an Amicus Brief to the Court of the Appeals for the Armed Forces in *United States v. Gilmet*, USCA Dkt. No. 23-0010/NA.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete review of Appellant's case. This enlargement is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and concurs with this request for an enlargement of time.

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

Respectfully submitted,



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



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 28 November 2022.

[REDACTED]

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

[REDACTED]

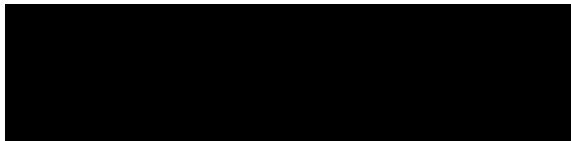
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman (E-2)	)	ACM 40289
COLLIN J. ROSS, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

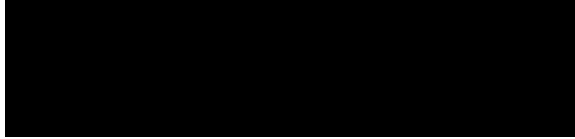


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



CERTIFICATE OF FILING AND SERVICE

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



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (FIFTH)
)	
v.	)	Before Panel No. 1
)	
COLLIN J. ROSS,	)	No. ACM 40289
Airman (E-2))	
United States Air Force)	
<i>Appellant</i>	)	28 December 2022

**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 a fifth enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **3 February 2023**. The record of trial was docketed with this Court on 8 June 2022. From the date of docketing to the present date, 203 days have elapsed. On the date requested, 240 days will have elapsed.

Appellant was tried by a general court-martial composed of a military judge alone at Robins Air Force Base, Georgia. (Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1.) On 15 February 2022, consistent with Appellant’s pleas, the military judge found Appellant guilty of: (1) Charge II and its specification of assault consummated by a battery, in violation of Article 128, Uniform Code of Military Justice (UCMJ), and (2) the Additional Charge and its specification of assault consummated by a battery, in violation of Article 128, UCMJ. (*Id.* at 1-2.) On 15 February 2022, the military judge sentenced appellant to a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of four months, and a bad conduct discharge. (ROT, Vol. 1, Statement of Trial Results at 3.) On 27 April 2022, the convening authority reduced the period of confinement from four months to three months, based on conditions of

Appellant's confinement. (ROT, Vol. 1, Convening Authority Decision on Action at 1.) On 17 May 2022, the military judge entered the following sentence: a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of three months, and a bad conduct discharge. (ROT, Vol. 1, EOJ at 3.) The record of trial consists of 11 prosecution exhibits, one defense exhibit, two court exhibits, and four appellate exhibits. The transcript is 130 pages. Appellant is not currently in confinement.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

(1) Undersigned counsel currently represents 18 clients and is presently assigned 11 cases pending brief before this Court. One case pending brief before this Court currently has priority over the present case:

- a. *United States v. Johnson*, ACM No. 40291 – The record of trial consists of 23 appellate exhibits, 28 prosecution exhibits, and 4 defense exhibits. The transcript is 395 pages. Appellant is confined. Counsel has begun review of this record of trial.

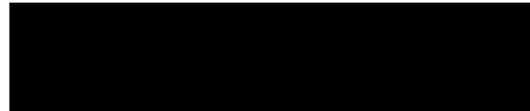
In addition, undersigned counsel has one case pending an answer before the United States Court of Appeals for the Armed Forces (U.S.C.A.A.F.), *A.L.*, USCA Dkt. No. 23-0073/AF, Crim App. No. 2022-12; and one case pending petition and supplement before the U.S.C.A.A.F., *United States v. Brown*, ACM No. 40066.

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

errors. Appellant has been advised of his right to a timely appeal, was consulted with regard to an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,

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

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

A large black rectangular redaction box covering the contact information, including address and phone number.

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 28 December 2022.



