

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FIRST)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40465
JACOB M. SOUCHEK,)	
United States Air Force,	)	11 July 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)(2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **19 September 2023**. The record of trial was docketed with this Court on 22 May 2023. From the date of docketing to the present date, 50 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,

[Redacted signature block]

JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[Redacted signature block]



GRANTED
12 JULY 2023

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 11 July 2023.

Respectfully submitted,



JENNA M. ARROYO, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



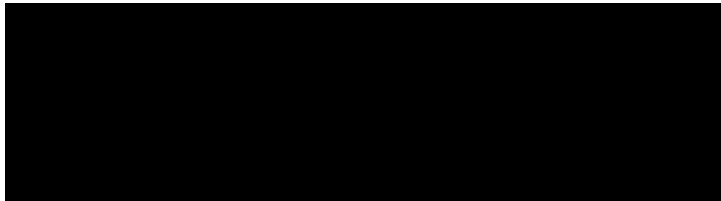
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40465
JACOB M. SOUCHEK, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

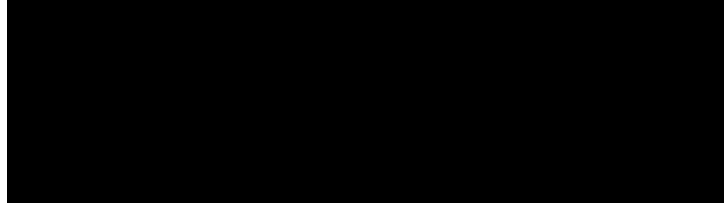


PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 12 July 2023.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)
Appellee,)
MOTION FOR ENLARGEMENT OF
TIME (SECOND)
v.)
Before Panel No. 1
Senior Airman (E-4),)
No. ACM 40465
JACOB M. SOUCHEK,)
United States Air Force,)
8 September 2023
Appellant.)

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 an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on 19 October 2023. The record of trial was docketed with this Court on 22 May 2023. From the date of docketing to the present date, 109 days have elapsed. On the date requested, 150 days will have elapsed.

On 14 February 2023, Appellant was tried by a general court-martial at Offutt Air Force Base, Nebraska. In accordance with his pleas, the military judge found Appellant guilty of one charge with three specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 928b.1 R. at 68; Record of Trial (ROT) Vol. 1, Entry of t (EOJ), dated 13 March 2023. The military judge sentenced Appellant to be reduced to : of E-1, to be confined for 30 months, and to be discharged from the service with a bad conduct discharge. R. at 165. The convening authority took no action on the findings or sentence,



GRANTED

12 SEP 2023

1 Appellant pleaded not guilty to one charge and one specification of assault consummated by a battery upon a child under the age of 16 years, and one charge and one specification of child endangerment, in violation of Articles 128 and 119b, UCMJ, 10 U.S.C. § 928, 10 U.S.C. § 919b. The charges were withdrawn and dismissed with prejudice.

and he approved Appellant's request for deferment and waiver of automatic forfeitures. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Senior Airman Jacob M. Soucek*, dated 4 March 2023.

The record of trial is five volumes consisting of four prosecution exhibits, 17 defense exhibits, seven appellate exhibits, and one court exhibit; the transcript is 165 pages. Appellant is currently confined.

Appellant's previous counsel, Major Jenna Arroyo, has permanently changed duty stations and is no longer assigned to the United States Air Force Appellate Defense Division. The previous counsel's Motion for Withdrawal of Appellate Defense Counsel is forthcoming.

Through no fault of Appellant, undersigned counsel has yet to complete her review of Appellant's case. 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,

[REDACTED]

MEGAN R. CROUCH, 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 Appellate Government Division on 8 September 2023.

