

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

UNITED STATES	)	No. ACM 40842
<i>Appellee</i>	)	
	)	
v.	)	
	)	NOTICE OF PANEL CHANGE
Richard M. STOIBER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	

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

ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from Panel 2 and referred to Panel 3 for appellate review.

This panel letter supersedes all previous panel assignments.



FOR THE COURT



AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

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

UNITED STATES	)	No. ACM 40842
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Richard M. STOIBER,	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 3

On 7 August 2025, counsel for Appellant submitted a Motion for Enlargement of Time (First), requesting an additional 60 days in which to file Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure.

Accordingly, it is by the court on this 11th day of August, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **16 October 2025**.

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



FOR THE COURT



AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Staff Sergeant (E-5)

RICHARD M. STOIBER,

United States Air Force

Appellant

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

)
) Before Panel No. 3

)
) No. ACM 40842

)
) 7 August 2025

)

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **16 October 2025**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 50 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,

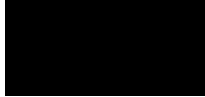
[REDACTED]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

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

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 7 August 2025.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



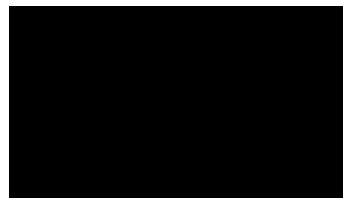
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 3
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER,	)	No. ACM 40842
United States Air Force.	)	
<i>Appellant</i>	)	7 August 2025

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

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

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

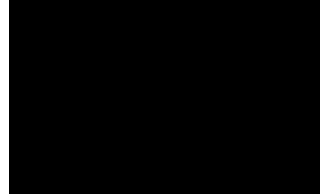


KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 August 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES <i>Appellee</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
	)	(SECOND)
v.	)	
	)	Before Panel No. 3
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	6 October 2025

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

Pursuant to Rule 23.3(m)(1), (3)-(4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **15 November 2025**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 110 days have elapsed. On the date requested, 150 days will have elapsed.

From 12 to 13 February 2025, Appellant was tried by a general court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Trial Tr. at 1, 12. Appellant was found guilty, consistent with his pleas, of one charge and six specifications of attempted lewd acts with a minor in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one charge and two specifications of soliciting the production and distribution of child pornography in violation of Article 82, UCMJ, 10 U.S.C. § 882; and one charge and one specification of indecent conduct, one specification of wrongful possession of child pornography, and three specifications of extramarital conduct in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. at 8, 13, 206; Electronic Record of Trial (eROT) Vol 1, *Entry of Judgment* (Mar. 5, 2025).

The military judge sentenced Appellant to reduction in pay grade to E-1 and confinement for seventy-six months (served concurrently in part, consecutively in part), and a dishonorable discharge. Trial Tr. at 249-50; eROT Vol 1, *Entry of Judgment* (Mar. 5, 2025). The convening authority took no action on the findings, reduced the reduction in pay grade to E-4, deferred the reduction in ranks, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. eROT Vol 1, *Convening Authority Decision on Action* (Feb. 25, 2025).

The trial transcript is 253 pages long. The electronic record of trial contains five Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits. Appellant is currently confined.

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

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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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 October 2025.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



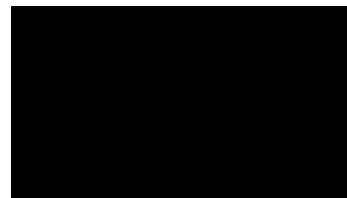
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 3
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER,	)	No. ACM 40842
United States Air Force.	)	
<i>Appellant</i>	)	8 October 2025

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

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

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

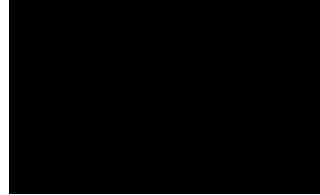


KATE E. LEE, Maj, USAF
Appellate Government Counsel



CERTIFICATE OF FILING AND SERVICE

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Appellate Defense Division on 8 October 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES <i>Appellee</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
	)	(SECOND)
v.	)	
	)	Before Panel No. 3
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	5 November 2025

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

Pursuant to Rule 23.3(m)(1), (3)-(4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **15 December 2025**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

From 12 to 13 February 2025, Appellant was tried by a general court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Trial Tr. at 1, 12. Appellant was found guilty, consistent with his pleas, of one charge and six specifications of attempted lewd acts with a minor in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one charge and two specifications of soliciting the production and distribution of child pornography in violation of Article 82, UCMJ, 10 U.S.C. § 882; and one charge and one specification of indecent conduct, one specification of wrongful possession of child pornography, and three specifications of extramarital conduct in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. at 8, 13, 206; Electronic Record of Trial (eROT) Vol 1, *Entry of Judgment* (Mar. 5, 2025).

The military judge sentenced Appellant to reduction in pay grade to E-1 and confinement for seventy-six months (served concurrently in part, consecutively in part), and a dishonorable discharge. Trial Tr. at 249-50; eROT Vol 1, *Entry of Judgment* (Mar. 5, 2025). The convening authority took no action on the findings, reduced the reduction in pay grade to E-4, deferred the reduction in ranks, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. eROT Vol 1, *Convening Authority Decision on Action* (Feb. 25, 2025).

The trial transcript is 253 pages long. The electronic record of trial contains five Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits. Appellant is currently confined.

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

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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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 5 November 2025.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 3
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER,	)	No. ACM 40842
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	7 November 2025

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

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

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

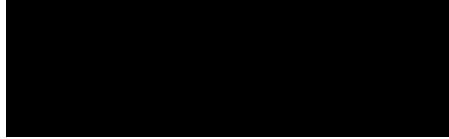
[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

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

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 November 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(FOURTH)
v.	)	
	)	Before Panel No. 3
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	5 December 2025

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **14 January 2026**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 170 days have elapsed. On the date requested, 210 days will have elapsed.

From 12 to 13 February 2025, Appellant was tried by a general court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Trial Tr. 1, 12. Appellant was found guilty, consistent with his pleas, of one charge and six specifications of attempted lewd acts with a minor in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one charge and two specifications of soliciting the production and distribution of child pornography in violation of Article 82, UCMJ, 10 U.S.C. § 882; and one charge and one specification of indecent conduct, one specification of wrongful possession of child pornography,

and three specifications of extramarital conduct in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. 8, 13, 206; Electronic Record of Trial (eROT) Vol 1, *Entry of Judgment* (Mar. 5, 2025).

The military judge sentenced Appellant to reduction in pay grade to E-1 and confinement for seventy-six months (served concurrently in part, consecutively in part), and a dishonorable discharge. Trial Tr. 249-50; eROT Vol 1, *Entry of Judgment* (Mar. 5, 2025). The convening authority took no action on the findings, reduced the reduction in pay grade to E-4, deferred the reduction in ranks, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. eROT Vol 1, *Convening Authority Decision on Action* (Feb. 25, 2025).

The trial transcript is 253 pages long. The electronic record of trial contains five Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits. Appellant is currently confined.

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

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-three

cases; twenty-eight cases are pending before this Court (twenty-five cases are pending Assignment of Error(s)) and fourteen cases pending before the United States Supreme Court (for petition for writ of certiorari). To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Rafajko*, ACM 40821 – The record of trial is one electronic volume consisting of six prosecution exhibits, ten defense exhibits, and fifty-two appellate exhibits; the transcript is 303 pages. Undersigned counsel is presently conducting a review of the record of trial.

