

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

<b>UNITED STATES</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee</i>	)	<b>TIME OUT OF TIME (FIRST)</b>
	)	
v.	)	Before Panel No. 1
	)	
Airman Basic (E-1)	)	No. ACM S32755
<b>JACOB C. SPARKS,</b>	)	
United States Air Force	)	6 July 2023
<i>Appellant</i>	)	

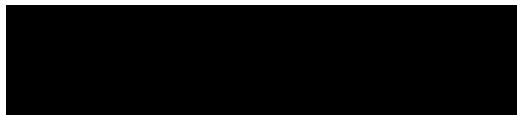
**TO THE HONORABLE, THE JUDGES OF THE  
UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

Pursuant to Rule 23.3(m)(1), 23.3(m)(2), and 23.3(m)(7) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time, out of time, to file an Assignment of Error (AOE). Counsel is filing this motion out of time due to an inadvertent clerical error, in that she failed to place her electronic signature on the Certificate of Filing and Service on the Motion for Enlargement of Time filed with the Court on 30 June 2023. Counsel recognizes her error and will be more careful in her future filings.

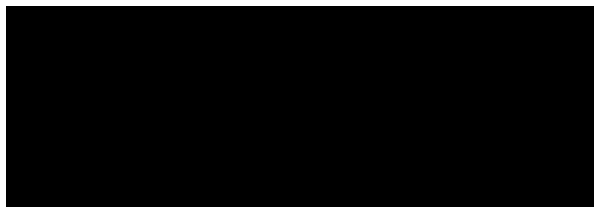
Appellant requests an enlargement for a period of 60 days, which will end on **8 September 2023**. The record of trial was docketed with this Court on 11 May 2023. From the date of docketing to the present date, 56 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,



NICOLE MOUAKAR, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



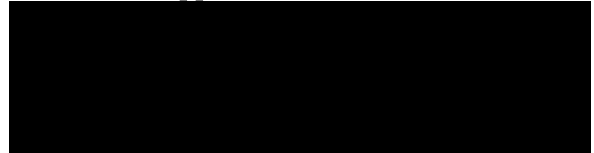
**CERTIFICATE OF FILING AND SERVICE**

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 6 July 2023.

Respectfully submitted,



NICOLE MOUAKAR, Maj, 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>	)	TO APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	
Staff Sergeant (E-5)	)	ACM 40341
THOMAS M. SAUL, 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. It appears that Appellant's counsel has not started 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.



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

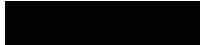


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 7 July 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**

<b>UNITED STATES</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee</i>	)	<b>TIME (SECOND)</b>
	)	
v.	)	Before Panel No. 1
	)	
Airman Basic (E-1)	)	No. ACM S32755
<b>JACOB C. SPARKS,</b>	)	
United States Air Force	)	31 August 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 his second enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **8 October 2023**. The record of trial was docketed with this Court on 11 May 2023. From the date of docketing to the present date, 112 days have elapsed. On the date requested, 150 days will have elapsed.

On 27 January 2023 consistent with his pleas, a Military Judge sitting at a special court-martial at F.E. Warren Air Force Base, Wyoming, convicted Appellant of one charge and its specification of violating a lawful general regulation, in violation of Article 92, Uniform Code of Military Justice (UCMJ). Record (R.) at 31. The Military Judge sentenced Appellant to be discharged from the service with a bad conduct discharge. R. at 58. The Convening Authority took no action on the findings and sentence and the Appellant did not submit matters for consideration under R.C.M. 1106. Record of Trial (ROT), Vol.1, Convening Authority Decision on Action – *United States v. Airman Basic Jacob C. Sparks*, dated 11 February 2023.

The record of trial consists of 2 prosecution exhibits, no defense exhibits, 2 appellate exhibits and no court exhibits. The transcript is 58 pages. Appellant is not confined.

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

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

Respectfully submitted,



NICOLE MOUAKAR, 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 31 August 2023.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Nicole Mouakar.

NICOLE MOUAKAR, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

A large black rectangular redaction box covering the contact information of Nicole Mouakar.

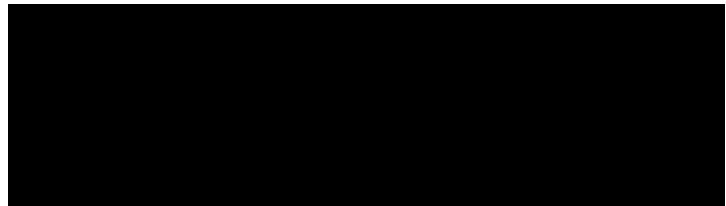
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman Basic (E-1)	)	ACM S32755
JACOB C. SPARKS, 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.

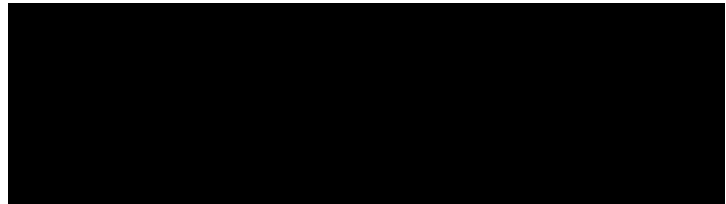


PETE FERRELL, Lt Col, USAF  
Director of Operations  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**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 6 September 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**

<b>UNITED STATES</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee</i>	)	<b>TIME (THIRD)</b>
	)	
v.	)	Before Panel No. 1
	)	
Airman Basic (E-1)	)	No. ACM S32755
<b>JACOB C. SPARKS,</b>	)	
United States Air Force	)	1 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 his third enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **7 November 2023**. The record of trial was docketed with this Court on 11 May 2023. From the date of docketing to the present date, 143 days have elapsed. On the date requested, 180 days will have elapsed.

On 27 January 2023 consistent with his pleas, a Military Judge sitting at a special court-martial at F.E. Warren Air Force Base, Wyoming, convicted Appellant of one charge and its specification of violating a lawful general regulation, in violation of Article 92, Uniform Code of Military Justice (UCMJ). Record (R.) at 31. The Military Judge sentenced Appellant to be discharged from the service with a bad conduct discharge. R. at 58. The Convening Authority took no action on the findings and sentence and the Appellant did not submit matters for consideration under R.C.M. 1106. Record of Trial (ROT), Vol.1, Convening Authority Decision on Action – *United States v. Airman Basic Jacob C. Sparks*, dated 11 February 2023.

The record of trial consists of 2 prosecution exhibits, no defense exhibits, 2 appellate exhibits and no court exhibits. The transcript is 58 pages. Appellant is not confined.

Through no fault of Appellant, undersigned counsel has been diligently working on other assigned matters and needs additional time to complete review of Appellant's case. In addition to serving as a reservist for the Air Force Appellate Defense Division, undersigned counsel is a full-time Assistant Federal Defender for the Middle District of Florida and is currently assigned to twenty-one criminal cases. Except for one case (*United States v. Ponce*), she is the sole counsel on all her cases. As noted below, various of the cases involve complex wire fraud and bank fraud charges. Other cases involving drugs, firearm offenses, and child exploitation are serious in nature and expose undersigned counsel's clients to potential harsh punishments that include minimum mandatory sentences and life imprisonment. Of the twenty-one cases assigned to undersigned counsel, fifteen cases remain active. In the month of September, counsel completed six sentencing hearings and will be closing out those cases in the next two weeks, after advising all the clients of their appellate rights. The following is a list on counsel's cases:

1. *United States v. Manuel Bonet*, Case No. 6:93-cr-112-PGB-RMN: this is a conditional release case pursuant to Title 18 U.S.C. §4243(f). In 1993, Mr. Bonet was found not guilty by reason of insanity for three Counts of threatening the President of the United States. Since then, Mr. Bonet has primarily been housed in a Bureau of Prisons medical center. Every year, a risk assessment is conducted to determine the recommended inpatient treatment and whether Mr. Bonet presents a significant risk of harm to others or the property of others due to his mental illness if he were released to the community. In April 2023, the Court approved Mr. Bonet's release with various conditions. On September 27, 2023, Mr. Bonet was arrested. A review of his conditional release is now pending in this matter.

2. *United States v. Omar Castillo-Torres*, Case No. 6:23-cr-62-PGB-RMN: In 2019, Mr. Castillo-Torres was convicted of motor vehicle robbery (carjacking) and possession of a firearm in relation to a crime of violence. After completing his term of imprisonment and release from custody in December 2022, Mr. Castillo-Torres was placed on supervised release. He is now facing violations of his supervised release. A revocation hearing is scheduled for October 19, 2023, where the petition alleges Mr. Castillo-Torres violated his terms of supervised release by committing eight violations.
3. *United States v. Taneika Lashawn Dewdney*, Case No. 6:23-cr-147-PGB-RMN: On September 12, 2023, Ms. Dewdney had her initial appearance in federal court. She was indicted for possession of control substances (methamphetamine and fentanyl) with the intent to distribute charges. She is facing a minimum mandatory of 10 years imprisonment, and a maximum sentence of life for her offense. She is scheduled for a revocation of pretrial release conditions hearing on October 2, 2023. There is also a status conference scheduled for October 16, 2023.
4. *United States v. Michael Barrington Douglas*, Case No. 6:23-cr-122-GAP-DCI: Mr. Douglas was charged in a seven Count Indictment alleging access device fraud, aggravated identity, false representation of a social security number, false claim to U.S. citizenship, making a false statement and theft of government funds. Mr. Douglas is currently schedule for a November trial term.
5. *United States v. Carlos Ferrer*, Case No. 6:22-cr-116-WWB-EJK: Mr. Ferrer pled guilty to charges of bank fraud on September 13, 2023. He is scheduled to testify as a witness in a related trial scheduled for January 2024. The discovery in this case is over 45 thousand pages of documents and has over 50 audio files of interviews.