Respectfully submitted,

[REDACTED]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

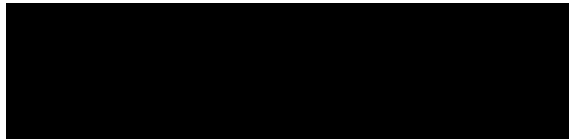
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40465
JACOB M. SOUCHEK, 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 11 September 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, <i>Appellee,</i>	)	MOTION FOR WITHDRAWAL OF APPELLATE DEFENSE COUNSEL
v.	)	Before Panel No. 1
Senior Airman (E-4), JACOB M. SOUCHEK, United States Air Force, <i>Appellant.</i>	) ) ) ) ) )	No. ACM 40465 8 September 2023

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

Pursuant to Rules 12(b), 12.4, and 23.3(h) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. Maj Megan Crouch has been detailed substitute counsel in undersigned counsel’s stead and made her notice of appearance on 8 September 2023. A thorough turnover of the record between counsel has been completed.

The undersigned counsel has permanently changed duty stations and is now assigned as the Deputy Staff Judge Advocate for the Office of Special Investigations – Judge Advocate Directorate.

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

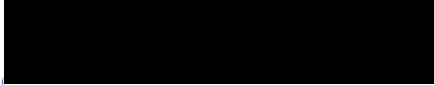
ts filing.



GRANTED
18 SEP 2023

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

Respectfully submitted,



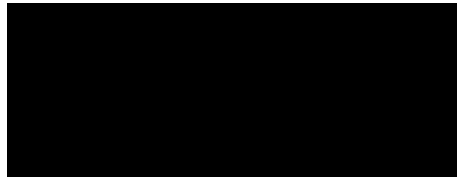
JENNA M. ARROYO, Maj, USAF
Deputy Staff Judge Advocate
Office of Special Investigations, Judge
Advocate Directorate
Department of the Air Force



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 September 2023.

Respectfully Submitted,

A large black rectangular redaction box covering the signature of the Deputy Staff Judge Advocate.

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Deputy Staff Judge Advocate
Office of Special Investigations, Judge
Advocate Directorate
Department of the Air Force

A black rectangular redaction box covering several lines of text, likely a date or reference number.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (THIRD)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40465
JACOB M. SOUCHEK,)	
United States Air Force,	)	10 October 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 an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **18 November 2023**. The record of trial was docketed with this Court on 22 May 2023. From the date of docketing to the present date, 141 days have elapsed. On the date requested, 180 days will have elapsed.

On 14 February 2023, Appellant was tried by a general court-martial at Offutt Air Force Base, Nebraska. In accordance with his pleas, the military judge found Appellant guilty of one charge with three specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 928b.¹ R. at 68; Record of Trial (ROT) Vol. 1, Entry of (UCMJ), dated 13 March 2023. The military judge sentenced Appellant to be reduced to E-1, to be confined for 30 months, and to be discharged from the service with a bad



GRANTED R. at 165. The convening authority took no action on the findings or sentence, **12 OCT 2023**

¹ Appellant pleaded not guilty to one charge and one specification of assault consummated by a battery upon a child under the age of 16 years, and one charge and one specification of child endangerment, in violation of Articles 128 and 119b, UCMJ, 10 U.S.C. § 928, 10 U.S.C. § 919b. The charges were withdrawn and dismissed with prejudice.

and he approved Appellant's request for deferment and waiver of automatic forfeitures. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Senior Airman Jacob M. Souchek*, dated 4 March 2023.


The record of trial is five volumes consisting of four prosecution exhibits, 17 defense exhibits, seven appellate exhibits, and one court exhibit; the transcript is 165 pages. Appellant is currently confined.

Since Appellant's last request for an enlargement of time, undersigned counsel has filed one supplement to petition for grant of review in *United States v. Falls Down* (No. ACM 40268) before the United States Court of Appeals for the Armed Forces (C.A.A.F.). Counsel also advised one member regarding his opportunity to appeal directly to the Air Force Court of Criminal Appeals. Additionally, she was also out of the office on leave for two duty days.

Through no fault of Appellant, undersigned counsel has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to a timely appeal and this request for an enlargement of time, and Appellant 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,


MEGAN R. CROUCH, 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 10 October 2023.