2. *United States v. Montgomery*, ACM 40824 – The record of trial is four volumes consisting of six prosecution exhibits, three defense exhibits, and nine appellate exhibits; the transcript is 246 pages. Undersigned counsel has not yet completed review of the record of trial.

3. *United States v. Gill*, ACM S32822 – The record of trial is three electronic volumes consisting of five prosecution exhibits, nineteen defense exhibits, and eight appellate exhibits; the transcript is 256 pages. Undersigned counsel has not yet completed review of the record of trial.

4. *United States v. Ledford*, ACM 40832 – The record of trial is one electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

5. *United States v. Lara*, USCA Dkt. No. 25-0163/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 15 December 2025. Counsel has completed appellant’s petition, and it is currently awaiting printing.

6. *United States v. Cadavona*, USCA Dkt. No. 25-0114/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 15 December 2025. Counsel has completed appellant’s petition, and it is currently awaiting printing.

7. *United States v. Denney*, USCA Dkt. No. 24-0111/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 15 December 2025. Counsel has completed appellant’s petition, and it is currently awaiting printing.

8. *United States v. Gubicza*, USCA Dkt. No. 24-0219/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 15 December 2025. Counsel has completed appellant’s petition, and it is currently awaiting printing.

9. *United States v. Hollenback*, USCA Dkt. No. 24-0235/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 15 December 2025. Counsel has completed appellant’s petition, and it is currently awaiting printing.

10. *United States v. Jackson*, USCA Dkt. No. 24-0106/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 15 December 2025. Counsel has completed appellant’s petition, and it is currently awaiting printing.

11. *United States v. Lampkins*, USCA Dkt. No. 24-0069/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 15 December

2025. Counsel has completed appellant’s petition, and it is currently awaiting printing.

12. *United States v. Maymi*, USCA Dkt. No. 24-0049/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 15 December 2025. Counsel has completed appellant’s petition, and it is currently awaiting printing.

13. *United States v. Schneider*, USCA Dkt. No. 24-0228/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 15 December 2025. Counsel has completed appellant’s petition, and it is currently awaiting printing.

14. *United States v. Van Velson*, USCA Dkt. No. 24-0225/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 15 December 2025. Counsel has completed appellant’s petition, and it is currently awaiting printing.

15. *United States v. Wood*, USCA Dkt. No. 25-0005/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 15 December 2025. Counsel has completed appellant’s petition, and it is currently awaiting printing.

16. *United States v. York*, USCA Dkt. No. 25-0200/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 15 December 2025. Counsel has completed appellant’s petition, and it is currently awaiting printing.

17. *United States v. Mitton*, USCA Dkt. No. 25-0223/AF – The appellant’s petition for a writ of certiorari to the Supreme Court is due on 15 December 2025. Counsel has completed appellant’s petition, and it is currently awaiting printing.

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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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 5 December 2025.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 3
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER,	)	No. ACM 40842
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	8 December 2025

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

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

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

[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

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Appellate Defense Division on 8 December 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



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

UNITED STATES	)	No. ACM 40842
<i>Appellee</i>	)	
	)	
v.	)	
	)	NOTICE OF PANEL
Richard M. STOIBER	)	CHANGE
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	

It is by the court on this 15th day of December, 2025,

ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from Panel 3 and referred to Panel 2 for appellate review.

This panel letter supersedes all previous panel assignments.



FOR THE COURT

[Redacted signature block]

JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(FIFTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	31 December 2025

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **13 February 2026**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 196 days have elapsed. On the date requested, 240 days will have elapsed.

From 12 to 13 February 2025, Appellant was tried by a general court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Trial Tr. 1, 12. Appellant was found guilty, consistent with his pleas, of one charge and six specifications of attempted lewd acts with a minor in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one charge and two specifications of soliciting the production and distribution of child pornography in violation of Article 82, UCMJ, 10 U.S.C. § 882; and one charge and one specification of indecent conduct, one specification of wrongful possession of child pornography,

and three specifications of extramarital conduct in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. 8, 13, 206; Electronic Record of Trial (eROT) Vol 1, *Entry of Judgment* (Mar. 5, 2025).

The military judge sentenced Appellant to reduction in pay grade to E-1 and confinement for seventy-six months (served concurrently in part, consecutively in part), and a dishonorable discharge. Trial Tr. 249-50; eROT Vol 1, *Entry of Judgment* (Mar. 5, 2025). The convening authority took no action on the findings, reduced the reduction in pay grade to E-4, deferred the reduction in ranks, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. eROT Vol 1, *Convening Authority Decision on Action* (Feb. 25, 2025).

The trial transcript is 253 pages long. The electronic record of trial contains five Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits. Appellant is currently confined.

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

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-three

cases; twenty-seven cases are pending before this Court (twenty-five cases are pending AOE), one case pending before the Court of Appeals of the Armed Forces, and fourteen cases pending before the United States Supreme Court (for petition for writ of certiorari). To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Rafajko*, ACM 40821 – The record of trial is one electronic volume consisting of six prosecution exhibits, ten defense exhibits, and fifty-two appellate exhibits; the transcript is 303 pages. Undersigned counsel is presently conducting a review of the record of trial.

2. *United States v. Armour*, Misc. Dkt. No. 2025-10 – The record of trial is five volumes consisting of twenty-one appellate exhibits; the transcript is 118 pages. Undersigned counsel has completed a review of the record of trial. The appellant's petition to the Court of Appeals of the Armed Forces, if any, is due on 3 February 2026.

3. *United States v. Montgomery*, ACM 40824 – The record of trial is four volumes consisting of six prosecution exhibits, three defense exhibits, and nine appellate exhibits; the transcript is 246 pages. Undersigned counsel has not yet completed review of the record of trial.

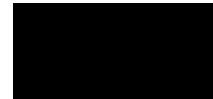
4. *United States v. Gill*, ACM S32822 – The record of trial is three electronic volumes consisting of five prosecution exhibits, nineteen defense exhibits, and eight appellate exhibits; the transcript is 256 pages. Undersigned counsel has not yet completed review of the record of trial.

5. *United States v. Ledford*, ACM 40832 – The record of trial is one electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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 Air Force Government Trial and Appellate Operations Division on 31 December 2025.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee,

v.

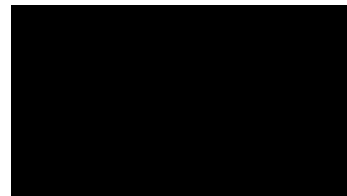
Staff Sergeant (E-5)
RICHARD M. STOIBER,
United States Air Force,
Appellant.

) UNITED STATES' GENERAL
) OPPOSITION TO APPELLANT'S
) MOTION FOR ENLARGEMENT
) OF TIME
)
) Before Panel No. 2
)
) No. ACM 40842
)
) 5 January 2026
)

**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.

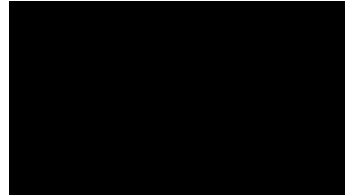


KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 5 January 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(SIXTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	4 February 2026

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **15 March 2026**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 231 days have elapsed. On the date requested, 270 days will have elapsed.