6. *United States v. Antonio Olivas Gonzalez*, Case No. 6:14-cr-95-WWB-EJK: In 2014, Mr. Gonzalez was sentenced to 97 months imprisonment followed by a lifetime of imprisonment for possession of child pornography. After his release from imprisonment, he started his term of supervised release. On August 31, 2023, a Superseding Petition was filed alleging various violations of his supervised release. Mr. Gonzalez is scheduled for a revocation hearing on November 27, 2023.
7. *United States v. Christian Rodriguez Labour*, Case No. 6:22-mj-1166: Mr. Labour's case involves allegations of conspiracy to commit money laundering. He is in a pre-Indictment stage of the proceedings. He case involves multiple co-defendants and the discovery process is currently on-going.
8. *United States v. Jonathan Maroney*, Case No. 6-22-mj-1614: Mr. Maroney's case involves allegations of a \$17 million dollar Ponzi scheme, with over 150 victims. He has a companion SEC civil case. He is in the pre-Indictment stage of the proceedings and the discovery process is currently on-going.
9. *United States v. Bakari McCant*, Case No. 6:17-cr-237-PGB-LHP: After a successful appeal to the Eleventh Circuit, Mr. McCant is scheduled for a re-sentencing hearing on October 18, 2023. Mr. McCant was originally sentenced to 32 years for multiple counts of armed robbery and possession of a firearm in relation to a crime of violence.
10. *United States v. Christian Medina Torres*, Case No. 6:23-cr-179-CEM-DCI: Mr. Medina Torres was indicted on September 13, 2023, for possession with the intent to distribute cocaine. He is facing a minimum mandatory of 10 years to life imprisonment. His case is currently scheduled for a status conference on October 19, 2023.

11. *United States v. Jesus Alejandro Millan Gomez*, Case No. 6:22-cr-178-CEM-RMN: Mr. Millan Gomez was indicted on various counts of wire fraud and aggravated identity. He is currently scheduled for sentencing on November 27, 2023. He is facing a sentence of up to 20 years imprisonment and a minimum mandatory of 2 years to be served consecutively to any sentence imposed.
12. *United States v. Jonathan James Pilgrim*, Case No. 6:22-cr-153-PGB-RMN: Mr. Pilgrim is scheduled for sentencing on October 25, 2023. He is facing a minimum mandatory sentence of five years to life for firearm and possession of controlled substances with the intent to distribute offenses.
13. *United States v. Cristian Ponce*, Case No. 6:23-cr-64-RBD-RMN: A Superseding Indictment was filed on August 22, 2023, alleging various firearm charges and possession of controlled substances with the intent to distribute. Mr. Ponce is facing up to life imprisonment. Currently, there is a Motion to Dismiss for Failure to State an Offense pending in this case. This case is likely to go to trial. There is a scheduled status conference on October 10, 2023.
14. *United States v. Lonnie Robinson*, Case No. 6:06-cr-179-GAP-RMN: Mr. Robinson is facing violations of supervised release involving new criminal charges at the state level which alleged distribution of controlled substances resulting in death. Mr. Robinson is currently in state custody and undersigned counsel is currently responsible for filing month status reports in federal court.
15. *United States v. Daniel Martinez Zamora*, Case No. 6:23-cr-11-CEM-DCI: Mr. Zamora's case involves theft of government funds. Aside from counsel diligently reviewing discovery with Mr. Zamora, she has had him evaluated for competency as Mr. Zamora



suffers with a long history mental health. A change of plea is scheduled for Mr. Zamora's case on October 5, 2023.

The following cases were completed during the month of September 2023 and will be closed out in the next two weeks:

16. *United States v. Marquis Terrell Bryant*, Case No. 6:23-cr-23-PGB-DCI: Mr. Bryant was indicted on various Counts of possession of controlled substances with the intent to distribute. Mr. Bryant faced a minimum mandatory of 10 years imprisonment and a maximum term of life imprisonment. Counsel submitted a sentencing memorandum and mitigation presentation (54 pages) on September 7, 2023. The sentencing hearing was held on September 13, 2023.
17. *United States v. Denise Kovacs*, Case No. 6:22-cr-118-WWB-RMN: Ms. Kovacs case involved embezzlement of funds from her employer over a five-year period resulting in a loss amount of over \$300k. Counsel filed her sentencing memorandum and mitigation presentation (89 pages) on September 19, 2023. The sentencing hearing was held on September 26, 2023.
18. *United States v. Tonie Marriott*, Case No. 6:22-cr-158-PGB-LHP: Ms. Marriott's case involved theft of mail from a U.S. Postal Office and aggravated identity theft. Counsel filed her sentencing memorandum and mitigation presentation (35 pages) on September 20, 2023. The sentencing hearing was held on September 27, 2023.
19. *United States v. Rodreakas Smith*, Case No. 6:22-cr-161-PGB-DCI: Mr. Smith was indicted for three Counts of armed robbery and brandishing a firearm during a crime of violence. Counsel filed a sentencing memorandum and mitigation presentation (41 pages) on September 20, 2023. The sentencing hearing was held on September 27, 2023.

20. *United States v. Leslie Duppins, Jr.*, Case No. 6:23-cr-12-GAP-LHP and 6:08-cr-85-GAP-LHP: Mr. Duppins faced two cases in federal court. One case involved a one Count Indictment for possession of fentanyl with the intent to distribute. The other case involved violations of supervised release which alleged new criminal conduct. Counsel filed a sentencing memorandum and mitigation presentation (23 pages) on September 21, 2023. The sentencing hearing was held on September 28, 2023.

21. *United States v. Samuel Mendez*, Case No.6:23-cr-10-PGB-DCI: Mr. Mendez was indicted on one Count of enticing a minor to engage in sexual activity. Counsel filed a sentencing memorandum and mitigation presentation (34 pages) on September 21, 2023. The sentencing hearing was held on September 28, 2023.

Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

[REDACTED]

NICOLE MOUAKAR, 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 1 October 2023.

Respectfully submitted,

[REDACTED]

NICOLE MOUAKAR, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

[REDACTED]

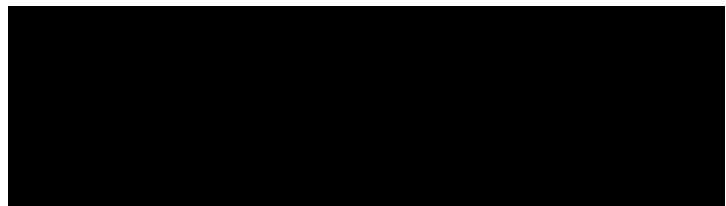
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman Basic (E-1)	)	ACM S32755
JACOB C. SPARKS, 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.

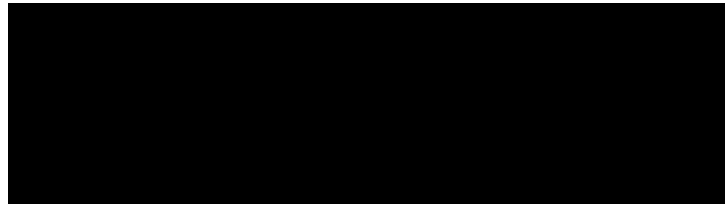


PETE FERRELL, Lt Col, USAF  
Director of Operations  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**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 4 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**

<b>UNITED STATES</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee</i>	)	<b>TIME (FOURTH)</b>
	)	
v.	)	Before Panel No. 1
	)	
Airman Basic (E-1)	)	No. ACM S32755
<b>JACOB C. SPARKS,</b>	)	
United States Air Force	)	31 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), (4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fourth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **7 December 2023**. The record of trial was docketed with this Court on 11 May 2023. From the date of docketing to the present date, 173 days have elapsed. On the date requested, 210 days will have elapsed.

On 27 January 2023 consistent with his pleas, a Military Judge sitting at a special court-martial at F.E. Warren Air Force Base, Wyoming, convicted Appellant of one charge and its specification of violating a lawful general regulation, in violation of Article 92, Uniform Code of Military Justice (UCMJ). Record (R.) at 31. The Military Judge sentenced Appellant to be discharged from the service with a bad conduct discharge. R. at 58. The Convening Authority took no action on the findings and sentence and the Appellant did not submit matters for consideration under R.C.M. 1106. Record of Trial (ROT), Vol.1, Convening Authority Decision on Action – *United States v. Airman Basic Jacob C. Sparks*, dated 11 February 2023.

The record of trial consists of 2 prosecution exhibits, no defense exhibits, 2 appellate exhibits and no court exhibits. The transcript is 58 pages. Appellant is not confined.