Respectfully submitted,

[REDACTED]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

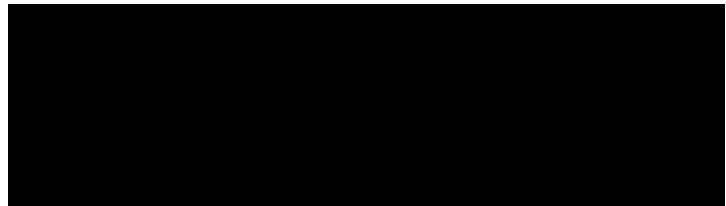
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40465
JACOB M. SOUCHEK, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

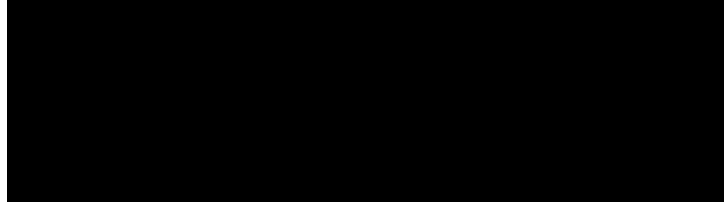


PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 12 October 2023.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF TIME (FOURTH)
<i>Appellee,</i>)	
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40465
JACOB M. SOUCHEK,)	
United States Air Force,	)	9 November 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 an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **18 December 2023**. The record of trial was docketed with this Court on 22 May 2023. From the date of docketing to the present date, 171 days have elapsed. On the date requested, 210 days will have elapsed.

On 14 February 2023, Appellant was tried by a general court-martial at Offutt Air Force Base, Nebraska. In accordance with his pleas, the military judge found Appellant guilty of one charge with three specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 928b.¹ R. at 68; Record of Trial (ROT) Vol. 1, Entry of (EOJ), dated 13 March 2023. The military judge sentenced Appellant to be reduced to grade of E-1, to be confined for 30 months, and to be discharged from the service with a bad conduct discharge. R. at 165. The convening authority took no action on the findings or sentence,



GRANTED

9 NOV 2023

¹ Appellant pleaded not guilty to one charge and one specification of assault consummated by a battery upon a child under the age of 16 years, and one charge and one specification of child endangerment, in violation of Articles 128 and 119b, UCMJ, 10 U.S.C. § 928, 10 U.S.C. § 919b. The charges were withdrawn and dismissed with prejudice.

and he approved Appellant's request for deferment and waiver of automatic forfeitures. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Senior Airman Jacob M. Souchek*, dated 4 March 2023.

The record of trial is five volumes consisting of four prosecution exhibits, 17 defense exhibits, seven appellate exhibits, and one court exhibit; the transcript is 165 pages. Appellant is currently confined. Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel provides that she represents 20 clients and is presently assigned 14 cases pending brief before this Court. This case is counsel's sixth priority case, behind:

1. *United States v. Davis*, No. ACM 40370. The record of trial is comprised of 11 volumes containing 40 prosecution exhibits, 20 defense exhibits, 69 appellate exhibits, and 1 court exhibit; the transcript is 1258 pages. Undersigned counsel has completed her review of the transcript and record of trial and is preparing to travel for and give oral argument on 15 November 2023.
2. *In re Banker*, Misc. Dkt. No. 2022-01. The transcript of the *DuBay* hearing is 311 pages and the record is two volumes. Mr. Banker's writ-appeal is due to the Court of Appeals for the Armed Forces on 28 November 2023.
3. *United States v. Doroteo*, No. ACM 40363. The trial transcript is 2,149 pages long and the record of trial is comprised of 14 volumes containing 19 prosecution exhibits, three defense exhibits, 151 appellate exhibits, and two court exhibits. Undersigned counsel has completed her review of the transcript. Mr. Scott Hockenberry is lead counsel on this case.
4. *United States v. Csiti*, No. ACM 40386. The trial transcript is 633 pages long, and the record of trial is comprised of seven volumes containing nine prosecution exhibits, 10

defense exhibits, 33 appellate exhibits, and one court exhibit. Undersigned counsel has completed her review of the record of trial.

