

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME (FIRST)
)	
v.	)	Before Panel No. 1
)	
Airman First Class (E-3)	)	No. ACM S32741
MATTHEW J. RUSSO)	
United States Air Force	)	7 November 2022
<i>Appellant</i>)	

**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 his first enlargement of time to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **16 February 2023**. The record of trial was docketed with this Court on 19 October 2022. From the date of docketing to the present date, 19 days have elapsed. On the date requested, 120 days will have elapsed.

Undersigned counsel recognizes this request for enlargement of time could be considered early, as there are more than four weeks remaining in the current time period for submission of Appellant’s AOE. However, counsel currently anticipates undergoing surgery within the next month for a recent unanticipated health diagnosis. Counsel anticipates losing several days of review and drafting time both for medical appointments related to the surgery as well as for recovery time. The recovery time following the surgery is currently unknown, as it will depend on the type and success of the surgery; however, counsel anticipates losing a week of review and drafting time at minimum. Counsel is therefore requesting an enlargement of time in an abundance of caution in considering the foregoing information.

Should additional requests for enlargement of time become necessary prior to return from convalescent leave, undersigned counsel will ensure completion through assignment of co-counsel.

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

Respectfully submitted,



ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 7 November 2022.

Respectfully submitted,

[REDACTED]

ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

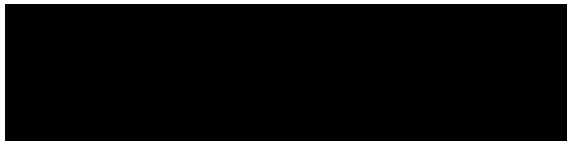
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32741
MATTHEW J. RUSSO, 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.

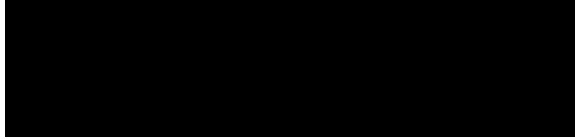


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



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 8 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	)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME (SECOND)
)	
v.	)	Before Panel No. 1
)	
Airman First Class (E-3)	)	No. ACM S32741
MATTHEW J. RUSSO)	
United States Air Force	)	8 February 2023
<i>Appellant</i>)	

**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 his first enlargement of time to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **18 March 2023**. The record of trial was docketed with this Court on 19 October 2022. From the date of docketing to the present date, 112 days have elapsed. On the date requested, 150 days will have elapsed.

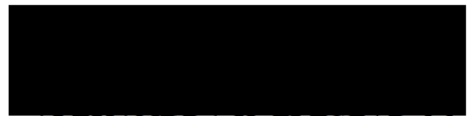
On 9 August 2022 at Little Rock Air Force Base, AR, Appellant was convicted, consistent with his pleas, of one charge and six specifications of wrongful use of various substances, in violation of Article 112a, Uniform Code of Military Justice (UCMJ), and one charge and one specification of larceny, in violation of Article 121, UCMJ. Record (R.) at Vol. 1, Entry of Judgment in the Case of *United States v. A1C Mathew J. Russo*, dated 31 August 2022 (hereinafter “EOJ”). The military judge sentenced Appellant to 80 days confinement, reduction to E-1, reprimand, and a bad conduct discharge. *Id.* The convening authority took no action on the findings of the case and took no action on the sentence. R. at Vol. 1, Convening Authority Decision on Action – *United States v. A1C Mathew J. Russo*, dated 24 August 2022.

The record of trial consists of four prosecution exhibits, eleven defense exhibits; five appellate exhibits; the transcript is 148 pages. Appellant is not confined, understands his right to speedy appellate review, and consents to this request for enlargement of time.

Through no fault of Appellant's, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to 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,



ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 8 February 2023.