Since the Third Motion for Enlargement of Time, counsel has reviewed the record of trial in this case and researched case law for potential issues to argue on appeal. Nevertheless, counsel needs additional time to discuss this case with the Appellant and prepare a brief. In addition to serving as a reservist for the Air Force Appellate Defense Division, undersigned counsel is a full-time Assistant Federal Defender for the Middle District of Florida and is currently assigned to eighteen criminal cases. Except for one case (*United States v. Ponce*), she is the sole counsel on all her cases. As noted below, various of the cases involve complex wire fraud and bank fraud charges. Other cases involving drugs, firearm offenses, and child exploitation that are serious in nature and expose undersigned counsel's clients to potential harsh punishments that include minimum mandatory sentences and life imprisonment. Of the eighteen cases assigned to undersigned counsel, two cases are scheduled for sentencing in the next three weeks. Since the last motion requesting an enlargement of time, counsel has closed out six cases and has been assigned four new cases. The following is a list on counsel's cases:

1. *United States v. Manuel Bonet*, Case No. 6:93-cr-112-PGB-RMN: Mr. Bonet's case is currently set for a sentencing hearing on November 14, 2023. Counsel is working to advance the sentencing date due to concerns regarding Mr. Bonet's mental health. Mr. Bonet is currently confined at a local county jail in Missouri. The county jail is not equipped to provide the treatment and therapy Mr. Bonet needs. Mr. Bonet's case is a conditional release case pursuant to Title 18 U.S.C. §4243(f). In 1993, Mr. Bonet was found not guilty by reason of insanity for three Counts of threatening the President of the United States. Since then, Mr. Bonet has primarily been housed in a Bureau of Prisons medical center. Every year, a risk assessment is conducted to determine the recommended inpatient treatment and whether Mr. Bonet presents a significant risk of harm to others or

the property of others due to his mental illness if he were released to the community. In April 2023, the Court approved Mr. Bonet's release with various conditions. On September 27, 2023, Mr. Bonet was arrested. A hearing was held on October 6, 2023, to determine if Mr. Bonet violated his conditional release. Thereafter, counsel reviewed and filed a Notice of No Objections to the Report and Recommendation.

2. *United States v. Omar Castillo-Torres*, Case No. 6:23-cr-62-PGB-RMN: Undersigned counsel represented Mr. Castillo-Torres in a revocation hearing on October 19, 2023. A sentencing hearing is currently scheduled for November 16, 2023. In 2019, Mr. Castillo-Torres was convicted of motor vehicle robbery (carjacking) and possession of a firearm in relation to a crime of violence. After completing his term of imprisonment and release from custody in December 2022, Mr. Castillo-Torres was placed on supervised release.
3. *United States v. Taneika Lashawn Dewdney*, Case No. 6:23-cr-147-PGB-RMN: On September 12, 2023, Ms. Dewdney had her initial appearance in federal court. She was indicted for possession of control substances (methamphetamine and fentanyl) with the intent to distribute charges. She is facing a minimum mandatory of 10 years imprisonment, and a maximum sentence of life for her offense. The previously scheduled hearing for revocation of pretrial release conditions hearing on October 2, 2023, was rescheduled for November 1, 2023.
4. *United States v. Michael Barrington Douglas*, Case No. 6:23-cr-122-GAP-DCI: Mr. Douglas was charged in a seven Count Indictment alleging access device fraud, aggravated identity, false representation of a social security number, false claim to U.S. citizenship, making a false statement and theft of government funds. Mr. Douglas is currently schedule



for a January trial term. Counsel is working to negotiate a plea agreement in this case before a December 2023 status conference.

5. *United States v. Carlos Ferrer*, Case No. 6:22-cr-116-WWB-EJK: Mr. Ferrer pled guilty to charges of bank fraud on September 13, 2023. He is scheduled to testify as a witness in a related trial scheduled for January 2024. The discovery in this case is over 45 thousand pages of documents and has over 50 audio files of interviews. Counsel is continuing to prepare Mr. Ferrer for his upcoming testimony.
6. *United States v. Antonio Olivas Gonzalez*, Case No. 6:14-cr-95-WWB-EJK: In 2014, Mr. Gonzalez was sentenced to 97 months imprisonment followed by a lifetime of imprisonment for possession of child pornography. After his release from imprisonment, he started his term of supervised release. On August 31, 2023, a Superseding Petition was filed alleging various violations of his supervised release. Mr. Gonzalez is scheduled for a revocation hearing on November 27, 2023. Counsel is preparing his mitigation presentation to submit by the deadline of November 20, 2023.
7. *United States v. Christian Rodriguez Labour*, Case No. 6:22-mj-1166: Mr. Labour's case involves allegations of conspiracy to commit money laundering. He is in a pre-Indictment stage of the proceedings. His case involves multiple co-defendants and the discovery process is currently on-going. Currently, counsel is scheduled to meet with the prosecutor on November 14, 2023, to discuss discovery obligations.
8. *United States v. Jonathan Maroney*, Case No. 6-22-mj-1614: Mr. Maroney's case involves allegations of a \$17 million dollar Ponzi scheme, with over 150 victims. He has a companion SEC civil case. He is in the pre-Indictment stage of the proceedings and the

discovery process is currently on-going. Counsel is actively working on this case in preparation for a potential trial.

9. *United States v. Bakari McCant*, Case No. 6:17-cr-237-PGB-LHP: Mr. McCant's sentencing hearing was rescheduled to December 1, 2023. Counsel is diligently working on this case in hopes to present mitigation to reduce his original sentenced of 32 years for multiple counts of armed robbery and possession of a firearm in relation to a crime of violence. Counsel is working with various experts to demonstrate the trauma that Mr. McCant has suffered while incarcerated at the Bureau of Prisons, as well as present arguments regarding sentencing disparity between Mr. McCant's sentence and his co-defendants.
10. *United States v. Christian Medina Torres*, Case No. 6:23-cr-179-CEM-DCI: Mr. Medina Torres was indicted on September 13, 2023, for possession with the intent to distribute cocaine. He is facing a minimum mandatory of 10 years to life imprisonment. Counsel received discovery is in this case and is in the processes of reviewing it with Mr. Medina Torres, so that he can decide how he wants to proceed in this case.
11. *United States v. Jesus Alejandro Millan Gomez*, Case No. 6:22-cr-178-CEM-RMN: Mr. Millan Gomez was indicted on various counts of wire fraud and aggravated identity. He is currently scheduled for sentencing on November 27, 2023. He is facing a sentence of up to 20 years imprisonment and a minimum mandatory of 2 years to be served consecutively to any sentence imposed. Counsel submitting presentencing guidelines objections on October 27, 2023, and is working on a sentencing memorandum and mitigation presentation due on November 20, 2023.

12. *United States v. Jonathan James Pilgrim*, Case No. 6:22-cr-153-PGB-RMN: Mr. Pilgrim was sentenced on October 25, 2023. After sentencing, counsel reviewed the judgment and appellate rights with Mr. Pilgrim. This case is now closed.
13. *United States v. Cristian Ponce*, Case No. 6:23-cr-64-RBD-RMN: A Superseding Indictment was filed on August 22, 2023, alleging various firearm charges and possession of controlled substances with the intent to distribute. Mr. Ponce is facing up to life imprisonment. Currently, a motion hearing is scheduled for November 15, 2023. This case is postured for a January 2024 trial. The discovery in this case is massive and includes cell phone forensics from seven phones.
14. *United States v. Lonnie Robinson*, Case No. 6:06-cr-179-GAP-RMN: Mr. Robinson is facing violations of supervised release involving new criminal charges at the state level which alleged distribution of controlled substances resulting in death. Mr. Robinson is currently in state custody and undersigned counsel is currently responsible for filing month status reports in federal court. The last report was filed on October 16, 2023.
15. *United States v. Daniel Martinez Zamora*, Case No. 6:23-cr-11-CEM-DCI: Mr. Zamora's case involves theft of government funds. Aside from counsel diligently reviewing discovery with Mr. Zamora, she has had him evaluated for competency as Mr. Zamora suffers with a long history mental health. A change of plea was held in this case on October 5, 2023. Counsel is working with an expert to calculate the loss amounts in this case, which will be contested in the sentencing hearing. Additionally, counsel and Mr. Zamora submitted to a presentencing interview on October 10, 2023, which lasted 3 hours.
16. *United States v. Kyle Jennings*, Case No. 6:14-cr-232-CEM-EJK: Counsel was assigned Mr. Jennings case on October 13, 2023. Mr. Jennings is facing violations of his supervised

release in a petition filed with the court alleging failure to participate in mental health counseling, sex offender treatment, and drug treatment, as well as urine positives for controlled substances. Since the assignment of this case, counsel has met with Mr. Jennings and filed a motion on October 31, 2023, requesting a continuance of the revocation hearing in order to address competency issues in the case.

17. *United States v. Sirrico Lewis*, Case No. 6:13-cr-311-RBD-DCI: Counsel was assigned Mr. Lewis' case on October 26, 2023. Counsel has reviewed the case file, but still needs to consult with Mr. Lewis regarding the way forward in his case involving violation of supervised release.

18. *United States v. Antoine Johnson*, Case No.6:23-cr-139-CEM-LHP: Counsel was assigned Mr. Johnson's case on October 26, 2023. Counsel is in the process of receiving discovery in this case and has been researching case law for a potential motion to suppress. This case involves possession of a firearm by a convicted felon. The case originated in state court and was federally adopted for prosecution.

19. *United States v. Carl Vecchione*, Case No. 6:23-cr-180-CEM-LHP: Counsel was assigned Mr. Vecchione's case on October 13, 2023. This case involves possession and receipt of child pornography. Since the assignment of this case, counsel has met with Mr. Vecchione on various occasions and was present at a hearing to determine whether Mr. Vecchione qualified for the appointment of counsel due to his financial resources.

Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully advise Appellant regarding potential errors and to file a brief in this case.

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

Respectfully submitted,

[Redacted]

NICOLE MOUAKAR, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

[Redacted]  
[Redacted]  
[Redacted]  
[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 31 October 2023.

Respectfully submitted,

[REDACTED]

NICOLE MOUAKAR, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

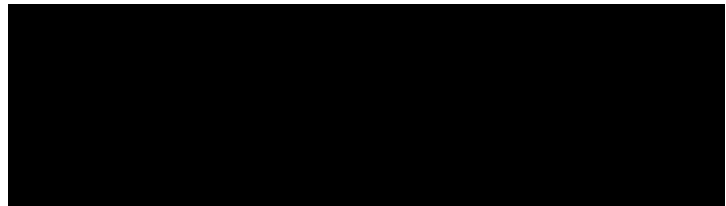
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman Basic (E-1)	)	ACM S32755
JACOB C. SPARKS, 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.

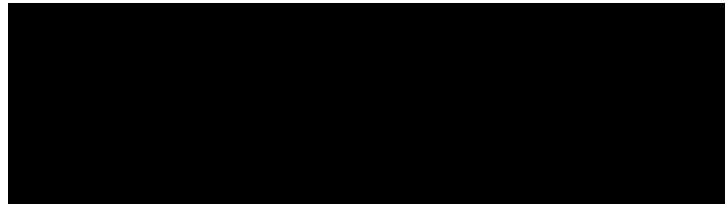


PETE FERRELL, Lt Col, USAF  
Director of Operations  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**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 1 November 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**

<b>UNITED STATES</b>	)	<b>MOTION FOR ENLARGEMENT OF TIME (FIFTH)</b>
<i>Appellee</i>	)	
	)	
v.	)	Before Panel No. 1
	)	
Airman Basic (E-1)	)	No. ACM S32755
<b>JACOB C. SPARKS,</b>	)	
United States Air Force	)	30 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), (4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fourth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **6 January 2024**. The record of trial was docketed with this Court on 11 May 2023. From the date of docketing to the present date, 203 days have elapsed. On the date requested, 240 days will have elapsed.

On 27 January 2023 consistent with his pleas, a Military Judge sitting at a special court-martial at F.E. Warren Air Force Base, Wyoming, convicted Appellant of one charge and its specification of violating a lawful general regulation, in violation of Article 92, Uniform Code of Military Justice (UCMJ). Record (R.) at 31. The Military Judge sentenced Appellant to be discharged from the service with a bad conduct discharge. R. at 58. The Convening Authority took no action on the findings and sentence and the Appellant did not submit matters for consideration under R.C.M. 1106. Record of Trial (ROT), Vol.1, Convening Authority Decision on Action – *United States v. Airman Basic Jacob C. Sparks*, dated 11 February 2023.

The record of trial consists of 2 prosecution exhibits, no defense exhibits, 2 appellate exhibits and no court exhibits. The transcript is 58 pages. Appellant is not confined.

Since the Fourth Motion for Enlargement of Time, counsel has reviewed the record of trial in this case and researched case law for potential issues to argue on appeal. Counsel is still in the processes of discussing the potential issues with the Appellant and prepare a brief. In addition to serving as a reservist for the Air Force Appellate Defense Division, undersigned counsel is a full-time Assistant Federal Defender for the Middle District of Florida and is currently assigned to sixteen active criminal cases. Since the last motion for enlargement of time, two trial attorneys have left and resigned from the office. The undersigned along with three other attorneys have been required to cover the cases left by the two attorneys and assume other administrative duties. As noted below, various of the cases involve complex wire fraud and bank fraud charges. Other cases involving drugs, firearm offenses, and child exploitation that are serious in nature and expose undersigned counsel's clients to potential harsh punishments that include minimum mandatory sentences and life imprisonment. Of the sixteen cases assigned to undersigned counsel, two cases are scheduled for trial in January 2024. Since the last motion requesting an enlargement of time, counsel has closed out four cases. The following is a list on counsel's cases:

1. *United States v. Manuel Bonet*, Case No. 6:93-cr-112-PGB-RMN: Mr. Bonet's case closed out on November 14, 2023, after the sentencing hearing concluded.
2. *United States v. Omar Castillo-Torres*, Case No. 6:23-cr-62-PGB-RMN: Mr. Castillo-Torres' case closed out on November 16, 2023, after the sentencing hearing concluded.
3. *United States v. Taneika Lashawn Dewdney*, Case No. 6:23-cr-147-PGB-RMN: A contested revocation of pretrial release conditions hearing was held on November 1, 2023. Since then, counsel has been reviewing discovery with Ms. Dewdney and gathering records to assist in Ms. Dewdney's defense. Ms. Dewdney was indicted for possession of control substances (methamphetamine and fentanyl) with the intent to distribute charges. She is

facing a minimum mandatory of 10 years imprisonment, and a maximum sentence of life for her offense.

4. *United States v. Michael Barrington Douglas*, Case No. 6:23-cr-122-GAP-DCI: Counsel has been diligently working to gather mitigation materials to assist in plea negotiations with government counsel. Currently, there is a plea deadline of December 13, 2023. If a plea is not reached in the case, trial is set for the January 2024 trial term. Mr. Douglas is charged in a seven Count Indictment alleging access device fraud, aggravated identity, false representation of a social security number, false claim to U.S. citizenship, making a false statement and theft of government funds. Should this case proceed to trial, it is anticipated it will last 3-4 days.
5. *United States v. Carlos Ferrer*, Case No. 6:22-cr-116-WWB-EJK: Mr. Ferrer pled guilty to charges of bank fraud on September 13, 2023. He is scheduled to testify as a witness in a related trial scheduled for January 2024. The discovery in this case is over 45 thousand pages of documents and has over 50 audio files of interviews. Counsel and Mr. Ferrer have been preparing for his upcoming testimony. This case presents many unique issues because Mr. Ferrer will be providing testimony to be used in a trial against his current spouse.
6. *United States v. Antonio Olivas Gonzalez*, Case No. 6:14-cr-95-WWB-EJK: In 2014, Mr. Gonzalez was sentenced to 97 months imprisonment followed by a lifetime of imprisonment for possession of child pornography. After his release from imprisonment, he started his term of supervised release. On August 31, 2023, a Superseding Petition was filed alleging various violations of his supervised release. Mr. Gonzalez case was continued to March 2024, due to a new underlying criminal case in the state that needs to be resolved prior to the hearing in March of 2024.

7. *United States v. Christian Rodriguez Labour*, Case No. 6:22-mj-1166: Mr. Labour's case involves allegations of conspiracy to commit money laundering. He is in a pre-Indictment stage of the proceedings. His case involves multiple co-defendants and the discovery process is currently on-going. Throughout the month of November 2023 counsel significant time meeting with the prosecutor and agents on this case to resolve case issues.
8. *United States v. Jonathan Maroney*, Case No. 6-22-mj-1614: Mr. Maroney's case involves allegations of a \$17 million dollar Ponzi scheme, with over 150 victims. He has a companion SEC civil case. He is in the pre-Indictment stage of the proceedings and the discovery process is currently on-going. Counsel is actively working on this case in preparation for a potential trial.
9. *United States v. Bakari McCant*, Case No. 6:17-cr-237-PGB-LHP: Mr. McCant's sentencing hearing is scheduled for December 1, 2023. Counsel has been diligently working on this case to present mitigation to reduce his original sentenced of 32 years for multiple counts of armed robbery and possession of a firearm in relation to a crime of violence. Counsel completed a submission of over 80 pages for the court's consideration that includes arguments pertaining to post-offense rehabilitation, horrible prison conditions during COVID, and sentencing disparity of co-defendants. The submission included opinions of two experts. Additionally, counsel has spent several hours with Mr. McCant in preparation for the sentencing hearing.
10. *United States v. Christian Medina Torres*, Case No. 6:23-cr-179-CEM-DCI: Mr. Medina Torres was indicted on September 13, 2023, for possession with the intent to distribute cocaine. He is facing a minimum mandatory of 10 years to life imprisonment. Counsel received several audio recordings as part of the discovery and is in the processes of

reviewing it with Mr. Medina Torres. Counsel is also in the process of requesting and reviewing records from various states that Mr. Medina Torres lived to use in his defense and or mitigation.

11. *United States v. Jesus Alejandro Millan Gomez*, Case No. 6:22-cr-178-CEM-RMN: Mr. Millan Gomez was indicted on various counts of wire fraud and aggravated identity. He was scheduled for sentencing on November 27, 2023, but started to experience several medical issues. Counsel motioned the court to continue his sentencing hearing, presenting evidence of his medical issues. The new sentencing hearing is now scheduled for February 7, 2024. He is facing a sentence of up to 20 years imprisonment and a minimum mandatory of 2 years to be served consecutively to any sentence imposed. Counsel is collecting additional records and results pertaining to his medical issues to present as part of mitigation, as well as writing a sentencing memorandum for the court's consideration in his sentencing.