5. *United States v. Byrne*, No. ACM 40391. The trial transcript is 945 pages long and the record of trial is comprised of eight volumes consisting of five prosecution exhibits, six defense exhibits, 74 appellate exhibits, and one court exhibit. Undersigned counsel has not yet completed a review of the record of trial. Mr. Phil Cave is lead counsel this case.
6. *United States v. McCartney*, No. ACM. 40414. The record of trial is 4 volumes consisting of 21 prosecution exhibits, 7 defense exhibits, and 3 appellate exhibits; the transcript is 123 pages. Undersigned counsel has not yet completed a review of the record of trial.

Since Appellant's last request for an enlargement of time, undersigned counsel completed a review of the transcript for *United States v. Doroteo* (No. ACM 40363). On 2 October 2023, undersigned counsel was detailed to represent SrA Tyrion Davis at this Court's ordered oral argument (*United States v. Davis*, No. ACM 40370). She was not the original counsel who prepared the written briefs, nor had she reviewed the record of trial or the written filings prior to being detailed to represent SrA Davis. On 5 October 2023, this Court notified the parties for *United States v. Davis* that the oral argument would take place on 15 November 2023. Counsel completed her review of the unsealed transcript, record of trial, and written filings for *United States v. Davis* on 17 October 2023. She also prepared for, and participated in, two moot oral arguments for JAJA colleagues (*United States v. Driskill* and *United States v. Rocha*) and her own moot oral argument for *United States v. Davis*, and she advised one member regarding his opportunity to appeal directly to the Air Force Court of Criminal Appeals.



On 18 October 2023, undersigned counsel began reviewing the transcript for *United States v. Csiti* (No. ACM 40386). From 25-27 October 2023, undersigned counsel attended the

University of North Carolina (UNC) Appellate Advocacy Training in Chapel Hill, NC. She took leave from 28-30 October 2023 to attend an out-of-state funeral for a family member. She then attended the Appellate Judges Education Institute 2023 Summit from 2-5 November 2023. She has a second moot oral argument scheduled for *United States v. Davis* on 9 November 2023. Undersigned counsel will be in Chicago, IL, from 13-15 November to represent SrA Davis at oral argument before this Court. Finally, there are two federal holidays (Veterans Day and Thanksgiving) and two family days for AF/JA during the month of November.

Through no fault of Appellant, undersigned counsel has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to a timely appeal and this request for an enlargement of time, and Appellant 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,


MEGAN R. CROUCH, 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 9 November 2023.

Respectfully submitted,

[REDACTED]

MEGAN R. CROUCH, 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
)	
Senior Airman (E-4)	)	ACM 40465
JACOB M. SOUCHEK, 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 9 November 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
<i>Appellee,</i>	)	TIME (FIFTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40465
JACOB M. SOUCHEK,)	
United States Air Force,	)	7 December 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 an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **17 January 2024**. The record of trial was docketed with this Court on 22 May 2023. From the date of docketing to the present date, 199 days have elapsed. On the date requested, 240 days will have elapsed.

On 14 February 2023, Appellant was tried by a general court-martial at Offutt Air Force Base, Nebraska. In accordance with his pleas, the military judge found Appellant guilty of one charge with three specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 928b.¹ R. at 68; Record of Trial (ROT) Vol. 1, Entry of Findings (EOJ), dated 13 March 2023. The military judge sentenced Appellant to be reduced to grade of E-1, to be confined for 30 months, and to be discharged from the service with a bad conduct discharge. R. at 165. The convening authority took no action on the findings or sentence,



GRANTED
11 DEC 2023

¹ Appellant pleaded not guilty to one charge and one specification of assault consummated by a battery upon a child under the age of 16 years, and one charge and one specification of child endangerment, in violation of Articles 128 and 119b, UCMJ, 10 U.S.C. § 928, 10 U.S.C. § 919b. The charges were withdrawn and dismissed with prejudice.

and he approved Appellant's request for deferment and waiver of automatic forfeitures. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Senior Airman Jacob M. Souchek*, dated 4 March 2023.