Respectfully submitted,

[REDACTED]

ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

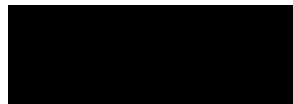
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32741
MATTHEW J. RUSSO, 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 to the Air Force Appellate Defense Division on 9 February 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	)	MOTION FOR ENLARGEMENT OF TIME (THIRD)
<i>Appellee</i>)	
)	
v.	)	Before Panel No. 1
)	
Airman First Class (E-3)	)	No. ACM S32741
MATTHEW J. RUSSO)	
United States Air Force	)	7 March 2023
<i>Appellant</i>)	

**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 to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **17 April 2023**. The record of trial was docketed with this Court on 19 October 2022. From the date of docketing to the present date, 139 days have elapsed. On the date requested, 180 days will have elapsed.

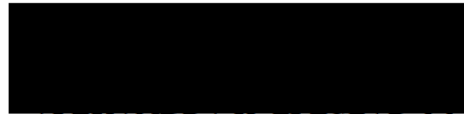
On 9 August 2022 at Little Rock Air Force Base, AR, Appellant was convicted, consistent with his pleas, of one charge and six specifications of wrongful use of various substances, in violation of Article 112a, Uniform Code of Military Justice (UCMJ), and one charge and one specification of larceny, in violation of Article 121, UCMJ. Record (R.) at Vol. 1, Entry of Judgment in the Case of *United States v. A1C Mathew J. Russo*, dated 31 August 2022 (hereinafter “EOJ”). The military judge sentenced Appellant to 80 days confinement, reduction to E-1, reprimand, and a bad conduct discharge. *Id.* The convening authority took no action on the findings of the case and took no action on the sentence. R. at Vol. 1, Convening Authority Decision on Action – *United States v. A1C Mathew J. Russo*, dated 24 August 2022.

The record of trial consists of four prosecution exhibits, eleven defense exhibits; five appellate exhibits; the transcript is 148 pages. Appellant is not confined, understands his right to speedy appellate review, and consents to this request for enlargement of time.

Through no fault of Appellant's, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to 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,



ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 7 March 2023.

Respectfully submitted,

[REDACTED]

ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

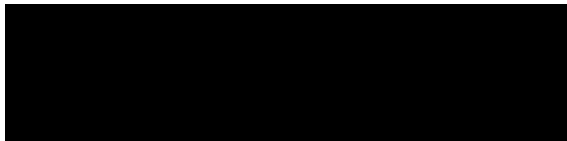
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32741
MATTHEW J. RUSSO, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

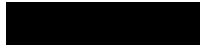
**TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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.

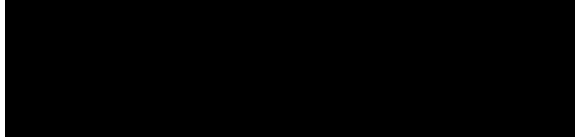


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



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 8 March 2023.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF TIME (FOURTH)
<i>Appellee</i>)	
)	
v.	)	Before Panel No. 1
)	
Airman First Class (E-3)	)	No. ACM S32741
MATTHEW J. RUSSO)	
United States Air Force	)	7 April 2023
<i>Appellant</i>)	

**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 (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **17 May 2023**. The record of trial was docketed with this Court on 19 October 2022. From the date of docketing to the present date, 170 days have elapsed. On the date requested, 210 days will have elapsed.

On 9 August 2022 at Little Rock Air Force Base, AR, Appellant was convicted, consistent with his pleas, of one charge and six specifications of wrongful use of various substances, in violation of Article 112a, Uniform Code of Military Justice (UCMJ), and one charge and one specification of larceny, in violation of Article 121, UCMJ. Record (R.) at Vol. 1, Entry of Judgment in the Case of *United States v. A1C Mathew J. Russo*, dated 31 August 2022 (hereinafter “EOJ”). The military judge sentenced Appellant to 80 days confinement, reduction to E-1, reprimand, and a bad conduct discharge. *Id.* The convening authority took no action on the findings of the case and took no action on the sentence. R. at Vol. 1, Convening Authority Decision on Action – *United States v. A1C Mathew J. Russo*, dated 24 August 2022.

The record of trial consists of four prosecution exhibits, eleven defense exhibits; five appellate exhibits; the transcript is 148 pages. Appellant is not confined, understands his right to speedy appellate review, and consents to this request for enlargement of time.