12. *United States v. Cristian Ponce*, Case No. 6:23-cr-64-RBD-RMN: Undersigned counsel was previously co-assigned to this case with another trial attorney due to the voluminous and complexity of certain aspects of the case. The undersigned counsel is now the sole and primary counsel on the case. A Superseding Indictment was filed on August 22, 2023, alleging various firearm charges and possession of controlled substances with the intent to distribute. Mr. Ponce is facing up to life imprisonment. A motions hearing was held on November 15, 2023. This case is postured for a January 2024 trial. The discovery in this case is massive and on-going. Counsel has yet to receive all discovery pertaining to seven phones involved in the case. The government is also considering superseding with

additional charges that includes a death resulting from alleged criminal conduct by Mr. Ponce.

13. *United States v. Lonnie Robinson*, Case No. 6:06-cr-179-GAP-RMN: Mr. Robinson is facing violations of supervised release involving new criminal charges at the state level which alleged distribution of controlled substances resulting in death. Mr. Robinson is currently in state custody and undersigned counsel is currently responsible for filing month status reports in federal court. The last report was filed on November 15, 2023.
14. *United States v. Daniel Martinez Zamora*, Case No. 6:23-cr-11-CEM-DCI: Undersigned counsel is currently working with a social security expert to determine the loss amount in Mr. Zamora's case. Additionally, counsel is drafting a sentencing memorandum that will address the loss issue. Mr. Zamora's sentencing hearing is scheduled for January 3, 2024. Mr. Zamora's case involves theft of government funds. Mr. Zamora suffers with a long history mental health and there are voluminous records in this case offered for mitigation.
15. *United States v. Kyle Jennings*, Case No. 6:14-cr-232-CEM-EJK: Counsel was assigned Mr. Jennings case on October 13, 2023. Mr. Jennings is facing violations of his supervised release in a petition filed with the court alleging failure to participate in mental health counseling, sex offender treatment, and drug treatment, as well as urine positives for controlled substances. Since the assignment of this case, counsel has met with Mr. Jennings and filed a motion on October 31, 2023, requesting a continuance of the revocation hearing in order to address competency issues in the case. Since then, an expert has evaluated Mr. Jennings and has determined that he has a delusional disorder but is competent to proceed. Counsel is in the process of seeking a second opinion given how Mr. Jennings has presented since the evaluation.

16. *United States v. Sirrico Lewis*, Case No. 6:13-cr-311-RBD-DCI: Counsel was assigned Mr. Lewis' case on October 26, 2023. Counsel has reviewed the case file, and is in the process of receiving records to be used at a contest hearing currently scheduled for January 22, 2024.
17. *United States v. Antoine Johnson*, Case No.6:23-cr-139-CEM-LHP: Counsel was assigned Mr. Johnson's case on October 26, 2023. Counsel is in the process of receiving discovery in this case and has been researching case law for a potential motion to suppress. This case involves possession of a firearm by a convicted felon. The case originated in state court and was federally adopted for prosecution.
18. *United States v. Carl Vecchione*, Case No. 6:23-cr-180-CEM-LHP: Counsel was assigned Mr. Vecchione's case on October 13, 2023. This case involves possession and receipt of child pornography. Since the assignment of this case, counsel has met with Mr. Vecchione on various occasions and was present at a hearing to determine whether Mr. Vecchione qualified for the appointment of counsel due to his financial resources. On November 16, 2023, counsel withdrew from the representation of Mr. Vecchione as he did not qualify for court-appointed counsel.
19. *United States v. Avinash Singh*, Case No. 6:20-cr-0165-CEM-RMN: Counsel was assigned to represent Mr. Singh in an alleged \$50 million Ponzi scheme involving hundreds of victims. Mr. Singh has a related civil case that has been in litigation posture for over three years. As soon as counsel was assigned this case, she organized a defense team that included a paralegal, investigator and legal assistant to organize the case and develop a litigation plan. Counsel also met extensively with Mr. Singh and was in the process of hiring experts when Mr. Singh's family obtained funds to hire private counsel. On

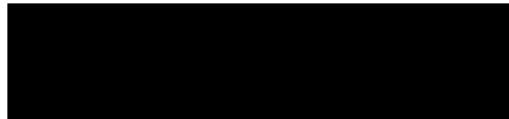
November 20, 2023, the Court granted the undersigned counsel's motion to withdraw from the representation. This case is now closed.

20. *United States v. Lued Brown*, Case No.6:23-cr-167-WWB-RMN: Mr. Brown's case is a newly assigned case alleging a violation of supervised release that involving a new law violation for possession of cocaine.

Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully advise Appellant regarding potential errors and to file a brief in this case.

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

Respectfully submitted,



NICOLE MOUAKAR, 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 30 November 2023.

Respectfully submitted,

[REDACTED]

NICOLE MOUAKAR, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

[REDACTED]

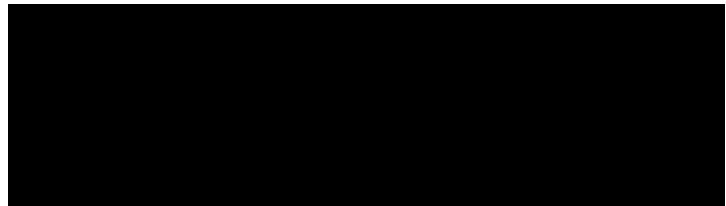
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman Basic (E-1)	)	ACM S32755
JACOB C. SPARKS, 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.

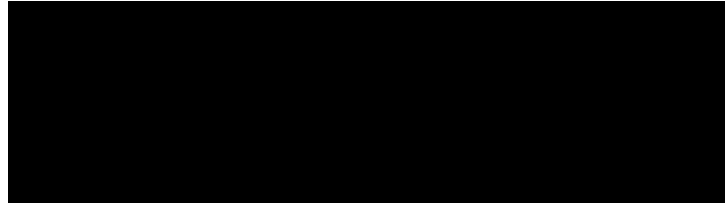


PETE FERRELL, Lt Col, USAF  
Director of Operations  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**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 4 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



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

<b>UNITED STATES</b>	)	<b>No. ACM S32755</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	<b>ORDER</b>
<b>Jacob C. SPARKS</b>	)	
<b>Airman Basic (E-1)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	<b>Panel 1</b>

On 30 November, counsel for Appellant submitted a Motion for Enlargement of Time (Fifth)\* requesting an additional 30 days to submit Appellant’s assignments of error, with a new requested deadline of 6 January 2024. The undersigned counsel for this motion informs the court that in addition to serving as a reservist for the Air Force Appellate Defense Division, she “is a full-time Assistant Federal Defender for the Middle District of Florida and is currently assigned to sixteen active criminal cases.” She provided a list of her federal cases but did not prioritize the above-captioned case to either her federal or her military cases. On 4 December 2023 the Government filed opposition to Appellant’s motion.

An enlargement of time that, if granted, will expire 180 days after docketing in the case of an appellant, will contain “a detailed explanation of the number of and complexity of counsel’s pending cases; a statement of other matters that have priority over the subject case; and a statement as to progress being made on the subject case . . . .” See A.F. Ct. Crim. App. R. 23.3(m)(6). Appellant’s case was docketed on 11 May 2023, with a record of trial consisting of 58 transcript pages. The undersigned counsel did not list any other cases she has before this court. Appellant’s counsel does not discuss the order of priority or complexity of his military caseload, and she fails to provide information as to whether Appellant is aware of her civilian employment schedule. Any future motions should address these matters and comply with the requirements of Rule 23.3(m)(6).

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\* The court notes that Appellant’s counsel incorrectly identified the motion for enlargement of time as her fourth enlargement in the body of the motion but correctly identifies it as her fifth in the header of 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 7th day of December, 2023,

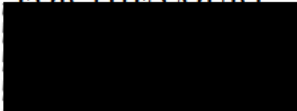
**ORDERED:**

Appellant's Motion for Enlargement of Time (Fifth) is **GRANTED**. Appellant shall file any assignments of error not later than **6 January 2024**.

Any subsequent motions for enlargement of time shall, in addition to the matters addressed in this order and 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**

<b>UNITED STATES</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
	)	<b>TIME (SIXTH)</b>
	)	
v.	)	Before Panel No. 1
	)	
Airman Basic (E-1)	)	No. ACM S32755
<b>JACOB C. SPARKS,</b>	)	
United States Air Force	)	29 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), (4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his sixth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **5 February 2024**. The record of trial was docketed with this Court on 11 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 27 January 2023 consistent with his pleas, a Military Judge sitting at a special court-martial at F.E. Warren Air Force Base, Wyoming, convicted Appellant of one charge and its specification of violating a lawful general regulation, in violation of Article 92, Uniform Code of Military Justice (UCMJ). Record (R.) at 31. The Military Judge sentenced Appellant to be discharged from the service with a bad conduct discharge. R. at 58. The Convening Authority took no action on the findings and sentence and the Appellant did not submit matters for consideration under R.C.M. 1106. Record of Trial (ROT), Vol.1, Convening Authority Decision on Action – *United States v. Airman Basic Jacob C. Sparks*, dated 11 February 2023.

The record of trial consists of 2 prosecution exhibits, no defense exhibits, 2 appellate exhibits and no court exhibits. The transcript is 58 pages. Appellant is not confined.

Since the Fifth Motion for Enlargement of Time, counsel has completed the review of the record, case law research for any potential issues, and discussed the case with the Appellant. However, counsel is still conferring with Appellant about how he would like to proceed with his appeal. Counsel has advised Appellant of his right to a timely appeal, as well as advised him of the requests for an enlargement of time. Appellant understands his rights and agrees with the request for an enlargement of time. Appellant is also aware that counsel works for the Office of the Federal Defender as a civilian and is a reservist assigned to the Air Force Appellate Defense Division to handle his appeal.