From 12 to 13 February 2025, Appellant was tried by a general court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Trial Tr. 1, 12. Appellant was found guilty, consistent with his pleas and pursuant to a plea agreement, of one charge and six specifications of attempted lewd acts with a minor in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one charge and two specifications of soliciting the production and distribution of child pornography in violation of Article 82, UCMJ, 10 U.S.C. § 882; and one charge and one specification of indecent conduct, one specification of wrongful

possession of child pornography, and three specifications of extramarital conduct in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. 8, 13, 206; Electronic Record of Trial (eROT) Vol 1, *Entry of Judgment* (Mar. 5, 2025); Appellate Ex. II.

The military judge sentenced Appellant to reduction in pay grade to E-1 and confinement for seventy-six months (served concurrently in part, consecutively in part), and a dishonorable discharge. Trial Tr. 249-50; eROT Vol 1, *Entry of Judgment* (Mar. 5, 2025). The convening authority took no action on the findings, reduced the reduction in pay grade to E-4, deferred the reduction in ranks, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. eROT Vol 1, *Convening Authority Decision on Action* (Feb. 25, 2025).

The trial transcript is 253 pages long. The electronic record of trial contains five Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits. Appellant is currently confined.

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

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-one cases; thirty-nine cases are pending before this Court (thirty-seven cases are pending

AOEs) and two cases are pending before the Court of Appeals for the Armed Forces. To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Menard*, No. 25-0173/AF – Undersigned counsel is preparing and providing oral argument before the Court of Appeals of the Armed Forces on 10 February 2026.

2. *United States v. Lucas*, ACM 40702 – The record of trial is five electronic volumes consisting of eleven prosecution exhibits, three defense exhibits, and sixteen appellate exhibits; the transcript is 187 pages. Undersigned counsel has not yet completed review of the record of trial.

3. *United States v. Lumm*, ACM 40748 – The record of trial is one electronic volume consisting of four prosecution exhibits, fourteen defense exhibits, seven appellate exhibits, and one court exhibit; the transcript is 111 pages. Undersigned counsel has not yet completed review of the record of trial.

4. *United States v. Montgomery*, ACM 40824 – The record of trial is four volumes consisting of six prosecution exhibits, three defense exhibits, and nine appellate exhibits; the transcript is 246 pages. Undersigned counsel has not yet completed review of the record of trial.

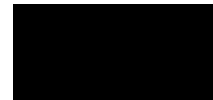
5. *United States v. Gill*, ACM S32822 – The record of trial is three electronic volumes consisting of five prosecution exhibits, nineteen defense exhibits, and eight appellate exhibits; the transcript is 256 pages. Undersigned counsel has not yet completed review of the record of trial.

6. *United States v. Ledford*, ACM 40832 – The record of trial is one electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

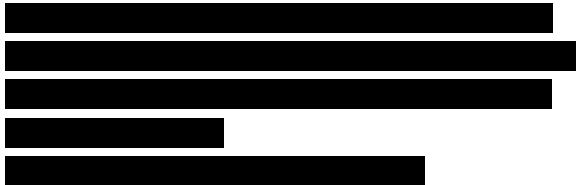
Through no fault of Appellant, undersigned counsel has been unable to complete their review of Appellant's case. Undersigned counsel has reviewed the Entry of Judgment and Appellate Exhibit II. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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 Air Force Government Trial and Appellate Operations Division on 4 February 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



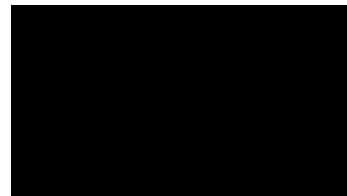
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 2
RICHARD M. STOIBER,	)	
United States Air Force,	)	No. ACM 40842
<i>Appellant.</i>	)	
	)	6 February 2026
	)	

**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.

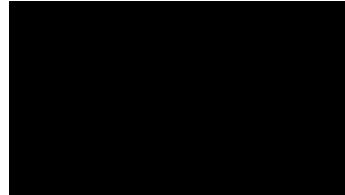


KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 February 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(SEVENTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	5 March 2026

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **14 April 2026**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 260 days have elapsed. On the date requested, 300 days will have elapsed.

From 12 to 13 February 2025, Appellant was tried by a general court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Trial Tr. 1, 12. Appellant was found guilty, consistent with his pleas and pursuant to a plea agreement, of one charge and six specifications of attempted lewd acts with a minor in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one charge and two specifications of soliciting the production and distribution of child pornography in violation of Article 82, UCMJ, 10 U.S.C. § 882; and one charge and one specification of indecent conduct, one specification of wrongful

possession of child pornography, and three specifications of extramarital conduct in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. 8, 13, 206; Entry of J.; Appellate Ex. II.

The military judge sentenced Appellant to reduction in pay grade to E-1 and confinement for seventy-six months (served concurrently in part, consecutively in part), and a dishonorable discharge. Trial Tr. 249-50; Entry of J. The convening authority took no action on the findings, reduced the reduction in pay grade to E-4, deferred the reduction in ranks, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The trial transcript is 253 pages long. The electronic record of trial contains five Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits. Appellant is currently confined.

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

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-four cases; forty-two cases are pending before this Court (thirty-seven cases are pending AOE's) and two cases are pending before the Court of Appeals for the Armed Forces.

Additionally, undersigned counsel is attending Squadron Officer School from 23 February 2026 to 27 March 2026. To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Lumm*, ACM 40748 – The record of trial is one electronic volume consisting of four prosecution exhibits, fourteen defense exhibits, seven appellate exhibits, and one court exhibit; the transcript is 111 pages. Undersigned counsel has not yet completed review of the record of trial.

2. *United States v. Stewart*, ACM 40898 – The record of trial is nineteen volumes consisting of twenty-one prosecution exhibits, three defense exhibits, 150 appellate exhibits, and one court exhibits; the transcript is 1,644 pages. Undersigned counsel has not yet completed review of the record of trial.

3. *United States v. Montgomery*, ACM 40824 – The record of trial is four volumes consisting of six prosecution exhibits, three defense exhibits, and nine appellate exhibits; the transcript is 246 pages. Undersigned counsel has not yet completed review of the record of trial.

4. *United States v. Gill*, ACM S32822 – The record of trial is three electronic volumes consisting of five prosecution exhibits, nineteen defense exhibits, and eight appellate exhibits; the transcript is 256 pages. Undersigned counsel has not yet completed review of the record of trial.

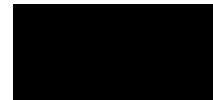
5. *United States v. Ledford*, ACM 40832 – The record of trial is one electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and

twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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 Air Force Government Trial and Appellate Operations Division on 5 March 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT’S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 2
RICHARD M. STOIBER,	)	
United States Air Force,	)	No. ACM 40842
<i>Appellant.</i>	)	
	)	9 March 2026
	)	

**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 to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant’s new delay request is granted, the defense delay in this case will be 300 days in length. Appellant’s nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court’s appellate processing standards. Appellant has already consumed almost two thirds of the 18 month standard for this Court to issue a decision, which only leaves about 8 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant’s counsel has not completed review of the record of trial at this late stage of the appellate process.

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

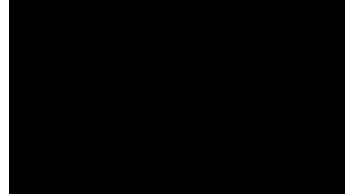


KATE E. LEE, Maj, USAF
Appellate Government Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 9 March 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(EIGHTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	3 April 2026

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **14 May 2026**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 289 days have elapsed. On the date requested, 330 days will have elapsed.