Through no fault of Appellant's, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Since filing the last EOT in this case, counsel submitted a Reply to the Government's Answer before this Court in *United States v. Stradtman*, ACM No. 40237 and an AOE to this Court in *United States v. Pelletier*, ACM No. 40277.

Counsel will be filing a Reply to the Government's Answer in *United States v. Thompson*, ACM No. 40019 by 17 April 2023 and has completed review and begun drafting an AOE in *United States v. Lee*, ACM No. 40258 for submission by the end of April. Undersigned counsel is currently assigned 19 cases, 12 of which are pending initial AOE before this Court. Four cases have priority for submission of an AOE to this Court:

1. *United States v. Lee*, ACM No. 40258 – The record of trial consists of five prosecution exhibits, eleven defense exhibits, and twenty-four appellate exhibits; the transcript is 595 pages. Counsel has completed review of this case and is drafting an AOE for submission in April 2023.

2. *United States v. Porterie*, ACM No. S32735 – The record of trial consists of seven prosecution exhibits; five appellate exhibits; and one court exhibit. The transcript is 87 pages. Counsel has not yet begun review of this case.

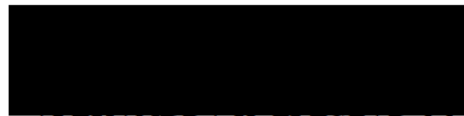
3. *United States v. Haynes*, ACM No. 40306 – The record of trial consists of four prosecution exhibits; 11 defense exhibits; 18 appellate exhibits; and two court exhibits; the transcript is 216 pages. Counsel has not yet begun review of this case.

4. *United States v. Hernandez-Hernandez*, ACM No. 40353 – The record of trial consists of six prosecution exhibits, three defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 198 pages. Counsel has not yet begun review of this case.

Through no fault of Appellant's, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to 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,



ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 7 April 2023.

Respectfully submitted,

[REDACTED]

ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

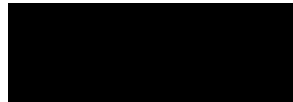
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32741
MATTHEW J. RUSSO, 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.

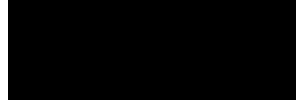


OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 7 April 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	)	MOTION FOR ENLARGEMENT OF TIME (FIFTH)
<i>Appellee</i>)	
)	
v.	)	Before Panel No. 1
)	
Airman First Class (E-3)	)	No. ACM S32741
MATTHEW J. RUSSO)	
United States Air Force	)	8 May 2023
<i>Appellant</i>)	

**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 (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **16 June 2023**. The record of trial was docketed with this Court on 19 October 2022. From the date of docketing to the present date, 201 days have elapsed. On the date requested, 240 days will have elapsed.

On 9 August 2022 at Little Rock Air Force Base, AR, Appellant was convicted, consistent with his pleas, of one charge and six specifications of wrongful use of various substances, in violation of Article 112a, Uniform Code of Military Justice (UCMJ), and one charge and one specification of larceny, in violation of Article 121, UCMJ. Record (R.) at Vol. 1, Entry of Judgment in the Case of *United States v. A1C Mathew J. Russo*, dated 31 August 2022 (hereinafter “EOJ”). The military judge sentenced Appellant to 80 days confinement, reduction to E-1, reprimand, and a bad conduct discharge. *Id.* The convening authority took no action on the findings of the case and took no action on the sentence. R. at Vol. 1, Convening Authority Decision on Action – *United States v. A1C Mathew J. Russo*, dated 24 August 2022.

The record of trial consists of four prosecution exhibits, eleven defense exhibits; five appellate exhibits; the transcript is 148 pages. Appellant is not confined, understands his right to speedy appellate review, and consents to this request for enlargement of time.