Counsel has two assigned cases before the United States Air Force Court of Criminal Appeals, *United States v. Jacob C. Sparks*, No. ACM S32755 and *United States v. Anthony Ashley*, No. ACM 40509. In addition, counsel has twenty cases before the United States District Court for the Middle District of Florida, in which she is the sole and primary trial counsel. The following is a list, in the order of priority, of all cases counsel is currently working on.

1. *United States v. Henry Bernard*, Case No. 6:17-cr-272-CEM-LHP: Mr. Bernard's case is a complex case that involves charges from 2017 for Hobbs Act Robbery with a Firearm. Mr. Bernard has been declared incompetent to proceed and non-restorable by state authorities for the past five years for similar state charges. For the last five years, Mr. Bernard has been held under state custody in attempts to restore his competence at a state hospital. Mr. Bernard has now been transferred over to federal custody. A status hearing is scheduled for January 4, 2024, regarding a motion to determine competency.
2. *United States v. Cristian Ponce*, Case No. 6:23-cr-64-RBD-RMN: A Superseding Indictment was filed on August 22, 2023, alleging various firearm charges and conspiracy to distribute and possess with intent to distribute controlled substances. The government

has alleged that in relation to the drug conspiracy, Mr. Ponce is responsible for orchestrating the murder of another individual. Mr. Ponce is facing up to life imprisonment and is currently being held in custody. Since Mr. Ponce was initially arrested by state authorities, he has been in pretrial custody since November 2022. This case was postured for a January 2024 trial. However, due to the massive and on-going discovery disclosures, the Court granted a continuance in the case to the March trial term. Counsel is diligently working to review the discovery in this case in preparation for trial in March 2024.

3. *United States v. Christian Medina Torres*, Case No. 6:23-cr-179-CEM-DCI: Mr. Medina Torres was indicted on September 13, 2023, for possession with the intent to distribute cocaine. He is facing a minimum mandatory of 10 years to life imprisonment. Counsel is in the process of negotiating a plea agreement for Mr. Medina Torres and has a change of plea deadline of February 6, 2024. If a change of plea does not occur by the deadline, Mr. Medina Torres' case will proceed to trial during the February 2024 trial term.
4. *United States v. Michael Barrington Douglas*, Case No. 6:23-cr-122-GAP-DCI: On December 8, 2023, counsel submitted a package for consideration of an alternate plea agreement to the Deputy Chief of the United States Attorney's Office. The case is currently scheduled for a status conference on January 10, 2024, and a trial term on February 5, 2024. Mr. Douglas is in pretrial custody and is facing a two-year minimum mandatory of imprisonment sentence. Should a plea agreement not be reached in the case, this case will proceed to trial.
5. *United States v. Kyle Jennings*, Case No. 6:14-cr-232-CEM-EJK: Mr. Jennings is facing violations of his supervised release in a petition filed with the court alleging failure to participate in mental health counseling, sex offender treatment, and drug treatment, as well



as urine positives for controlled substances. A hearing on the violations is scheduled for January 9, 2024. Mr. Jennings is currently in pretrial custody.

6. *United States v. Antoine Johnson*, Case No.6:23-cr-139-CEM-LHP: Mr. Johnson's case involves a single count of possession of a firearm by a convicted felon. The case originated in state court and was federally adopted for prosecution. Mr. Johnson has been in pretrial custody since May 9, 2023. Counsel has a pretrial motions deadline of January 17, 2024, to file a motion to suppress.
7. *United States v. Jesus Alejandro Millan Gomez*, Case No. 6:22-cr-178-CEM-RMN: Mr. Millan Gomez was indicted on various counts of wire fraud and aggravated identity. He is facing a sentence of up to 20 years imprisonment for the wire fraud charges and a minimum mandatory of 2 years to be served consecutively to any sentence imposed for the wire fraud on the aggravated identity charge. The sentencing memorandum is due January 31, 2024.
8. *United States v. Daniel Martinez Zamora*, Case No. 6:23-cr-11-CEM-DCI: Mr. Zamora's sentencing hearing is scheduled for January 30, 2024. Mr. Zamora's case involves theft of government funds and is facing up to 10 years imprisonment. Mr. Zamora suffers with a long history mental health and there are voluminous records in this case that will be offered for mitigation in his sentencing. In addition, counsel will be presenting the testimony of a Social Security expert to dispute the loss amount in this case.
9. *United States v. Taneika Lashawn Dewdney*, Case No. 6:23-cr-147-PGB-RMN: Ms. Dewdney was indicted for possession of control substances (methamphetamine and fentanyl) with the intent to distribute charges. She is facing a minimum mandatory of 10 years imprisonment, and a maximum sentence of life for her offense. She is in pretrial custody. A change of plea is anticipated in this case to be scheduled for mid-January 2024.

10. *United States v. Sirrico Lewis*, Case No. 6:13-cr-311-RBD-DCI: Mr. Lewis' case involves violations of supervised release for failure to register as a sex offender, positive urinalysis for drug use and failure to participate in drug treatment. A contested hearing is scheduled for January 22, 2024.
11. *United States v. Jacob Sparks*, No. ACM S32755, Air Force Court of Criminal Appeals Case. Counsel has completed review of the record of trial and is conferring with Appellant to finalize the appeal in this case. Counsel has filed five enlargements of time since the assignment of this case. Appellant is not confined.
12. *United States v. Shawndell Johnson*, Case No. 6:23-cr-231-WWB-EJK: Counsel was assigned Mr. Johnson's case on December 28, 2023. Mr. Johnson is indicted on five counts alleging distribution of a controlled substances, possession of a firearm by a convicted felon and possession of a firearm in furtherance of a drug trafficking crime. Mr. Johnson is facing a mandatory minimum of ten years to life on the drug charges, as well as a minimum of five years imprisonment to life on one of the firearm charges. For all other charges, Mr. Johnson faces a maximum of twenty years imprisonment. A status conference is scheduled for January 9, 2024, in which counsel anticipates the case will be continued to receive discovery, review it with Mr. Johnson, and properly advise Mr. Johnson in this case. Mr. Johnson is being held in pretrial custody.
13. *United States v. Anthony Ashley*, No. ACM 40509, Air Force Court of Criminal Appeals Case: Consistent with his pleas, Appellant was convicted of once charge and one specification of sexual assault of a child in violation of Article 120b. The Military Judge sentenced Appellant to 2 years confinement, discharge from the service with a dishonorable discharge and reduced to the rank of Airman Basic. Counsel has completed review of the

transcript and has started to review the Record of Trial. Counsel filed a second motion for enlargement of time on December 14, 2023. Appellant is confined.

14. *United States v. Tramon Jamal Stewart*, Case No. 6:23-cr-232-PGB-RMN: Counsel was assigned Mr. Stewart's case on December 28, 2023. Mr. Stewart's case involves a one count indictment for possession of a firearm by a convicted felon. The government alleges the gun Mr. Stewart possessed was involved in a second-degree attempted murder case Mr. Stewart has pending in state proceedings. A status conference is scheduled for January 16, 2024, in which counsel anticipates the case will be continued to receive discovery, review it with Mr. Stewart, and properly advise Mr. Stewart in this case.
15. *United States v. Richard Mills*, Case No. 6:14-cr-97-ACC-LHP: Counsel was assigned Mr. Mills case on December 14, 2023. Mr. Mills case involves violations of supervised release alleging failure to register electronic mail addresses as required by his sex offender registration requirements. The government has advised that they will be filing an Indictment alleging new crimes against Mr. Mills. Counsel is currently in the process of hiring a forensic expert in the case to assist in Mr. Mills' defense. Mr. Mills is currently being held in pretrial custody.
16. *United States v. Carlos Ferrer*, Case No. 6:22-cr-116-WWB-EJK: Mr. Ferrer pled guilty to charges of bank fraud on September 13, 2023. He faces a maximum sentence of thirty years' imprisonment. The trial previously scheduled for January 2024, in which Mr. Ferrer was scheduled to testify as a government witness has been resolved. Sentencing is the next scheduled hearing in this case for January 2024, however, both the government and undersigned counsel are requesting a continuance in this case.

17. *United States v. Christian Rodriguez Labour*, Case No. 6:22-mj-1166: Mr. Labour's case involves allegations of conspiracy to commit money laundering. He is in a pre-Indictment stage of the proceedings. His case involves multiple co-defendants and the discovery process is currently on-going. It is anticipated that Mr. Labour's case will proceed to an initial appearance in the month of January 2024, in which formal charges will be filed.
18. *United States v. Antonio Olivas Gonzalez*, Case No. 6:14-cr-95-WWB-EJK: In 2014, Mr. Gonzalez was sentenced to 97 months imprisonment followed by a lifetime of imprisonment for possession of child pornography. After his release from imprisonment, he started his term of supervised release. On August 31, 2023, a Superseding Petition was filed alleging various violations of his supervised release. A hearing on the violations is scheduled for March 13, 2024.
19. *United States v. Jonathan Maroney*, Case No. 6-22-mj-1614: Mr. Maroney's case involves allegations of a \$17 million dollar Ponzi scheme, with over 150 victims. He has a companion SEC civil case. He is in the pre-Indictment stage of the proceedings and the discovery process is massive and currently on-going. Counsel is actively working on this case organizing the discovery and hiring experts in preparation for a potential trial.
20. *United States v. Lonnie Robinson*, Case No. 6:06-cr-179-GAP-RMN: Mr. Robinson is facing violations of supervised release involving new criminal charges at the state level which alleged distribution of controlled substances resulting in death. Mr. Robinson is currently in state custody and undersigned counsel is currently responsible for filing month status reports in federal court.
21. *United States v. Lued Brown*, Case No.6:23-cr-167-WWB-RMN: Mr. Brown's case alleges violations of supervised release that involving new law violations for possession of cocaine

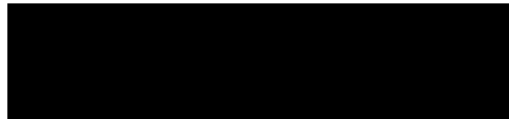
in the state. Counsel is required to file a status report every 60 days or as soon as the state court proceedings are complete.