The record of trial is five volumes consisting of four prosecution exhibits, 17 defense exhibits, seven appellate exhibits, and one court exhibit; the transcript is 165 pages. Appellant is currently confined.

Undersigned counsel currently represents 24 clients and is presently assigned 16 cases pending brief before this Court. This case is counsel's sixth priority case, behind:

1. *In re Banker*, Misc. Dkt. No. 2022-01. The transcript of the *DuBay* hearing is 311 pages and the record is two volumes. Mr. Banker's writ-appeal petition is due to the Court of Appeals for the Armed Forces (C.A.A.F.) on 14 December 2023.
2. *United States v. Doroteo*, No. ACM 40363. The trial transcript is 2,149 pages long and the record of trial is comprised of 14 volumes containing 19 prosecution exhibits, three defense exhibits, 151 appellate exhibits, and two court exhibits. SrA Doroteo's Assignments of Error is due to this Court on 27 December 2023. Mr. Scott Hockenberry is the lead counsel on this case.
3. *United States v. Csiti*, No. ACM 40386. The trial transcript is 633 pages long, and the record of trial is comprised of seven volumes containing nine prosecution exhibits, 10 defense exhibits, 33 appellate exhibits, and one court exhibit.
4. *United States v. Byrne*, No. ACM 40391. The trial transcript is 945 pages long and the record of trial is comprised of eight volumes consisting of five prosecution exhibits, six defense exhibits, 74 appellate exhibits, and one court exhibit. Mr. Phil Cave is lead counsel on this case.

5. *United States v. McCartney*, No. ACM. 40414. The record of trial is 4 volumes consisting of 21 prosecution exhibits, 7 defense exhibits, and 3 appellate exhibits; the transcript is 123 pages.

Since Appellant's last request for an enlargement of time, undersigned counsel prepared for, and participated in, an oral argument ordered by this Court for *United States v. Davis*, No. ACM 40370, in Chicago, IL. Counsel prepared for, and participated in, seven moot oral arguments for her colleagues for *United States v. Cole*, USCA Dkt. No. 23-0162/AF, *In re H.V.Z.*, USCA Dkt. No. 23-0250/AF, *United States v. Palik*, USCA Dkt. No. 23-0206/AF, and *In re R.W.*, Misc. Dkt. 2023-08. She prepared a Writ-Appeal Petition for *In re Banker*, Misc. Dkt. No. 2022-01, and assisted her co-counsel in preparing an Assignments of Error, consisting of 11 issues, for *United States v. Doroteo*, No. ACM 40363. Finally, undersigned counsel has pre-approved leave from 15-23 December 2023.

Through no fault of Appellant, undersigned counsel has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to a timely appeal and this request for an enlargement of time, and Appellant 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,

[REDACTED]

MEGAN R. CROUCH, 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 Appellate Government Division on 7 December 2023.

Respectfully submitted,

[REDACTED]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

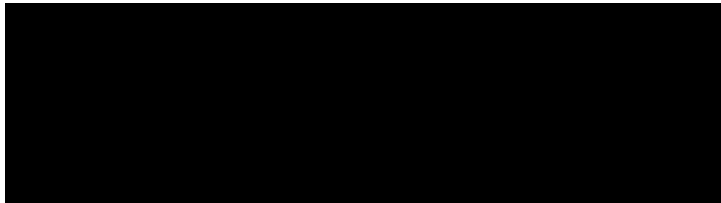
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40465
JACOB M. SOUCHEK, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

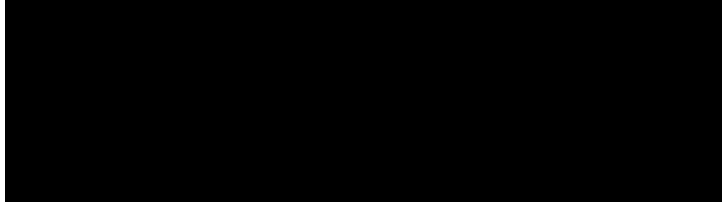


PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force

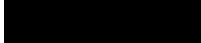


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 8 December 2023.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SIXTH)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40465
JACOB M. SOUCHEK,)	
United States Air Force,	)	9 January 2024
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **16 February 2024**. The record of trial was docketed with this Court on 22 May 2023. From the date of docketing to the present date, 232 days have elapsed. On the date requested, 270 days will have elapsed.