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



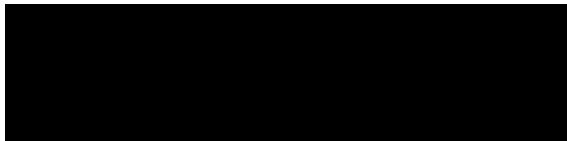
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman (E-2)	)	ACM 40289
COLLIN J. ROSS, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

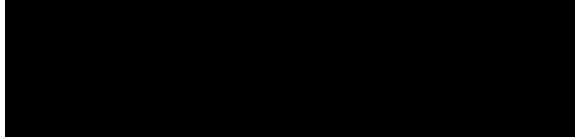


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



CERTIFICATE OF FILING AND SERVICE

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



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



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

UNITED STATES	)	No. ACM 40289
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Collin J. ROSS)	
Airman (E-2))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 28 December 2022, counsel for Appellant submitted a Motion for Enlargement of Time (Fifth) requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure. Accordingly, it is by the court on this 3d day of January, 2023,

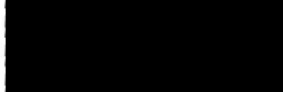
ORDERED:

Appellant's Motion for Enlargement of Time (Fifth) is **GRANTED**. Appellant shall file any assignments of error not later than **3 February 2023**.

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



FOR THE COURT



FLEMING E. KEEFE, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (SIXTH)
)	
v.	)	Before Panel No. 1
)	
COLLIN J. ROSS,	)	No. ACM 40289
Airman (E-2))	
United States Air Force)	
<i>Appellant</i>	)	18 January 2023

**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 a sixth enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **5 March 2023**. The record of trial was docketed with this Court on 8 June 2022. From the date of docketing to the present date, 224 days have elapsed. On the date requested, 270 days will have elapsed.

Appellant was tried by a general court-martial composed of a military judge alone at Robins Air Force Base, Georgia. (Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1.) On 15 February 2022, consistent with Appellant’s pleas, the military judge found Appellant guilty of: (1) Charge II and its specification of assault consummated by a battery, in violation of Article 128, Uniform Code of Military Justice (UCMJ), and (2) the Additional Charge and its specification of assault consummated by a battery, in violation of Article 128, UCMJ. (*Id.* at 1-2.) On 15 February 2022, the military judge sentenced appellant to a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of four months, and a bad conduct discharge. (ROT, Vol. 1, Statement of Trial Results at 3.) On 27 April 2022, the convening authority reduced the period of confinement from four months to three months, based on conditions of

Appellant's confinement. (ROT, Vol. 1, Convening Authority Decision on Action at 1.) On 17 May 2022, the military judge entered the following sentence: a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of three months, and a bad conduct discharge. (ROT, Vol. 1, EOJ at 3.) The record of trial consists of 11 prosecution exhibits, one defense exhibit, two court exhibits, and four appellate exhibits. The transcript is 130 pages. Appellant is not currently in confinement.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

(1) Undersigned counsel currently represents 17 clients and is presently assigned 12 cases pending brief before this Court. One case pending brief before this Court currently has priority over the present case:

- a. *United States v. Johnson*, ACM No. 40291 – The record of trial consists of 23 appellate exhibits, 28 prosecution exhibits, and 4 defense exhibits. The transcript is 395 pages. Appellant is confined. Counsel has begun review of this record of trial.

In addition, undersigned counsel has one case pending petition and supplement before the United States Court of Appeals for the Armed Forces, *United States v. Brown*, ACM No. 40066. Since requesting the fifth EOT in this case, undersigned counsel has begun drafting the petition and supplement for *United States v. Brown*, ACM No. 40066, and filed an answer before the United States Court of Appeals for the Armed Forces in *A.L.*, USCA Dkt. No. 23-0073/AF, Crim App. No. 2022-12. Additionally, undersigned counsel will be out of the office on pre-authorized leave from 21-30 January 2023.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete review of Appellant's case. This enlargement is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal, was consulted with regard to an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,

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

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

A solid black rectangular redaction box covering the contact information, including the address and phone number of Samantha P. Golseth.

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 18 January 2023.



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



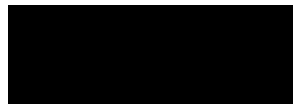
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman (E-2)	)	ACM 40289
COLLIN J. ROSS, 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.