From 12 to 13 February 2025, Appellant was tried by a general court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Trial Tr. 1, 12. Appellant was found guilty, consistent with his pleas and pursuant to a plea agreement, of one charge and six specifications of attempted lewd acts with a minor in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one charge and two specifications of soliciting the production and distribution of child pornography in violation of Article 82, UCMJ, 10 U.S.C. § 882; and one charge and one specification of indecent conduct, one specification of wrongful

possession of child pornography, and three specifications of extramarital conduct in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. 8, 13, 206; Entry of J.; Appellate Ex. II.

The military judge sentenced Appellant to reduction in pay grade to E-1 and confinement for seventy-six months (served concurrently in part, consecutively in part), and a dishonorable discharge. Trial Tr. 249-50; Entry of J. The convening authority took no action on the findings, reduced the reduction in pay grade to E-4, deferred the reduction in ranks, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The trial transcript is 253 pages long. The electronic record of trial contains five Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits. Appellant is currently confined.

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

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty cases; thirty-seven cases are pending before this Court (thirty-two cases are pending assignments of error) and three cases are pending before the Court of Appeals for the Armed

Forces. To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Armour*, No. 26-0116/AF – Undersigned counsel is preparing and providing oral argument before the Court of Appeals for the Armed Forces on 28 April 2026.

2. *United States v. Campbell*, ACM 40652 – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 10 May 2026.

3. *United States v. Lumm*, ACM 40748 – The record of trial is one electronic volume consisting of four prosecution exhibits, fourteen defense exhibits, seven appellate exhibits, and one court exhibit; the transcript is 111 pages. Undersigned counsel has completed a review of the record of trial.

4. *United States v. Stewart*, ACM 40898 – The record of trial is nineteen volumes consisting of twenty-one prosecution exhibits, three defense exhibits, 150 appellate exhibits, and one court exhibits; the transcript is 1,644 pages. Undersigned counsel has not yet completed review of the record of trial.

5. *United States v. Montgomery*, ACM 40824 – The record of trial is four volumes consisting of six prosecution exhibits, three defense exhibits, and nine appellate exhibits; the transcript is 246 pages. Undersigned counsel has not yet completed review of the record of trial.

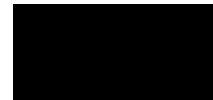
6. *United States v. Ledford*, ACM 40832 – The record of trial is one electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and

twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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 Air Force Government Trial and Appellate Operations Division on 3 April 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT’S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 2
RICHARD M. STOIBER,	)	
United States Air Force,	)	No. ACM 40842
<i>Appellant.</i>	)	
	)	6 April 2026
	)	

**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 to file an Assignment of Error in this case.

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 completed review of the record of trial at this late stage of the appellate process.

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

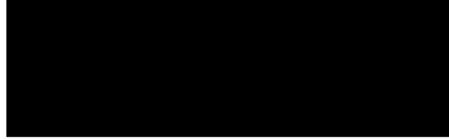
[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]

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 April 2026.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(NINTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	4 May 2026

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **13 June 2026**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 320 days have elapsed. On the date requested, 360 days will have elapsed.

From 12 to 13 February 2025, Appellant was tried by a general court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Trial Tr. 1, 12. Appellant was found guilty, consistent with his pleas and pursuant to a plea agreement, of one charge and six specifications of attempted lewd acts with a minor in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one charge and two specifications of soliciting the production and distribution of child pornography in violation of Article 82, UCMJ, 10 U.S.C. § 882;

and one charge and one specification of indecent conduct, one specification of wrongful possession of child pornography, and three specifications of extramarital conduct in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. 8, 13, 206; Entry of J.; Appellate Ex. II.

The military judge sentenced Appellant to reduction in pay grade to E-1 and confinement for seventy-six months (served concurrently in part, consecutively in part), and a dishonorable discharge. Trial Tr. 249-50; Entry of J. The convening authority took no action on the findings, reduced the reduction in pay grade to E-4, deferred the reduction in ranks, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The trial transcript is 253 pages long. The electronic record of trial contains five Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits. Appellant is currently confined.

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

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned thirty-nine cases; thirty-five cases are pending before this Court (thirty-one cases are pending

assignments of error) and four cases are pending before the Court of Appeals for the Armed Forces. To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Campbell*, ACM 40652 – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 10 May 2026.

2. *United States v. Talley*, ACM 40828 – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 8 June 2026.

3. *United States v. Stewart*, ACM 40898 – The record of trial is nineteen volumes consisting of twenty-one prosecution exhibits, three defense exhibits, 150 appellate exhibits, and one court exhibits; the transcript is 1,644 pages. Undersigned counsel has not yet completed review of the record of trial.

4. *United States v. Montgomery*, ACM 40824 – The record of trial is four volumes consisting of six prosecution exhibits, three defense exhibits, and nine appellate exhibits; the transcript is 246 pages. Undersigned counsel has not yet completed review of the record of trial.

5. *United States v. Ledford*, ACM 40832 – The record of trial is one electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

Through no fault of Appellant, undersigned counsel has been unable to complete their review of Appellant’s case. Undersigned counsel has reviewed the Entry

of Judgment and Appellate Exhibit II. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

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

Respectfully submitted,

[REDACTED]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

[REDACTED]
[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 Air Force Government Trial and Appellate Operations Division on 4 May 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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)	)	Before Panel No. 2
RICHARD M. STOIBER,	)	
United States Air Force,	)	No. ACM 40842
<i>Appellant.</i>	)	
	)	5 May 2026
	)	

**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 to file an Assignment of Error in this case.

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 360 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 6 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

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

[REDACTED]

REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel

[REDACTED]

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 5 May 2026.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel



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

UNITED STATES	)	No. ACM 40842
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Richard M. STOIBER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 2

On 4 May 2026, counsel for Appellant submitted a Motion for Enlargement of Time (Ninth), requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure.

Accordingly, it is by the court on this 8th day of May, 2026,

ORDERED:

Appellant's Motion for Enlargement of Time (Ninth) is **GRANTED**. Appellant shall file any assignments of error not later than **13 June 2026**.

Appellant's counsel is advised that given the number of enlargements granted thus far, any further requests for an enlargement of time may necessitate a status conference to determine the progress being made on Appellant's case per this court's Rule 23.3(m)(6). A.F. CT. CRIM. APP. R. 23.3(m)(6).



FOR THE COURT



AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(TENTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	1 June 2026

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **13 July 2026**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 348 days have elapsed. On the date requested, 390 days will have elapsed.

From 12 to 13 February 2025, Appellant was tried by a general court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Trial Tr. 1, 12. Appellant was found guilty, consistent with his pleas and pursuant to a plea agreement, of one charge and six specifications of attempted lewd acts with a minor in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one charge and two specifications of soliciting the production and distribution of child pornography in violation of Article 82, UCMJ, 10 U.S.C. § 882;

and one charge and one specification of indecent conduct, one specification of wrongful possession of child pornography, and three specifications of extramarital conduct in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. 8, 13, 206; Entry of J.; Appellate Ex. II.

The military judge sentenced Appellant to reduction in pay grade to E-1 and confinement for seventy-six months (served concurrently in part, consecutively in part), and a dishonorable discharge. Trial Tr. 249-50; Entry of J. The convening authority took no action on the findings, reduced the reduction in pay grade to E-4, deferred the reduction in ranks, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The trial transcript is 253 pages long. The electronic record of trial contains five Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits. Appellant is currently confined.

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

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned thirty-eight

cases; thirty-four cases are pending before this Court (thirty cases are pending assignments of error) and four cases are pending before the Court of Appeals for the Armed Forces. To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Stewart*, ACM 40898 – The record of trial is nineteen volumes consisting of twenty-one prosecution exhibits, three defense exhibits, 150 appellate exhibits, and one court exhibit; the transcript is 1,644 pages. Undersigned counsel has completed review of the record of trial and is actively working on a brief of assignments of error.