22. *United States v. Manuel Bonet*, Case No. 6:93-cr-112-PGB-RMN: Counsel is waiting Mr. Bonet's judgment to close out case.

Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully advise Appellant regarding how he would like to proceed with his appeal and to file a brief in this case.

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

Respectfully submitted,



NICOLE MOUAKAR, 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 29 December 2023.

Respectfully submitted,

[REDACTED]

NICOLE MOUAKAR, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

[REDACTED]

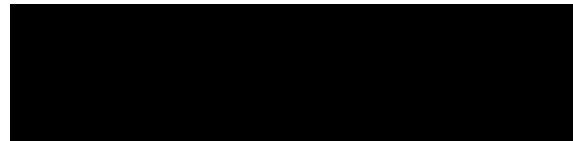
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman Basic (E-1)	)	ACM S32755
JACOB C. SPARKS, 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.

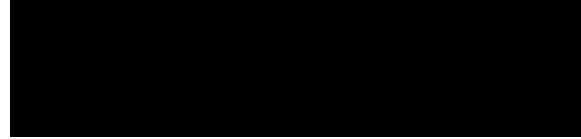


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**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 3 January 2024.



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**

<b>UNITED STATES</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee</i>	)	<b>TIME OUT OF TIME (SEVENTH)</b>
	)	
v.	)	Before Panel No. 1
	)	
Airman Basic (E-1)	)	No. ACM S32755
<b>JACOB C. SPARKS,</b>	)	
United States Air Force	)	7 February 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), (4), (6), and (7) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his seventh enlargement of time, out of time, to file an Assignment of Error (AOE). Counsel is filing this motion out of time due to an inadvertent error. Although Counsel did file the instant Motion for Enlargement of Time (Seventh) through an emailing filing, dated 29 January 2024, it mistakenly omitted the Court’s email. Appellant requests an enlargement for a period of 30 days, which will end on **6 March 2024**. The record of trial was docketed with this Court on 11 May 2023. From the date of docketing to the present date, 272 days have elapsed. On the date requested, 300 days will have elapsed.

On 27 January 2023 consistent with his pleas, a Military Judge sitting at a special court-martial at F.E. Warren Air Force Base, Wyoming, convicted Appellant of one charge and its specification of violating a lawful general regulation, in violation of Article 92, Uniform Code of Military Justice (UCMJ). Record (R.) at 31. The Military Judge sentenced Appellant to be discharged from the service with a bad conduct discharge. R. at 58. The Convening Authority took no action on the findings and sentence and the Appellant did not submit matters for consideration under R.C.M. 1106. Record of Trial (ROT), Vol.1, Convening Authority Decision on Action – *United States v. Airman Basic Jacob C. Sparks*, dated 11 February 2023.

The record of trial consists of 2 prosecution exhibits, no defense exhibits, 2 appellate exhibits and no court exhibits. The transcript is 58 pages. Appellant is not confined.

Since the Sixth Motion for Enlargement of Time, counsel has completed the review of the record, and conferred with Appellant about how he would like to proceed with his appeal. Counsel submits this is the last request for an enlargement of time for this appeal. Counsel has advised Appellant of his right to a timely appeal, as well as advised him of the requests for an enlargement of time. Appellant is also aware that counsel works for the Office of the Federal Defender as a civilian and is a reservist assigned to the Air Force Appellate Defense Division to handle his appeal.

Counsel has two assigned cases before the United States Air Force Court of Criminal Appeals, *United States v. Jacob C. Sparks*, No. ACM S32755 and *United States v. Anthony Ashley*, No. ACM 40509. In addition, counsel has twenty-two cases before the United States District Court for the Middle District of Florida, in which she is the sole and primary trial counsel. Lastly, counsel was recently assigned as the Office of the Federal Defender representative to the Reentry Program. The Reentry Program assists former federal prisoners who have been placed on supervised release as part of their sentence and are reentering the community. Currently, there are ten clients in the Reentry Program that counsel is responsible to assist with their integration in the community to successful participation in the program. The following is a list, in the order of priority, of all cases counsel is currently working on.

1. *United States v. Daniel Martinez Zamora*, Case No. 6:23-cr-11-CEM-DCI: Mr. Zamora's sentencing hearing was scheduled for January 30, 2024. Mr. Zamora's case involves theft of government funds and is facing up to 10 years imprisonment. Counsel submitted a

sentencing memorandum for the court's consideration along with a lengthy appendix, totaling over 160 pages.

2. *United States v. Jesus Alejandro Millan Gomez*, Case No. 6:22-cr-178-CEM-RMN: Mr. Millan Gomez was indicted on various counts of wire fraud and aggravated identity. He is facing a sentence of up to 20 years imprisonment for the wire fraud charges and a minimum mandatory of 2 years to be served consecutively to any sentence imposed for the wire fraud on the aggravated identity charge. The sentencing memorandum was due January 31, 2024.
3. *United States v. Henry Bernard*, Case No. 6:17-cr-272-CEM-LHP: Mr. Bernard's case is a complex case that involves charges from 2017 for Hobbs Act Robbery with a Firearm. Mr. Bernard has been declared incompetent to proceed and non-restorable by state authorities for the past five years for similar state charges. On January 4, 2024, Mr. Bernard was ordered to the custody of the Attorney General for a competency evaluation that will last 30 days. Counsel provided mental health records, evaluations, and any other pertinent information as it relates to competency to the medical facility that is performing the evaluation on February 2, 2024. There are still outstanding records Counsel is in the processing to receiving to provide for the evaluation.
4. *United States v. Christian Medina Torres*, Case No. 6:23-cr-179-CEM-DCI: Mr. Medina Torres was indicted on September 13, 2023, for possession with the intent to distribute cocaine. He is facing a minimum mandatory of 10 years to life imprisonment. Counsel finalized a plea agreement for Mr. Medina Torres that was filed with the Court and a change of plea hearing was held on February 6, 2024.
5. *United States v. Antoine Johnson*, Case No.6:23-cr-139-CEM-LHP: Mr. Johnson's case involves a single count of possession of a firearm by a convicted felon. The case originated

in state court and was federally adopted for prosecution. Mr. Johnson has been in pretrial custody since May 9, 2023. Counsel received additional discovery prior to the January 2024 status conference, thus the pretrial motions deadline was extended to February 9, 2024. Counsel will be filing a motion to suppress, as well as two other substantive motions attacking the interstate commerce element of the crime, and a motion to dismiss based on the Supreme Court case, *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022).

6. *United States v. Cristian Ponce*, Case No. 6:23-cr-64-RBD-RMN: This case is still postured for a March trial term and counsel is in the process of reviewing various cell phone records. As background, a Superseding Indictment was filed on August 22, 2023, alleging various firearm charges and conspiracy to distribute and possess with intent to distribute controlled substances. The government has alleged that in relation to the drug conspiracy, Mr. Ponce is responsible for orchestrating the murder of another individual. Mr. Ponce is facing up to life imprisonment and is currently being held in custody. Since Mr. Ponce was initially arrested by state authorities, he has been in pretrial custody since November 2022.
7. *United States v. Benjamin Garmon, Jr.*, Case No. 6:24-cr-21-WWB-RMN: Counsel represented Mr. Garmon for his initial appearance on January 22, 2024. He was brought in on a criminal complaint alleging the possession of a firearm by a convicted felon that was used two weeks prior in the murder of a woman who was shot 12 times in front of her children. He was subsequently indicted on January 24, 2024. A detention hearing was held on January 26, 2024. Mr. Garmon remains in pretrial custody. Given the nature of the charges it is anticipated that this case may be superseding as a capital case in which the government would seeking death.