On 14 February 2023, Appellant was tried by a general court-martial at Offutt Air Force Base, Nebraska. In accordance with his pleas, the military judge found Appellant guilty of one charge with three specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 928b.¹ R. at 68; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 13 March 2023. The military judge sentenced Appellant to be reduced to grade of E-1, to be confined for 30 months, and to be discharged from the service with a bad discharge. R. at 165. The convening authority took no action on the findings or sentence,



GRANTED

16 JAN 2024

¹ Appellant pleaded not guilty to one charge and one specification of assault consummated by a battery upon a child under the age of 16 years, and one charge and one specification of child endangerment, in violation of Articles 128 and 119b, UCMJ, 10 U.S.C. § 928, 10 U.S.C. § 919b. The charges were withdrawn and dismissed with prejudice.

and he approved Appellant's request for deferment and waiver of automatic forfeitures. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Senior Airman Jacob M. Soucek*, dated 4 March 2023.

The record of trial is five volumes consisting of four prosecution exhibits, 17 defense exhibits, seven appellate exhibits, and one court exhibit; the transcript is 165 pages. Appellant is currently confined.

Undersigned counsel currently represents 20 clients and is presently assigned 15 cases pending brief before this Court. This case is counsel's fourth priority case, behind:

1. *United States v. Csiti*, No. ACM 40386. The trial transcript is 633 pages long, and the record of trial is comprised of seven volumes containing nine prosecution exhibits, 10 defense exhibits, 33 appellate exhibits, and one court exhibit. Undersigned counsel has completed her review of the record of trial and has begun drafting SSgt Csiti's AOE brief, which is due on 24 January 2024.
2. *United States v. Byrne*, No. ACM 40391. The trial transcript is 945 pages long and the record of trial is comprised of eight volumes consisting of five prosecution exhibits, six defense exhibits, 74 appellate exhibits, and one court exhibit. Mr. Phil Cave is lead counsel on this case. Undersigned counsel has not yet completed her review of this record.
3. *United States v. McCartney*, No. ACM. 40414. The record of trial is 4 volumes consisting of 21 prosecution exhibits, 7 defense exhibits, and 3 appellate exhibits; the transcript is 123 pages. Undersigned counsel has not yet completed her review of this record.

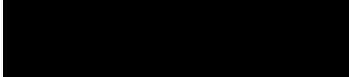
Since Appellant's last request for an enlargement of time, undersigned counsel filed a Writ-Appeal Petition for *In re Banker*, Misc. Dkt. No. 2022-01, with the Court of Appeals for the Armed Forces, and filed an AOE brief, consisting of 11 issues, for *United States v. Doroteo*, No. ACM

40363, with this Court. She also prepared for, and participated in, five moot oral arguments for her colleagues for *In re R.W.*, Misc. Dkt. 2023-08, *United States v. Leipart*, USCA Dkt. No. 23-0163/AF, and *United States v. Smith*, USCA Dkt. No. 23-0207/AF. Finally, counsel began drafting the AOE brief for *United States v. Csiti*, No. ACM 40386.

Through no fault of Appellant, undersigned counsel has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to a timely appeal and this request for an enlargement of time, and Appellant 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,


MEGAN R. CROUCH, 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 9 January 2024.