Through no fault of Appellant's, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Since filing the last EOT in this case, counsel submitted a Reply to the Government's Answer before this Court in *United States v. Thompson*, ACM No. 40019 and an AOE to this Court in *United States v. Lee*, ACM No. 40258. Undersigned counsel is currently assigned 18 cases, 10 of which are pending initial AOE before this Court. Three cases have priority for submission of an AOE to this Court:

1. *United States v. Porterie*, ACM No. S32735 – The record of trial consists of seven prosecution exhibits; five appellate exhibits; and one court exhibit. The transcript is 87 pages. Counsel has completed her review and anticipates submitting related filings by 9 May 2023.

2. *United States v. Hubbard*, ACM No. 40339 – The record of trial consists of three prosecution exhibits; one defense exhibit; and six appellate exhibits; the transcript is 68 pages. Counsel has not yet begun review of this case.

3. *United States v. Hernandez-Hernandez*, ACM No. 40353 – The record of trial consists of six prosecution exhibits, three defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 198 pages. Counsel has not yet begun review of this case.

Additionally, undersigned counsel anticipates filing the following prior to submission of Appellant's AOE: a Reply to the Government's Answer in *United States v. Lee*, ACM No. 40258 before this Court by 29 May 2023; and two Supplements to Petitions for Review in *United States v. Dunleavy*, ACM No. S32724 (due 11 May 2023) and *United States v. Rodriguez*, ACM No. 40218 (due 23 May 2023) before the Court of Appeals for the Armed Forces.

Between now and the current due date for this brief, undersigned counsel is also required to attend the Transition Assistance Program on 9-12 May 2023 for her upcoming separation, and is further required to complete base out-processing tasks prior to the start of her terminal leave on 1 June 2023.

Through no fault of Appellant's, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to 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,

[Redacted signature]



ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[Redacted address]

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 8 May 2023.

Respectfully submitted,


ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division


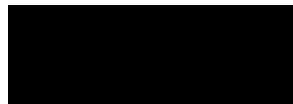
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32741
MATTHEW J. RUSSO, 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 to the Air Force Appellate Defense Division on 8 May 2023.



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



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

UNITED STATES	)	No. ACM S32741
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Matthew J. RUSSO)	
Airman First Class (E-3))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 8 May 2023, 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 9th day of May, 2023,

ORDERED:

Appellant’s Motion for Enlargement of Time (Fifth) is **GRANTED**. Appellant’s brief will be due **16 June 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 Appellant’s right to a timely appeal, (2) whether Appellant was advised of the request for an enlargement of time, and (3) whether Appellant agrees with the request for an enlargement of time.



FOR THE COURT



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
	)	TIME (SIXTH)
)	
v.	)	Before Panel No. 1
)	
Airman First Class (E-3)	)	No. ACM S32741
MATTHEW J. RUSSO)	
United States Air Force	)	1 June 2023
<i>Appellant</i>)	

**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 (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **16 July 2023**. The record of trial was docketed with this Court on 19 October 2022. From the date of docketing to the present date, 225 days have elapsed. On the date requested, 270 days will have elapsed.

On 9 August 2022 at Little Rock Air Force Base, AR, Appellant was convicted, consistent with his pleas, of one charge and six specifications of wrongful use of various substances, in violation of Article 112a, Uniform Code of Military Justice (UCMJ), and one charge and one specification of larceny, in violation of Article 121, UCMJ. Record (R.) at Vol. 1, Entry of Judgment in the Case of *United States v. A1C Mathew J. Russo*, dated 31 August 2022 (hereinafter “EOJ”). The military judge sentenced Appellant to 80 days confinement, reduction to E-1, reprimand, and a bad conduct discharge. *Id.* The convening authority took no action on the findings of the case and took no action on the sentence. R. at Vol. 1, Convening Authority Decision on Action – *United States v. A1C Mathew J. Russo*, dated 24 August 2022.

The record of trial consists of four prosecution exhibits, eleven defense exhibits; five appellate exhibits; the transcript is 148 pages. Appellant is not confined, understands his right to speedy appellate review, and consents to this request for enlargement of time.