2. *United States v. Ledford*, ACM 40832 – The record of trial is one electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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 Air Force Government Trial and Appellate Operations Division on 1 June 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER,	)	No. ACM 40842
United States Air Force,	)	
<i>Appellant.</i>	)	3 June 2026

**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 to file an Assignment of Error in this case.

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. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process. If Appellant's new delay request is granted, the defense delay in this case will be 390 days in length. Appellant's more than a 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 more than two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 5 months combined for the United States and this Court to perform their separate statutory responsibilities.

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

[REDACTED]

HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel

[REDACTED]

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 June 2026.

[REDACTED]

HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES <i>Appellee</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
	)	(ELEVENTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	30 June 2026

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

Pursuant to Rules 23.3(m), 24.3(a)(1), and 24.3(b) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **12 August 2026**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 377 days have elapsed. On the date requested, 420 days will have elapsed.

From 12 to 13 February 2025, Appellant was tried by a general court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Trial Tr. 1, 12. Appellant was found guilty, consistent with his pleas and pursuant to a plea agreement, of one charge and six specifications of attempted lewd acts with a minor in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one charge and two specifications of soliciting the production and distribution of child pornography in violation of Article 82, UCMJ, 10 U.S.C. § 882; and one charge and one specification of indecent conduct, one specification of

wrongful possession of child pornography, and three specifications of extramarital conduct in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. 8, 13, 206; Entry of J.; Appellate Ex. II.

The military judge sentenced Appellant to reduction in pay grade to E-1 and confinement for seventy-six months (served concurrently in part, consecutively in part), and a dishonorable discharge. Trial Tr. 249-50; Entry of J. The convening authority took no action on the findings, reduced the reduction in pay grade to E-4, deferred the reduction in ranks, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The trial transcript is 253 pages long. The electronic record of trial is 1,737 pages long and contains five prosecution exhibits, one defense exhibit, and four appellate exhibits. Appellant is currently confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-eight cases; thirty-three cases are pending before this Court (thirty-one cases are pending assignments of error), eleven cases pending before the Court of Appeals for the Armed Forces (two cases pending decision), and four cases pending before the United States Supreme Court (for petition for writ of certiorari). To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Stewart*, ACM 40898 – The record of trial is nineteen physical volumes consisting of twenty-one prosecution exhibits, three defense

exhibits, 150 appellate exhibits, and one court exhibit; the transcript is 1,644 pages. Undersigned counsel has completed review of the record of trial and is actively working on a brief of assignments of error.

2. *United States v. Lawrence*, ACM 24064 – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 6 July 2026, pending a request for an extension of time.

3. *United States v. Cepeda*, ACM 40318 – The appellant’s petition to the Supreme Court of the United States, if any, is due on 10 July 2026.

4. *United States v. Braddy*, ACM 40810 – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 4 August 2026.

5. *United States v. Fundis*, ACM 40689 – The appellant’s petition to the Supreme Court of the United States, if any, is due on 10 August 2026.

6. *United States v. Carey*, ACM S32806 – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 15 August 2026.

7. *United States v. Anderson*, ACM 40752 – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 17 August 2026.

8. *United States v. Banks*, ACM 24057 (rem) – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 22 August 2026.

9. *United States v. Allen*, ACM 40809 – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 24 August 2026.

10. *United States v. Harrington*, ACM 39825 (reh) – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 24 August 2026.

11. *United States v. Evangelista*, ACM 40531 – The appellant’s petition to the Supreme Court of the United States, if any, is due on 5 September 2026.

12. *United States v. Campbell*, ACM 40652 – The appellant’s petition to the Supreme Court of the United States, if any, is due on 23 September 2026.

13. *United States v. Ledford*, ACM 40832 – The record of trial is a 1,094-page electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant’s case. Undersigned counsel has completed a review of the Entry of Judgment and Appellate Exhibit II. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise him regarding potential errors.

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

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

Respectfully submitted,

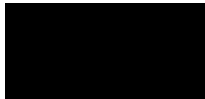


JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

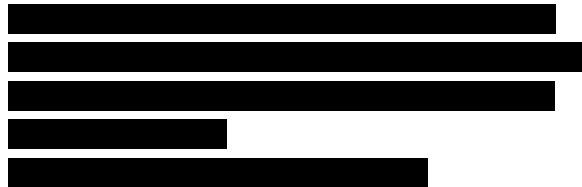


CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 30 June 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER,	)	No. ACM 40842
United States Air Force,	)	
<i>Appellant.</i>	)	1 July 2026

**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 to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over 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 420 days in length. Appellant's more than a 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 4 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

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

[REDACTED]

REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, [REDACTED]

[REDACTED]

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 July 2026.

[REDACTED]

REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, [REDACTED]
[REDACTED]
[REDACTED]

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

UNITED STATES	)	No. ACM 40842
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Richard M. STOIBER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 2

On 3 August 2026, counsel for Appellant submitted a Motion for Enlargement of Time (Twelfth), requesting an additional 30 days to submit Appellant's assignments of error. On the date requested, 450 days will have lapsed from the date this case was docketed. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure.

Accordingly, it is by the court on the 7th day of August, 2026,

ORDERED:

Appellant's Motion for Enlargement of Time (Twelfth) is **GRANTED**. Appellant shall file any assignments of error no later than **11 September 2026**.

Appellant's counsel is advised that given the number of enlargements granted thus far, any further requests for an enlargement of time may necessitate a status conference to determine the progress being made on Appellant's case per this court's Rule 24.3(b)(2). A.F. CT. CRIM. APP. R. 24.3(b)(2).

It is further ordered:

At the time of filing any further motions for enlargement of time, Appellant's counsel will, in addition to matters required by the court's rules and by prior orders of the court, specifically identify the assignments of error Appellant reasonably expects to raise to the court, recognizing such identification will not bind or constrain Appellant with respect to which assignments he ultimately raises.



FOR THE COURT



AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(TWELFTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	3 August 2026

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

Pursuant to Rules 23.3(m), 24.3(a)(1), and 24.3(b) of this Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **11 September 2026**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 411 days have elapsed. On the date requested, 450 days will have elapsed.

From 12 to 13 February 2025, Appellant was tried by a general court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Trial Tr. 1, 12. Appellant was found guilty, consistent with his pleas and pursuant to a plea agreement, of one charge and six specifications of attempted lewd acts with a minor in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one charge and two specifications of soliciting the production and distribution of child pornography in violation of Article 82, UCMJ, 10 U.S.C. § 882; and one charge and one specification of indecent conduct, one specification of

wrongful possession of child pornography, and three specifications of extramarital conduct in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. 8, 13, 206; Entry of J.; Appellate Ex. II.

The military judge sentenced Appellant to reduction in pay grade to E-1 and confinement for seventy-six months (served concurrently in part, consecutively in part), and a dishonorable discharge. Trial Tr. 249-50; Entry of J. The convening authority took no action on the findings, reduced the reduction in pay grade to E-4, deferred the reduction in ranks, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The electronic record of trial is 1,737 pages long and contains a 253-page transcript, five prosecution exhibits, one defense exhibit, and four appellate exhibits. Appellant is currently confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-eight cases; thirty-six cases are pending before this Court (twenty-nine cases are pending assignments of error; five cases pending decision), nine cases pending before the Court of Appeals for the Armed Forces (two cases pending decision), and four cases pending before the United States Supreme Court (for petition for writ of certiorari). To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Braddy*, ACM 40810 – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 4 August 2026, pending a motion to file the supplement to the petition subsequently.