Respectfully submitted,

[REDACTED]

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[REDACTED]

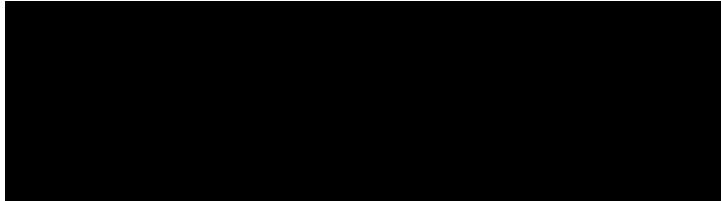
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40465
JACOB M. SOUCHEK, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

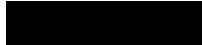
**TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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

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

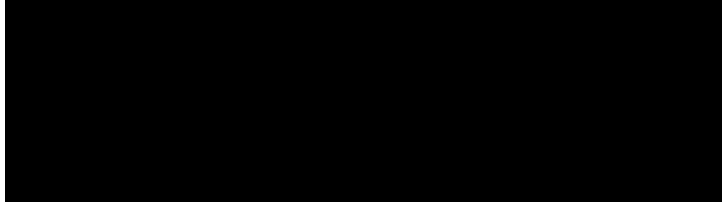


PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 11 January 2024.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR WITHDRAWAL OF
<i>Appellee,</i>	)	APPELLATE DEFENSE COUNSEL
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4),	)	No. ACM 40465
JACOB M. SOUCHEK,)	
United States Air Force,	)	8 September 2023
<i>Appellant.</i>)	

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

Pursuant to Rules 12(b), 12.4, and 23.3(h) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. Maj Megan Crouch has been detailed substitute counsel in undersigned counsel’s stead and made her notice of appearance on 8 September 2023. A thorough turnover of the record between counsel has been completed.

The undersigned counsel has permanently changed duty stations and is now assigned as the Deputy Staff Judge Advocate for the Office of Special Investigations – Judge Advocate Directorate.

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

ts filing.



GRANTED
18 SEP 2023

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

Respectfully submitted,

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SAF

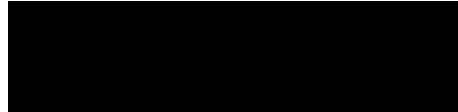
Deputy Staff Judge Advocate
Office of Special Investigations, Judge
Advocate Directorate
Department of the Air Force

A black rectangular redaction box covering the address of the Deputy Staff Judge Advocate.

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 September 2023.

Respectfully Submitted,



JENNA M. ARROYO, Maj, USAF
Deputy Staff Judge Advocate
Office of Special Investigations, Judge
Advocate Directorate
Department of the Air Force



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES <i>Appellee,</i>	)	CONSENT MOTION TO EXAMINE
	)	SEALED MATERIALS
)	
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
JACOB M. SOUCHEK,	)	Case No. ACM 40465
United States Air Force)	
<i>Appellant</i>	)	5 February 2024
)	

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

Pursuant to Rule for Courts-Martial (R.C.M.) 1113(b)(3)(B)(i) and Rules 3.1, 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 permit appellate counsel for the Appellant and the Government to examine Preliminary Hearing Officer (PHO) Exhibits 13-23, 31, and 34.

Facts

On 14 Feb. 2023, at a general court-martial convened at Offutt Air Force Base, Nebraska, the Appellant pled guilty to three specifications of domestic violence against a child under the age of 16 in violation of Article 128b, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 928b¹ before a military judge. ROT Vol. 1, Entry of Judgment, 14 Feb. 2022; R. at 14. Pursuant to a plea agreement, the appellant entered into a stipulation of fact which attached medical records of the named victim. ROT Vol. 1, Pros. Ex. 1 at 5-24. During sentencing, the Government introduced testimony from a family member regarding injuries and resulting medical care sustained by the



¹References to the UCMJ, the R.C.M., and the Military Rules of Evidence (Mil. R. Evid.) are to those published in the *Manual for Courts-Martial, United States* (2019 ed.) (2019 MCM).

named victim, R. at 75-79, as well as testimony from an expert in the field of child abuse pediatrics based upon the medical records of the named victim. R. at 98-99. Additionally, testimony was introduced regarding a medical condition the named victim was diagnosed with in utero. R. at 74, 92. On 14 Feb. 2023, the military judge sentenced the Appellant to a Bad-Conduct discharge, confinement for 30 months, and reduction to the lowest enlisted grade. ROT Vol. 1, Entry of Judgment, 13 Mar. 23.