Through no fault of Appellant's, undersigned counsel has been working on other assigned matters and has not yet started her review of Appellant's case. Maj Fleszar will be commencing terminal leave imminently and will be unable to complete review of the case prior to terminal leave. Maj Bosner has just been assigned as new counsel for Appellant, and has similarly not yet started review of Appellant's case. Maj Bosner is currently assigned 22 cases; 10 cases are pending initial AOE's before this Court. Seven cases have priority over the present case:

1. *United States v. Gause-Radke*, ACM 40343: The record of trial consists of eight volumes. The transcript is 1,167 pages. There are 14 Prosecution Exhibits, two Defense Exhibits, 42 Appellate Exhibits, and four Court Exhibits. Counsel is drafting the AOE.

2. *In Re HVZ*, Misc. Dkt. No. 2023-03: As counsel for the real party in interest, a brief is due to this Court on 8 June 2023.

3. *United States v. Daddario*, ACM 30351: The record of trial consists of three volumes. The transcript is 77 pages. There are four Prosecution Exhibits, no Defense Exhibits, and five Appellate Exhibits. Counsel is drafting the Brief on Behalf of Appellant.

4. *United States v. McLeod*, ACM 40374: The record of trial consists of eight volumes. The transcript is 533 pages. There are 43 Prosecution Exhibits, two Defense Exhibits, and 42 Appellate Exhibits. Counsel is currently reviewing the record.

5. *United States v. Smith*, ACM 40202: The appellant's petition for grant of review is due to the Court of Appeals for the Armed Forces on 29 June 2023. Counsel has not yet begun review of this case.

6. *United States v. Hernandez-Hernandez*, ACM 40353: The record of trial consists of six prosecution exhibits, three defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 198 pages; the transcript is 198 pages. Counsel has not yet begun review of this case.

6. *United States v. Hubbard*, ACM 40339 – The record of trial consists of three prosecution exhibits; one defense exhibit; and six appellate exhibits; the transcript is 68 pages. Counsel has not yet begun review of this case.

Through no fault of Appellant's, Maj Bosner has been working on other assigned matters and has not yet started his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow Maj Bosner to 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,

[REDACTED]

ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

[REDACTED]


DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 1 June 2023.

Respectfully submitted,


ALEXANDRA K. FLESZAR, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



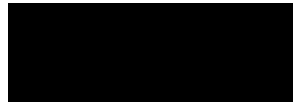
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM S32741
MATTHEW J. RUSSO, 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

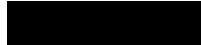


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 2 June 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,	)	MOTION TO WITHDRAW
<i>Appellee,</i>	)	FROM APPELLATE REVIEW
	)	AND MOTION TO ATTACH
v.)	
	)	Before Panel 1
Airman First Class (E-3),)	
MATTHEW RUSSO,	)	No. ACM S32741
United States Air Force,)	
<i>Appellant.</i>	)	14 July 2023

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

Pursuant to Rule 16 of the Rules of Practice and Procedure of the United States Air Force Court of Criminal Appeals and Rule for Courts-Martial (R.C.M.) 1115, Appellant moves to withdraw his case from appellate review. Appellant has fully consulted with Major Jarett Merk, 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), undersigned counsel asks this Court to attach the two-page document appended to this pleading as Appendix A to the record of this proceeding. The appended document is necessary to comply with R.C.M. 1115(d).

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

Respectfully submitted,



JARETT MERK, Maj, USAFR
Appellate Defense Counsel
Appellate Defense Division

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 14 July 2023.

Respectfully submitted,



JARETT MERK, Maj, USAFR
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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

UNITED STATES	)	No. ACM S32741
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Matthew J. RUSSO)	
Airman First Class (E-3))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 14 July 2023, Appellant submitted a Motion to Withdraw from Appellate Review and Motion to Attach. Specifically, Appellant moved to attach a DD Form 2330, *Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals*, signed by Appellant on 10 July 2023 and Appellant’s counsel on 10 July 2023.

The Government did not submit any opposition.

Accordingly, it is by the court on this 19th day of July, 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



_____, Capt, USAF
Acting Clerk of the Court