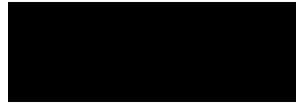


OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and the Air Force Appellate Defense Division on 19 January 2023.



OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	CONSENT MOTION
<i>Appellee,</i>	)	TO EXAMINE SEALED
	)	MATERIALS
v.)	
)	
Airman (E-2)	)	Before Panel No. 1
COLLIN J. ROSS)	
United States Air Force	)	No. ACM 40289
<i>Appellant</i>	)	23 March 2023
)	

**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 Rules 3.1(c), 23.1(b) and 23.3(f)(1) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel hereby moves this Court to examine **Preliminary Hearing Exhibits 4, 5, 8, 9, 10, 11, and 12.** These exhibits were previously released to trial and defense counsel and sealed by the Preliminary Hearing Officer. The Government consents to both parties viewing these sealed materials and therefore, undersigned counsel also moves for appellate counsel for the Government to be allowed to view these sealed materials as necessary to respond to Appellant’s brief.

Facts

On 15 February 2022, Appellant was tried by a general court-martial composed of a military judge alone at Robins Air Force Base, Georgia. Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1; R. at 1, 10. Consistent with Appellant’s pleas, the military judge found Appellant guilty of Charge II and its Specification and the Additional Charge and its Specification; each alleging assault consummated by battery, in violation of Article 128, Uniform Code of Military Justice, 10 U.S.C. § 928. ROT, Vol. 1, EOJ at 1-2; R. at 54. Appellant pled not guilty to Charge I and its Specifications. ROT, Vol. 1, EOJ at 1-2; R. at 14. Trial counsel withdrew and

dismissed Charge I and its Specifications with prejudice. ROT, Vol. 1, EOJ at 1-2; R. at 130. On 15 February 2022, the military judge sentenced appellant to a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of four months, and a bad conduct discharge. ROT, Vol. 1, Statement of Trial Results at 3. On 27 April 2022, the convening authority reduced the period of confinement from four months to three months, based on conditions of Appellant's confinement. ROT, Vol. 1, Convening Authority Decision on Action at 1. On 17 May 2022, the military judge entered the following sentence: a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of three months, and a bad conduct discharge. ROT, Vol. 1, EOJ at 3.

During Appellant's preliminary hearing, trial counsel offered seven exhibits which the preliminary hearing officer sealed:

- (1) Exhibit 4: "AFOSI Report of Investigation, dated 10 June 2021, 53 pages"
- (2) Exhibit 5: "Victim AB Interview, Part I, Angle 2, dated 4 May 2021, 1 hour and 8 seconds duration"
- (3) Exhibit 8: "Timestamps of Victim AB interview"
- (4) Exhibit 9: "Victim MM Interview, Part I, 1 hour and 4 seconds duration"
- (5) Exhibit 10: "Victim MM Interview, Part II, 1 hour and 1 second duration"
- (6) Exhibit 11: "Victim MM Interview, Part III, 46 minutes and 38 seconds duration"
- (7) Exhibit 12: "Timestamps of Victim MM Interview"

ROT, Vol. 2, Article 32 Report of Preliminary Hearing at 1-2.

The Government consents to both parties viewing the sealed materials detailed above.

Law

Appellate counsel may examine materials presented or reviewed at trial and sealed, upon a colorable showing to the appellate authority that examination is reasonably necessary to a proper fulfillment of the appellate counsel's responsibilities under the UCMJ, the *Manual for Courts-Martial*, governing directives, instructions, regulations, applicable rules for practice and procedure, or rules of professional conduct. R.C.M. 1113(b)(3)(B)(i).