During the Article 32, UCMJ 10 U.S.C. §832 proceedings, the PHO received and attached medical records and birth information regarding the named victim. ROT Vol. 2, Article 32 Preliminary Hearing Report Continuation Pages at 1-2, 10 Jun. 23. He then sealed the following materials pursuant to R.C.M. 405(j)(8) and R.C.M. 1103A:

- 1) PHO Exhibit 15, Victim's Medical Records from Children's Hospital and Medical Center, dated 24 Aug. 2021 to 18 Nov. 21, 211 pages (*Id.* at 1)
- 2) PHO Exhibit 16, Victim's Medical Records – Dr. Masthan, dated 2 Nov. 21, 5 pages (*Id.* at 1)
- 3) PHO Exhibit 17, Victim's Medical Records – Dr. McConnell, dated 2 Nov. 21, 7 pages (*Id.* at 1)
- 4) PHO Exhibit 18, Victim's Medical Records – Dr. Hamik, dated 2 Nov. 21, 5 pages (*Id.* at 1)
- 5) PHO Exhibit 19, Victim's Medical Records – MR Entire Spine w/o Contrast, dated 2 Nov. 21, 2 pages (*Id.* at 1)
- 6) PHO Exhibit 20, Victim's Medical Records – MR Brain w/o Contrast, dated 2 Nov. 21, 2 pages (*Id.* at 1)

- 7) PHO Exhibit 21, Victim's Medical Records – MRA Head w/o contrast, dated 2 Nov. 21, 2 pages (*Id.* at 1)
- 8) PHO Exhibit 22, Victim's Medical Records – MRV Head w/o Contrast, dated 2 Nov. 21, 2 pages (*Id.* at 1)
- 9) PHO Exhibit 23, Victim's Medical Records – XR Osseous Survey, dated 2 Nov. 21, 2 pages (*Id.* at 1)
- 10) PHO Exhibit 31, Victim's Birth Records, dated 20 Aug. 22 to 22 Aug. 22, 132 pages (*Id.* at 2)
- 11) PHO Exhibit 34, Victim Birth Records (pg 10), undated, 1 page (*Id.* at 2).

Law

Appellate counsel may examine materials presented or reviewed at trial and sealed, as well as materials reviewed *in camera*, released to trial or defense counsel, 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 *MCM*, 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,"² perform "reasonable diligence,"³ 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

² Air Force Instruction (AFI) 51-110, *Professional Responsibility Program*, Attachment 2: Air Force Rules of Professional Conduct, Rule 1.1 (11 Dec. 18).

³ *Id.* at Rule 1.3.

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

Analysis

The sealed exhibits identified in paragraphs (1) through (11) in the facts section above are medical and birth records related to the named victim’s injuries and existing medical conditions, which were at issue in the case. These exhibits were provided to the parties in advance of the Article 32, UCMJ, hearing, and were sealed as part of the Article 32 report. Thus, it is evident the parties “presented” and “reviewed” the sealed material.

It is reasonably necessary for Appellant’s counsel to review these sealed exhibits and for counsel to competently conduct a professional evaluation of Appellant’s case and to uncover all issues which might afford him relief. In order to do so, a review of the medical and birth records introduced at the Article 32, UCMJ, hearing are necessary to evaluate whether there was any

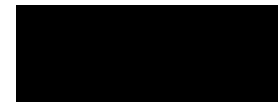
⁴ AFI 51-110, Attachment 7: Air Force Standards for Criminal Justice, Standard 4-8.3(b).

information Defense counsel should have introduced in sentencing to counter the testimony introduced by the Government regarding ailments and injuries the witnesses accredited to the charged offenses, or that should have been objected to during the direct of the Government's two witnesses. 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 the Article 32, UCMJ, hearing, 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 has shown good cause to grant this motion.

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

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

Respectfully submitted,



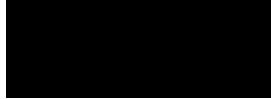
REBECCA J. SAATHOFF, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 5 February 2024.

Respectfully submitted,

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REBECCA J. SAATHOFF, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

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