8. *United States v. Christian Rodriguez Labour*, Case No. 6:22-mj-1166: Mr. Labour's case involves allegations of conspiracy to commit money laundering. His case has moved from the pre-Indictment stage of the proceedings to an arraignment scheduled for the week of February 6, 2024. Mr. Labour has entered into a plea agreement and a change of plea is in the processes of being scheduled with the court also for the week of February 6, 2024.
9. *United States v. Jacob Sparks*, No. ACM S32755, Air Force Court of Criminal Appeals Case. Counsel has completed review of the record of trial and is conferring with Appellant to finalize the appeal in this case. Counsel has filed six enlargements of time since the assignment of this case. Appellant is not confined.
10. *United States v. Kyle Jennings*, Case No. 6:14-cr-232-CEM-EJK: Mr. Jennings is facing violations of his supervised release in a petition filed with the court alleging failure to participate in mental health counseling, sex offender treatment, and drug treatment, as well as urine positives for controlled substances. A hearing on the violations was held on January 9, 2024. Mr. Jennings is scheduled for his sentencing hearing on March 8, 2024. He is currently in pretrial custody.
11. *United States v. Shawndell Johnson*, Case No. 6:23-cr-231-WWB-EJK: Counsel was assigned Mr. Johnson's case on December 28, 2023. Mr. Johnson is indicted on five counts alleging distribution of a controlled substances, possession of a firearm by a convicted felon and possession of a firearm in furtherance of a drug trafficking crime. Mr. Johnson is facing a mandatory minimum of ten years to life on the drug charges, as well as a minimum of five years imprisonment to life on one of the firearm charges. For all other charges, Mr. Johnson faces a maximum of twenty years imprisonment. Mr. Johnson is currently scheduled for a status conference on March 12, 2024, and a trial term in April

2024. Counsel is diligently reviewing discovery Mr. Johnson and advising him on his case. Mr. Johnson is being held in pretrial custody.

12. *United States v. Anthony Ashley*, No. ACM 40509, Air Force Court of Criminal Appeals Case: Consistent with his pleas, Appellant was convicted of once charge and one specification of sexual assault of a child in violation of Article 120b. The Military Judge sentenced Appellant to 2 years confinement, discharge from the service with a dishonorable discharge and reduced to the rank of Airman Basic. Counsel has completed review of the transcript and has started to review the Record of Trial. Counsel has consulted with Appellant, who is confined.
13. *United States v. Kevin Thompson*, Case No. 6:24-cr-13-PGB-DCI: Mr. Thompson was indicted on possession and receiving child pornography charges. His is facing a minimum mandatory of five years imprisonment and a maximum term of 20 years imprisonment. Counsel is in the processes of reviewing discovery in this case and advising Mr. Thompson. A status conference is scheduled for February 20, 2024. Mr. Thompson is in pretrial custody.
14. *United States v. Antonio Olivas Gonzalez*, Case No. 6:14-cr-95-WWB-EJK: In 2014, Mr. Gonzalez was sentenced to 97 months imprisonment followed by a lifetime of imprisonment for possession of child pornography. After his release from imprisonment, he started his term of supervised release. On August 31, 2023, a Superseding Petition was filed alleging various violations of his supervised release. A hearing on the violations is scheduled for March 13, 2024.
15. *United States v. Tramon Jamal Stewart*, Case No. 6:23-cr-232-PGB-RMN: Mr. Stewart's case involves a one count indictment for possession of a firearm by a convicted felon. The

government alleges the gun Mr. Stewart possessed was involved in a second-degree attempted murder case Mr. Stewart has pending in state proceedings. A status conference was held on January 16, 2024, in which counsel requested additional time to receive and review discovery, and properly advise Mr. Stewart in this case. The next status conference is scheduled for March 25, 2024.

16. *United States v. Sirrico Lewis*, Case No. 6:13-cr-311-RBD-DCI: Mr. Lewis' case involves violations of supervised release for failure to register as a sex offender, positive urinalysis for drug use and failure to participate in drug treatment. A contested hearing previously scheduled for January 2024 was rescheduled for March 26, 2024.

17. *United States v. Mark Donald Sotnick*, Case No. 6:24-mj-1028: counsel was assigned this case on January 29, 2024. This case came in by criminal complaint alleging enticement and extortion of a minor, production and distribution of child pornography among other charges. It is anticipated the government will proceed with Indictment in this case in the next two weeks. Mr. Sotnick will be facing a sentence of life imprisonment. Mr. Sotnick is in pretrial custody.

18. *United States v. Taneika Lashawn Dewdney*, Case No. 6:23-cr-147-PGB-RMN: Ms. Dewdney was indicted for possession of control substances (methamphetamine and fentanyl) with the intent to distribute charges. She is facing a minimum mandatory of 10 years imprisonment, and a maximum sentence of life for her offense. She is in pretrial custody. A change of plea was conducted on January 24, 2024. A sentencing hearing is scheduled for April 17, 2024. Ms. Dewdney is in pretrial custody.

19. *United States v. Michael Barrington Douglas*, Case No. 6:23-cr-122-GAP-DCI: On January 17, 2024, Mr. Douglas pled guilty via a plea agreement. He is currently in

confinement and experiencing health problems. Counsel has been diligently communicating with the United States Marshals Service regarding his health concerns to ensure he receives adequate medical care at the local facility he is confined. Mr. Douglas is scheduled for a sentencing hearing on May 2, 2024.

20. *United States v. Richard Mills*, Case No. 6:14-cr-97-ACC-LHP: Mr. Mills case involves violations of supervised release alleging failure to register electronic mail addresses as required by his sex offender registration requirements. The government has advised that they will be filing an Indictment alleging new crimes against Mr. Mills. Counsel is currently consulting with a forensic expert in the case to assist in Mr. Mills' defense. Mr. Mills is currently being held in pretrial custody.

21. *United States v. Carlos Ferrer*, Case No. 6:22-cr-116-WWB-EJK: Mr. Ferrer pled guilty to charges of bank fraud on September 13, 2023. He faces a maximum sentence of thirty years' imprisonment. The trial previously scheduled for January 2024, in which Mr. Ferrer was scheduled to testify as a government witness has been resolved. Sentencing is currently scheduled for May 14, 2024.

22. *United States v. Jonathan Maroney*, Case No. 6-22-mj-1614: Mr. Maroney's case involves allegations of a \$17 million dollar Ponzi scheme, with over 150 victims. He has a companion SEC civil case. He is in the pre-Indictment stage of the proceedings and the discovery process is massive and currently on-going. Counsel is continuing to review and organizing the discovery, as well as consult with a forensic accounting expert in this case.

23. *United States v. Lonnie Robinson*, Case No. 6:06-cr-179-GAP-RMN: Mr. Robinson is facing violations of supervised release involving new criminal charges at the state level which alleged distribution of controlled substances resulting in death. Mr. Robinson is



currently in state custody and undersigned counsel is currently responsible for filing month status reports in federal court.

24. *United States v. Lued Brown*, Case No.6:23-cr-167-WWB-RMN: Mr. Brown's case alleges violations of supervised release that involving new law violations for possession of cocaine in the state. Counsel is required to file a status report every 60 days or as soon as the state court proceedings are complete.

In addition to the cases noted above, Counsel is responsible for the following cases in the Reentry Program, however all the cases above take priority to this program.

1. *United States v. Michael Bellini*: 2:16-cr-143
2. *United States v. Bobby Houston Bridges*: 6:22-cr-130-CEM-DCI
3. *United States v. Jorge Cedeno-Rosado*: 6:23-cr-130-RBD-RMN
4. *United States v. John James Ericson*: 2:12-cr-418-APG-VCF
5. *United States v. Rickey Durell Hudson*: 1:15-20279-JAL
6. *United States v. Christopher Irizarry*: 6:21-cr-66-WWB-EJK
7. *United States v. Allen Knight*: 6:22-cr-180
8. *United States v. Carlos Marin-Vega*: 6:09-cr-123-JA-DAB
9. *United States v. Victor Manuel Ortiz*: 4:04-cr-114-A
10. *United States v. Keiyana Unique Wiltz*: 6:21-cr-1834

Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully advise Appellant regarding how he would like to proceed with his appeal and finalize a brief in this case.

**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 Nicole Mouakar.

NICOLE MOUAKAR, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

A large black rectangular redaction box covering the contact information, including phone and email details.

**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 February 2024.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Nicole Mouakar.

NICOLE MOUAKAR, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

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

**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 Basic (E-1)	)	ACM S32755
JACOB C. SPARKS, 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.

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.

Moreover, Appellant should be required to personally state his agreement or lack thereof to such a lengthy defense delay. *See United States v. Moreno*, 63 M.J. 129, 137 (C.A.A.F. 2006) ("There is no evidence in this case that the numerous requests for delay filed by appellate

defense counsel benefited Moreno or that Moreno was consulted about and agreed to these delays.”)

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

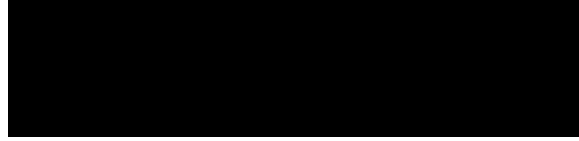


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



**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 13 February 2024.



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**

<b>UNITED STATES</b>	)	
<i>Appellee</i>	)	<b>MERITS BRIEF</b>
	)	
v.	)	Before Panel No. 1
	)	
Airman Basic (E-1)	)	No. ACM S32755
<b>JACOB C. SPARKS,</b>	)	
United States Air Force	)	26 February 2024
<i>Appellant</i>	)	

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

**Submission of Case Without Specific Assignments of Error**

Appellant Airman Basic (AB) Jacob C. Sparks, submits this brief for consideration by this Court. The undersigned appellate defense counsel attests she has, on behalf of Appellant, carefully examined the record of trial in this case. Appellant does not admit the findings and sentence are correct in law and fact, but submits the case to this Honorable Court on its merits with no specific assignment of error.

Respectfully submitted,

[Redacted signature block]

NICOLE MOUAKAR, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

[Redacted contact information]

**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 26 February 2024.

Respectfully submitted,

[REDACTED]

NICOLE MOUAKAR, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

[REDACTED]  
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