Air Force regulations governing professional duties and conduct of appellate defense counsel impose upon counsel, *inter alia*, a duty to provide "competent representation,"¹ perform "reasonable diligence,"² and to "give a client his or her best professional evaluation of the questions that might be presented on appeal...[to] consider all issues that might affect the validity of the judgment of conviction and sentence...[to] advise on the probable outcome of a challenge to the conviction or sentence...[and to] endeavor to persuade the client to abandon a wholly frivolous appeal or to eliminate contentions lacking in substance."³ These requirements are consistent with those imposed by undersigned counsel's state bar.⁴

This Court may grant relief "on the basis of the entire record" of trial. Article 66, UCMJ, 10 U.S.C. § 866. Appellate defense counsel so detailed by the Judge Advocate General shall represent accused servicemembers before this Court. Article 70, UCMJ, 10 U.S.C. § 870. This Court's "broad mandate to review the record unconstrained by appellant's assignments of error" does not reduce "the importance of adequate representation" by counsel; "independent review is

¹ Air Force Instruction (AFI) 51-110, *Professional Responsibility Program*, Attachment 2: Air Force Rules of Professional Conduct, Rule 1.1 (11 Dec. 2018).

² *Id.* at Rule 1.3.

³ AFI 51-110, Attachment 7: Air Force Standards for Criminal Justice, Standard 4-8.3(b).

⁴ Undersigned counsel is licensed to practice law in California.

not the same as competent appellate representation.” *United States v. May*, 47 M.J. 478, 481 (C.A.A.F. 1998).

Analysis

Each of the seven sealed exhibits identified in paragraphs (1) through (7) in the facts section above were offered by trial counsel. ROT, Vol. 2, Article 32 Report of Preliminary Hearing at 1-2. It is now reasonably necessary for undersigned counsel to review these sealed exhibits to competently conduct a professional evaluation of Appellant’s case and uncover all issues which might afford him relief. Because examination of the materials in question is reasonably necessary to the fulfillment of counsel’s Article 70, UCMJ, duties and because the materials were made available to the parties at trial, Appellant has provided the “colorable showing” required by R.C.M. 1113(b)(3)(B)(i) to permit his counsel’s examination of sealed materials and shown good cause to grant this motion.

WHEREFORE, counsel respectfully requests that this Honorable Court grant this consent motion.

Respectfully submitted,



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



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 23 March 2023.

Respectfully submitted,

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

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

A solid black rectangular redaction box covering the contact information of Samantha P. Golseth.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES) **CONSENT MOTION**
) **TO EXAMINE SEALED**
) **MATERIALS**
)
)
)
) **Before Panel No. 1**
)
) **No. ACM 40289**
) **23 March 2023**
)

Appellee,

v.

Airman (E-2)
COLLIN J. ROSS
United States Air Force
Appellant

**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 Rules 3.1(c), 23.1(b) and 23.3(f)(1) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel hereby moves this Court to examine **Preliminary Hearing Exhibits 4, 5, 8, 9, 10, 11, and 12**. These exhibits were previously released to trial and defense counsel and sealed by the Preliminary Hearing Officer. The Government consents to both parties viewing these sealed materials and therefore, undersigned counsel also moves for appellate counsel for the Government to be allowed to view these sealed materials as necessary to respond to Appellant’s brief.

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On 15 February 2022, Appellant was tried by a general court-martial composed of a military judge alone at Robins Air Force Base, Georgia. Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1; R. at 1, 10. Consistent with Appellant’s pleas, the military judge found Appellant guilty of Charge II and its Specification and the Additional Charge and its Specification; each alleging assault consummated by battery, in violation of Article 128, Uniform Code of Military Justice, 10 U.S.C. § 928. ROT, Vol. 1, EOJ at 1-2; R. at 54. Appellant pled not guilty to Charge I and its Specifications. ROT, Vol. 1, EOJ at 1-2; R. at 14. Trial counsel withdrew and

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The Government consents to both parties viewing the sealed materials detailed above.

Law

Appellate counsel may examine materials presented or reviewed at trial and sealed, upon a colorable showing to the appellate authority that examination is reasonably necessary to a proper fulfillment of the appellate counsel's responsibilities under the UCMJ, the *Manual for Courts-Martial*, governing directives, instructions, regulations, applicable rules for practice and procedure, or rules of professional conduct. R.C.M. 1113(b)(3)(B)(i).