2. *United States v. Anderson*, ACM 40752 – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 17 August 2026.

3. *United States v. Banks*, ACM 24057 (rem) – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 22 August 2026.

4. *United States v. Harrington*, ACM 39825 (reh) – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 24 August 2026.

5. *United States v. Campbell*, ACM 40652 – The appellant’s petition to the Supreme Court of the United States, if any, is due on 23 September 2026.

6. *United States v. Fundis*, ACM 40689 – The appellant’s petition to the Supreme Court of the United States, if any, is due on 9 October 2026.

7. *United States v. Ledford*, ACM 40832 – The record of trial is a 1,094-page electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

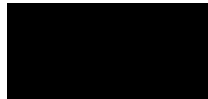
Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant’s case. Undersigned counsel has completed a review of the Entry of Judgment and Appellate Exhibit II. Undersigned counsel has not yet identified any assignments of error, nor begun drafting the assignments of error brief. Undersigned counsel estimates the assignments of error brief may be filed by the end

of November 2026. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

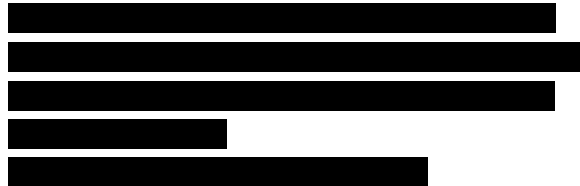
Appellant was advised of his right to speedy appellate review. Appellant has been provided an update of the status of counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with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

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

Respectfully submitted,

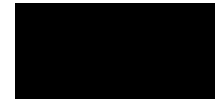


JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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 Air Force Government Trial and Appellate Operations Division on 3 August 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER,	)	No. ACM 40842
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	5 August 2026

**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.

The United States respectfully maintains that under extraordinary circumstances, it should not take appellate more than 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 450 days in length. Appellant's delay ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has consumed nearly 15 months of the 18-month standard for this Court to issue a decision, which leaves about 3 months for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

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

[REDACTED]

REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, [REDACTED]

[REDACTED]

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 5 August 2026.

[REDACTED]

REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, [REDACTED]

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	NOTICE OF APPEARANCE
<i>Appellee</i>	)	
	)	
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	1 September 2026

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

Pursuant to Rules 12 and 13 of this Court's Rules of Practice and Procedure, the undersigned, an attorney admitted to practice before this Court, hereby enters his appearance as an appellate counsel for the appellant in the above-captioned case.

Respectfully submitted,

[REDACTED]

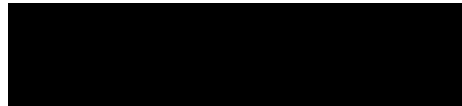
ROLF W. TILLEY, Capt, USAF
Appellate Defense Counsel

[REDACTED]
[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 Air Force Government Trial and Appellate Operations Division on 1 September 2026.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Rolf W. Tilley.

ROLF W. TILLEY, Capt, USAF
Appellate Defense Counsel

Five lines of black rectangular redaction boxes covering contact information, likely a phone number, email address, and office address.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES <i>Appellee</i>	)	APPELLANT’S MOTION TO
	)	EXAMINE SEALED MATERIALS
	)	
v.	)	Before Panel No. 2
	)	
Staff Sergeant (E-5)	)	No. ACM 40842
RICHARD M. STOIBER	)	
United States Air Force	)	2 September 2026
<i>Appellant</i>	)	

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

Pursuant to Rules 3.2(c)(3) and 23.3(f) of this Court’s Rules of Practice and Procedure and Rule for Courts-Martial 1113(b)(3)(B)(i), Appellant hereby moves this Honorable Court, with the consent of the Government, to permit the undersigned counsel and the Government to examine the following sealed materials: Prosecution Exhibit 2.

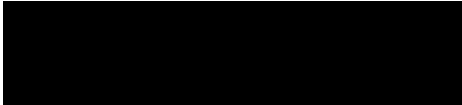
Both parties at trial had access to those sealed materials. *See* Trial Tr. 44, 157.

In accordance with R.C.M. 1113(b)(3)(B)(i), which requires a colorable showing that examining these materials is reasonably necessary to fulfill appellate counsel’s responsibilities, undersigned counsel asserts that viewing the referenced materials is necessary to conduct a complete review of the record of trial, determine whether the record of trial is complete, and be in a position to advocate competently on behalf of Appellant. As such, examination of these exhibits is reasonably necessary since Appellant’s counsel cannot fulfill their duties of representation under Article 70, Uniform Code of Military Justice, 10 U.S.C. § 870, without first reviewing the complete record of trial. It is similarly necessary for the Government to review the complete record of trial to prepare to answer any assignments of error from Appellant.

While this Court has “a broad mandate to review the record unconstrained by an appellant’s assignments of error, that broad mandate does not reduce the importance of adequate representation.” *United States v. May*, 47 M.J. 478, 481 (C.A.A.F. 1998). “Independent review is not the same as competent appellate representation.” *Id.* The sealed materials here must be reviewed for counsel to provide “competent appellate representation.” *Id.* Viewing these exhibits is reasonably necessary to determine whether Appellant is entitled to relief due to errors during any portion of the proceedings—before, during, or after trial. Counsel cannot fulfill their duty to provide effective assistance of counsel without first reviewing the complete record of trial. Therefore, undersigned counsel’s examination of the sealed materials is reasonably necessary to fulfill their responsibilities in this case.

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

Respectfully submitted,


ROLF W. TILLEY, Capt, USAF
Appellate Defense Counsel







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 Air Force Government Trial and Appellate Operations Division on 2 September 2026.

Respectfully submitted,

[REDACTED]

ROLF W. TILLEY, Capt, USAF
Appellate Defense Counsel

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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(THIRTEENTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	31 August 2026

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

Pursuant to Rules 23.3(m), 24.3(a)(1), and 24.3(b) of this Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **11 October 2026**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 439 days have elapsed. On the date requested, 480 days will have elapsed.

From 12 to 13 February 2025, Appellant was tried by a general court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Trial Tr. 1, 12. Appellant was found guilty, consistent with his pleas and pursuant to a plea agreement, of one charge and six specifications of attempted lewd acts with a minor in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one charge and two specifications of soliciting the production and distribution of child pornography in violation of Article 82, UCMJ, 10 U.S.C. § 882; and one charge and one specification of indecent conduct, one specification of

wrongful possession of child pornography, and three specifications of extramarital conduct in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. 8, 13, 206; Entry of J.; Appellate Ex. II.

The military judge sentenced Appellant to reduction in pay grade to E-1 and confinement for seventy-six months (served concurrently in part, consecutively in part), and a dishonorable discharge. Trial Tr. 249-50; Entry of J. The convening authority took no action on the findings, reduced the reduction in pay grade to E-4, deferred the reduction in ranks, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The electronic record of trial is 1,737 pages long and contains a 253-page transcript, five prosecution exhibits, one defense exhibit, and four appellate exhibits. Appellant is currently confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-two cases; twenty-nine cases are pending before this Court (twenty-five cases are pending assignments of error; two cases are pending government answer;¹ and three cases are pending this Court's decision²); six cases are pending before the Court of Appeals for

¹ *United States v. Stewart*, ACM 40798 (Government answer due Aug. 31, 2026); *United States v. Marcoux*, ACM 40708 (f rev) (Government answer due Sep. 10, 2026).