Air Force regulations governing professional duties and conduct of appellate defense counsel impose upon counsel, *inter alia*, a duty to provide "competent representation,"¹ perform "reasonable diligence,"² and to "give a client his or her best professional evaluation of the questions that might be presented on appeal...[to] consider all issues that might affect the validity of the judgment of conviction and sentence...[to] advise on the probable outcome of a challenge to the conviction or sentence...[and to] endeavor to persuade the client to abandon a wholly frivolous appeal or to eliminate contentions lacking in substance."³ These requirements are consistent with those imposed by undersigned counsel's state bar.⁴

This Court may grant relief "on the basis of the entire record" of trial. Article 66, UCMJ, 10 U.S.C. § 866. Appellate defense counsel so detailed by the Judge Advocate General shall represent accused servicemembers before this Court. Article 70, UCMJ, 10 U.S.C. § 870. This Court's "broad mandate to review the record unconstrained by appellant's assignments of error" does not reduce "the importance of adequate representation" by counsel; "independent review is

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Analysis

Each of the seven sealed exhibits identified in paragraphs (1) through (7) in the facts section above were offered by trial counsel. ROT, Vol. 2, Article 32 Report of Preliminary Hearing at 1-2. It is now reasonably necessary for undersigned counsel to review these sealed exhibits to competently conduct a professional evaluation of Appellant’s case and uncover all issues which might afford him relief. Because examination of the materials in question is reasonably necessary to the fulfillment of counsel’s Article 70, UCMJ, duties and because the materials were made available to the parties at trial, Appellant has provided the “colorable showing” required by R.C.M. 1113(b)(3)(B)(i) to permit his counsel’s examination of sealed materials and shown good cause to grant this motion.

WHEREFORE, counsel respectfully requests that this Honorable Court grant this consent motion.

Respectfully submitted,



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



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 23 March 2023.

Respectfully submitted,

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

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

A solid black rectangular redaction box covering the contact information of Samantha P. Golseth.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

COLLIN J. ROSS,

Airman (E-2)

United States Air Force

Appellant

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

) Before Panel No. 1

) No. ACM 40289

)
24 February 2023

**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 a seventh enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **4 April 2023**. The record of trial was docketed with this Court on 8 June 2022. From the date of docketing to the present date, 261 days have elapsed. On the date requested, 300 days will have elapsed.

Appellant was tried by a general court-martial composed of a military judge alone at Robins Air Force Base, Georgia. (Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1.) On 15 February 2022, consistent with Appellant’s pleas, the military judge found Appellant guilty of: (1) Charge II and its specification of assault consummated by a battery, in violation of Article 128, Uniform Code of Military Justice (UCMJ), and (2) the Additional Charge and its specification of assault consummated by a battery, in violation of Article 128, UCMJ. (*Id.* at 1-2.) On 15 February 2022, the military judge sentenced appellant to a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of four months, and a bad conduct discharge. (ROT, Vol. 1, Statement of Trial Results at 3.) On 27 April 2022, the convening authority reduced the period of confinement from four months to three months, based on conditions of

Appellant's confinement. (ROT, Vol. 1, Convening Authority Decision on Action at 1.) On 17 May 2022, the military judge entered the following sentence: a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of three months, and a bad conduct discharge. (ROT, Vol. 1, EOJ at 3.) The record of trial consists of 11 prosecution exhibits, one defense exhibit, two court exhibits, and four appellate exhibits. The transcript is 130 pages. Appellant is not currently in confinement.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

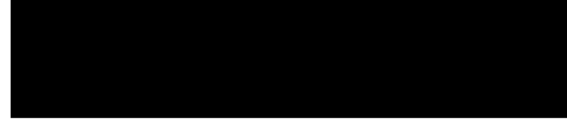
(1) Undersigned counsel currently represents 17 clients and is presently assigned 12 cases pending brief before this Court. One case pending brief before this Court currently has priority over the present case:

- a. *United States v. Johnson*, ACM No. 40291 – The record of trial consists of 23 appellate exhibits, 28 prosecution exhibits, and 4 defense exhibits. The transcript is 395 pages. Appellant is confined. Counsel has begun review of this record of trial.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete review of Appellant's case. This enlargement is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal, was consulted with regard to an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,

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

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

A solid black rectangular redaction box covering the address and contact information of Samantha P. Golseth.

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 24 February 2023.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
)	
Airman (E-2)	)	ACM 40289
COLLIN J. ROSS, 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.

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 appellate 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 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.

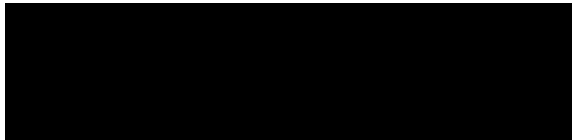


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 27 February 2023.



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



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

UNITED STATES	)	No. ACM 40289
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Collin J. ROSS)	
Airman (E-2))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 23 March 2023, counsel for Appellant moved this court to permit appellate defense counsel and appellate counsel for the Government to examine the following sealed materials in Appellant’s case: Preliminary Hearing Exhibits 4–5 and 8–12.

The motion states the materials were reviewed by counsel at trial and that examination of these sealed materials is reasonably necessary to fulfill appellate counsel’s responsibilities. The motion also states that the Government consents to appellate counsel for both parties viewing the sealed 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 (R.C.M.) 1113(b)(3)(B)(i), *Manual for Courts-Martial, United States* (2019 ed.).

The court has considered Appellant’s motion, case law, and this court’s Rules of Practice and Procedure. The court has reviewed the requested materials and 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 24th day of March, 2023,

ORDERED:

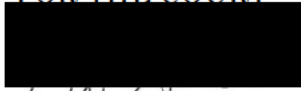
Appellant’s Consent Motion to Examine Sealed Materials is **GRANTED**. Appellate defense counsel and government appellate counsel are authorized to examine **Preliminary Hearing Exhibits 4–5 and 8–12**. To examine these

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.



FOR THE COURT



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

COLLIN J. ROSS,

Airman (E-2)

United States Air Force

Appellant

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

) Before Panel No. 1

) No. ACM 40289

)
27 March 2023

**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 eighth enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **4 May 2023**. The record of trial was docketed with this Court on 8 June 2022. From the date of docketing to the present date, 292 days have elapsed. On the date requested, 330 days will have elapsed.

Appellant was tried by a general court-martial composed of a military judge alone at Robins Air Force Base, Georgia. (Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1.) On 15 February 2022, consistent with Appellant’s pleas, the military judge found Appellant guilty of: (1) Charge II and its specification of assault consummated by a battery, in violation of Article 128, Uniform Code of Military Justice (UCMJ), and (2) the Additional Charge and its specification of assault consummated by a battery, in violation of Article 128, UCMJ. (*Id.* at 1-2.) On 15 February 2022, the military judge sentenced appellant to a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of four months, and a bad conduct discharge. (ROT, Vol. 1, Statement of Trial Results at 3.) On 27 April 2022, the convening authority reduced the period of confinement from four months to three months, based on conditions of

Appellant's confinement. (ROT, Vol. 1, Convening Authority Decision on Action at 1.) On 17 May 2022, the military judge entered the following sentence: a reprimand, reduction to the grade of E-1, forfeiture of all pay and allowances for four months, confinement for a total of three months, and a bad conduct discharge. (ROT, Vol. 1, EOJ at 3.) The record of trial consists of 11 prosecution exhibits, one defense exhibit, two court exhibits, and four appellate exhibits. The transcript is 130 pages. Appellant is not currently in confinement.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel currently represents 14 clients and is presently assigned 11 cases pending brief before this Court. This case was previously undersigned counsel's second priority before this Court, behind *United States v. Johnson*, ACM No. 40291, however, in reviewing both cases, undersigned counsel has now made Airman Ross's case her first priority. Undersigned counsel has reviewed Appellant's Record of Trial and will review the seven sealed exhibits in Appellant's case today, 27 March 2023. Absent an unforeseen circumstance, this will be Appellant's last request for an extension of time.

Through no fault of Appellant, undersigned counsel has yet to draft Appellant's Assignments of Error. This enlargement is necessary to allow undersigned counsel to advise Appellant regarding potential errors and draft Appellant's Assignments of Error. Appellant has been advised of his right to a timely appeal, was consulted with regard to this enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,

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

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

A solid black rectangular redaction box covering contact information, including a phone number and email address.