² *In re Ledford*, Misc. Dkt. No. 2025-13 (docketed with Panel 2 on Nov. 5, 2025; reply brief filed on Dec. 12, 2025; however, undersigned counsel only represents this appellant in *United States v. Ledford*, ACM 40832); *United States v. Zaengle*, ACM 40915 (docketed with Panel 2 on Jan. 23, 2026; reply brief filed on June 29, 2026);

the Armed Forces (two cases are pending decision on grant; one case is pending decision³); and seven cases are pending before the United States Supreme Court (for petition for writ of certiorari). To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Lawrence*, ACM 24064 – The Court of Appeals for the Armed Forces granted appellant’s petition and ordered additional briefing due on 15 September 2026.

2. *United States v. Harrington*, ACM 39825 (reh) – The appellant’s petition to the Court of Appeals for the Armed Forces is due on 15 September 2026.

3. *United States v. Campbell*, ACM 40652 – The appellant’s petition to the Supreme Court of the United States is due on 23 September 2026.

4. *United States v. Fundis*, ACM 40689 – The appellant’s petition to the Supreme Court of the United States is due on 9 October 2026.

5. *United States v. Lucas*, ACM 40702 – The appellant’s petition to the Court of Appeals for the Armed Forces is due on 30 October 2026.

6. *United States v. Allen*, ACM 40809 – The appellant’s petition to the Supreme Court of the United States is due on 10 November 2026.

7. *United States v. Armour*, Misc. Dkt. No. 2025-10 – The appellant’s petition to the Supreme Court of the United States is due on 22 November 2026.

United States v. Lowery, ACM 40781 (docketed with Panel 2 on Jan. 24, 2025; reply brief filed on Jul. 1, 2026).

³ *United States v. Menard*, No. 25-0173/AF, 86 M.J. 242 (C.A.A.F. 2025) (oral argument held on Feb. 10, 2026).

8. *United States v. Anderson*, ACM 40752 – The appellant’s petition to the Supreme Court of the United States is due on 24 November 2026.

9. *United States v. Castle*, ACM S32830 – The record of trial is a 2,211-page electronic volume consisting of twenty-nine prosecution exhibits, two defense exhibits, thirty-nine appellate exhibits, and six court exhibits; the trial transcript is 922 pages. Undersigned counsel has not yet completed review of the record of trial.

10. *United States v. Ledford*, ACM 40832 – The record of trial is a 1,094-page electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and twenty-four appellate exhibits; the trial transcript is 582 pages. Undersigned counsel has not yet completed review of the record of trial.

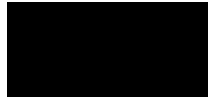
Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant’s case. Undersigned counsel has completed a review of the Entry of Judgment and Appellate Exhibit II. Undersigned counsel has not yet identified any assignments of error (and thus cannot specifically identify the assignments of error Appellant reasonably expects to raise to the court), begun drafting the assignments of error brief, nor can accurately estimate when the assignments of error brief may be filed due to the aforementioned prioritized cases. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise him regarding potential errors.

Appellant was advised of his right to speedy appellate review. Appellant has been provided an update of the status of counsel’s progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided

limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

Respectfully submitted,

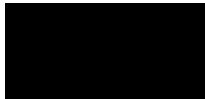


JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

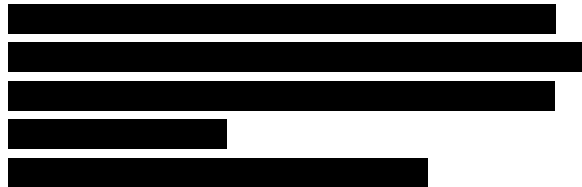


CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 31 August 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



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.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER,	)	No. ACM 40842
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	2 September 2026

**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 to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over 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 480 days in length. Appellant's over a 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 over two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 3 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed a 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.



CATHERINE D. MUMFORD, Maj, USAF
Appellate Government Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 2 September 2026.



CATHERINE D. MUMFORD, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES <i>Appellee</i>	)	MOTION FOR WITHDRAWAL
	)	OF APPELLATE DEFENSE
	)	COUNSEL
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	1 September 2026

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

Pursuant to Rule 12(b) of the Joint Rules of Appellate Procedure for Courts of Criminal Appeals and Rules 12.2 and 23.3(h) of this Court's Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. Undersigned counsel is withdrawing to allow a more available appellate defense counsel to take over Appellant's case. Provisions have been made for continued representation. Capt Rolf Tilley has been detailed substitute appellate military counsel in undersigned counsel's stead and is making his notice of appearance contemporaneously with this motion pursuant to Rule 12(a) of the Joint Rules of Appellate Procedure for Courts of Criminal Appeals and Rule 12.1 of this Court's Rules of Practice and Procedure. Counsel have completed a thorough turnover of the record. Appellant's case will be Capt Tilley's #1 priority.

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

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

Respectfully submitted,

[REDACTED]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

[REDACTED]

[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 Air Force Government Trial and Appellate Operations Division on 1 September 2026.

Respectfully submitted,

[REDACTED]

ROLF W. TILLEY, Capt, USAF
Appellate Defense Counsel

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

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

UNITED STATES	)	No. ACM 40842
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Richard M. STOIBER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 2

On 8 September 2026, counsel for Appellant moved this court for a thirteenth enlargement time, filed out of time, and requests an additional 30 days to submit Appellant’s assignments of error. Since the last enlargement of time motion, new counsel has been assigned to Appellant’s case and Appellant’s original counsel filed a motion to withdraw as counsel on the case, which this court granted on 10 September 2026. The court also received a motion to examine sealed material, which is pending a ruling. Appellant’s new counsel indicates this case is his first priority and he anticipates submitting this case to the court on its merits with no specific assignments of error. Counsel “estimates any brief will be filed no later than 11 October 2026.”

On the date requested, 480 days will have lapsed from the date this case was docketed. The Government opposes the motion, noting that “Appellant’s over a 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.” This court urges Appellant’s counsel to give this case the attention it deserves as the court does not anticipate granting any further motions for enlargements of time.

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 11th day of September, 2026,

ORDERED:

Appellant’s Motion for Enlargement of Time (Thirteenth) Out of Time is **GRANTED**. Appellant shall file any assignments of error not later than **11 October 2026**.

It is further ordered:

Given the number of enlargements of time granted thus far and Appellant’s right to speedy appellate review, Appellant’s counsel is advised that additional

enlargements of time will not be granted by this court absent exceptional circumstances demonstrating good cause.



FOR THE COURT



JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME
	)	(THIRTEENTH) OUT OF TIME
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER	)	No. ACM 40842
United States Air Force	)	
<i>Appellant</i>	)	8 September 2026

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

Pursuant to Rules 23.3(m), 24.3(a)(1), and 24.3(b) of this Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **11 October 2026**. The record of trial was docketed with this Court on 18 June 2025. From the date of docketing to the present date, 447 days have elapsed. On the date requested, 480 days will have elapsed.

From 12 to 13 February 2025, Appellant was tried by a general court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Trial Tr. 1, 12. Appellant was found guilty, consistent with his pleas and pursuant to a plea agreement, of one charge and six specifications of attempted lewd acts with a minor in violation of Article 80, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 880; one charge and two specifications of soliciting the production and distribution of child pornography in violation of Article 82, UCMJ, 10 U.S.C. § 882; and one charge and one specification of indecent conduct, one specification of

wrongful possession of child pornography, and three specifications of extramarital conduct in violation of Article 134, UCMJ, 10 U.S.C. § 934. Trial Tr. 8, 13, 206; Entry of J.; Appellate Ex. II.