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 27 March 2023.

[REDACTED]

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

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
)	
Airman (E-2)	)	ACM 40289
COLLIN J. ROSS, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

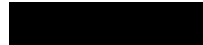
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time.

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 appellate 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 7 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.

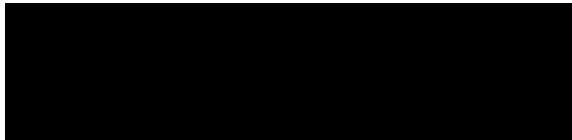


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 27 March 2023.



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



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

UNITED STATES	)	No. ACM 40289
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Collin J. ROSS)	
Airman (E-2))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 27 March 2023, counsel for Appellant submitted a Motion for Enlargement of Time (Eighth) requesting an additional 30 days to submit Appellant’s assignments of error. The Government 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 28th day of March, 2023,

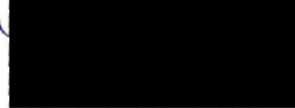
ORDERED:

Appellant’s Motion for Enlargement of Time (Eighth) is **GRANTED**. Appellant shall file any assignments of error not later than **4 May 2023**.

Appellant’s counsel is advised that given the nature of this case and the number of enlargements granted thus far, absent exceptional circumstances, no further enlargement of time will be granted.



FOR THE COURT



FLEMING/E. KEEFE, Capt, USAF
Acting Deputy Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

COLLIN J. ROSS,

Airman (E-2)

United States Air Force

Appellant

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

Before Panel No. 1

No. ACM 40289

Filed on: 5 April 2023

**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, Airman Collin J. Ross, Appellant, moves to withdraw his case from appellate review. Appellant has fully consulted with Capt Samantha P. Golseth, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced or induced Appellant by force, promises of clemency, or otherwise, to withdraw his case from appellate review. Further, pursuant to Rules 23(b) and 23.3(b) of this Honorable Court's Rules of Practice and Procedure, the undersigned counsel asks this Court to attach the two-page document appended to this pleading to the record of this proceeding. The appended document is necessary to comply with R.C.M. 1115(d) and R.C.M. 1115(e).

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

Respectfully submitted,



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

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

A solid black rectangular redaction box covering contact information, including a phone number and email address.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via electronic mail to the Court and served on the Appellate Government Division on 5 April 2023.

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


WAIVER/WITHDRAWAL OF APPELLATE RIGHTS IN GENERAL AND SPECIAL COURTS-MARTIAL SUBJECT TO REVIEW BY A COURT OF CRIMINAL APPEALS
(For use in courts-martial referred on or after 1 January 2019)

I have read the attached entry of judgment in my case dated 17 May 2022.

I have consulted with Captain Samantha P. Golseth, my (associate) defense counsel concerning my appellate rights and I am satisfied with his/her advice.

I understand that:

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

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

2. If I waive or withdraw appellate review –

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

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

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

Collin J. Ross

Airman

TYPED NAME OF ACCUSED

RANK OF ACCUSED

Collin J Ross

Digitally signed by Collin J Ross
Date: 2023.04.03 18:21:25 -04'00'

3 April 2023

SIGNATURE OF ACCUSED

DATE

STATEMENT OF COUNSEL

(Check appropriate block)

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

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

Samantha P. Golseth

AF/JAJA

TYPED NAME OF COUNSEL

UNIT OF COUNSEL

Captain

RANK OF COUNSEL

BUSINESS ADDRESS (If Civilian Counsel)



5 April 2023

SIGNATURE OF COUNSEL

DATE

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

UNITED STATES	)	No. ACM 40289
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Collin J. ROSS)	
Airman (E-2))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 5 April 2023, Appellant submitted a Motion to Withdraw from Appellate Review and 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 3 April 2023 and Appellant’s counsel on 5 April 2023.

The Government did not submit any opposition.

Accordingly, it is by the court on this 11th day of April, 2023,

ORDERED:

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



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court