The military judge sentenced Appellant to reduction in pay grade to E-1 and confinement for seventy-six months (served concurrently in part, consecutively in part), and a dishonorable discharge. Trial Tr. 249-50; Entry of J. The convening authority took no action on the findings, reduced the reduction in pay grade to E-4, deferred the reduction in ranks, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The electronic record of trial is 1,737 pages long and contains a 253-page transcript, five prosecution exhibits, one defense exhibit, and four appellate exhibits. Appellant is currently confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), Capt Fredericks provides the following information. Capt Fredericks is currently assigned forty-two cases; twenty-nine cases are pending before this Court (twenty-five cases are pending assignments of error; one case is pending government answer¹; one case is pending reply²; and three cases are pending this Court's decision³); six cases are pending before the Court

¹ *United States v. Marcoux*, ACM 40708 (f rev) (Government answer due Sep. 10, 2026).

² *United States v. Stewart*, ACM 40798 (reply date pending this Court's ruling on the Government's motion to exceed page limit);

³ *In re Ledford*, Misc. Dkt. No. 2025-13 (docketed with Panel 2 on Nov. 5, 2025; reply brief filed on Dec. 12, 2025; however, undersigned counsel only represents this appellant in *United States v. Ledford*, ACM 40832); *United States v. Zaengle*, ACM

of Appeals for the Armed Forces (two cases are pending decision on grant; one case is pending decision⁴); and seven cases are pending before the United States Supreme Court (for petition for writ of certiorari). To date, Capt Fredericks has the following cases prioritized over the present case:

1. *United States v. Lawrence*, ACM 24064 – The Court of Appeals for the Armed Forces granted appellant’s petition and ordered additional briefing due on 15 September 2026.

2. *United States v. Harrington*, ACM 39825 (reh) – The appellant’s petition to the Court of Appeals for the Armed Forces is due on 15 September 2026.

3. *United States v. Campbell*, ACM 40652 – The appellant’s petition to the Supreme Court of the United States is due on 23 September 2026.

4. *United States v. Fundis*, ACM 40689 – The appellant’s petition to the Supreme Court of the United States is due on 9 October 2026.

5. *United States v. Lucas*, ACM 40702 – The appellant’s petition to the Court of Appeals for the Armed Forces is due on 30 October 2026.

6. *United States v. Allen*, ACM 40809 – The appellant’s petition to the Supreme Court of the United States is due on 10 November 2026.

7. *United States v. Armour*, Misc. Dkt. No. 2025-10 – The appellant’s petition to the Supreme Court of the United States is due on 22 November 2026.

40915 (docketed with Panel 2 on Jan. 23, 2026; reply brief filed on June 29, 2026); *United States v. Lowery*, ACM 40781 (docketed with Panel 2 on Jan. 24, 2025; reply brief filed on Jul. 1, 2026).

⁴ *United States v. Menard*, No. 25-0173/AF, 86 M.J. 242 (C.A.A.F. 2025) (oral argument held on Feb. 10, 2026).

8. *United States v. Anderson*, ACM 40752 – The appellant’s petition to the Supreme Court of the United States is due on 24 November 2026.

9. *United States v. Castle*, ACM S32830 – The record of trial is a 2,211-page electronic volume consisting of twenty-nine prosecution exhibits, two defense exhibits, thirty-nine appellate exhibits, and six court exhibits; the trial transcript is 922 pages. Capt Fredericks has not yet completed review of the record of trial.

10. *United States v. Ledford*, ACM 40832 – The record of trial is a 1,094-page electronic volume consisting of eleven prosecution exhibits, six defense exhibits, and twenty-four appellate exhibits; the trial transcript is 582 pages. Capt Fredericks has not yet completed review of the record of trial.

Additional military appellate counsel, Capt Rolf Tilley, was detailed to Appellant’s case and filed his notice of appearance on 1 September 2026. Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), Capt Tilley provides the following information. Capt Tilley is currently assigned twelve cases, all of which are pending before this Court (all cases are pending AOE briefs). Capt Tilley does not have any cases prioritized over the present case.

Through no fault of Appellant, undersigned counsel have been unable to complete their review of Appellant’s case. Capt Fredericks has completed a review of the Entry of Judgment and Appellate Exhibit II; however, Capt Fredericks has submitted a motion to withdraw from Appellant’s case to allow for more available counsel, Capt Tilley, to review Appellant’s case. Capt Tilley was recently detailed. He has nearly completed his review the record of trial, with the exception of the sealed

materials which he moved for permission to examine on 2 September 2026. Undersigned counsel have been unable to complete their review of Appellant's case because of the aforementioned prioritized cases, other intervening tasks, described *infra*, Appellant's pending motion for permission to examine sealed materials, and because of recent detailing. At this time, barring any unforeseen developments following review of the sealed materials, undersigned counsel anticipates submitting this case to this Court on its merits with no specific assignments of error.

Undersigned counsel also provides the following information. Since submitting the last request for an enlargement of time on 3 August 2026,⁵ Capt Fredericks has filed twenty-three motions for enlargements of time and four other motions with this Court; three motions and four petitions for grant of review with the Court of Appeals for the Armed Forces; and one petition for certiorari with the Supreme Court of the United States.⁶ Capt Fredericks' filings have constituted 340 pages. Capt Fredericks

⁵ Appellant did submit a motion for enlargement of time on 31 August 2026 which was denied on 8 September 2026. Mot. for Enlargement of Time (Aug. 31, 2026) (denied).

⁶ Air Force Court of Criminal Appeals: *United States v. Birmingham*, ACM 26009; *United States v. Devine*, ACM 40871; *United States v. Embrey*, ACM 25094; *United States v. Forehand*, ACM 40987; *United States v. Fox*, ACM 40890; *United States v. Guillergan*, ACM 40987; *United States v. Holmes*, ACM S32835; *United States v. Johnson*, ACM 40961; *United States v. Ledford*, ACM 40832; *United States v. Lindsey*, ACM 40900; *United States v. Lopez*, ACM 40874; *United States v. Mora*, ACM 40913; *United States v. Nixon*, ACM 40896 (f rev); *United States v. Orregon*, ACM S32843; *United States v. Pray*, ACM 40895; *United States v. Rabideau*, ACM 40927; *United States v. Rayburn*, ACM 25083; *United States v. Solomon*, ACM S32851; *United States v. Trabue*, ACM 40972.

Court of Appeals for the Armed Forces: *United States v. Anderson*, ACM 40752; *United States v. Banks*, ACM 24057 (rem); *United States v. Braddy*, ACM 40810; *United States v. Harrington*, ACM 39825 (rem).

Supreme Court of the United States: *Evangelista v. United States*, ACM 40531.

also has additional duties on the Joint Appellate Advocacy Training planning committee and as a unit Physical Fitness Readiness Assessment official.

Undersigned counsel has not yet begun drafting an assignments of error or merits brief but estimates any brief will be filed no later than 11 October 2026. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

This motion for enlargement of time is filed out of time for good cause. Undersigned counsel received this Court's denial of the timely-filed motion for enlargement of time on 8 September 2026.

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

WHEREFORE, Appellant requests that this Court grant the requested enlargement of time for good cause shown. Appellant also requests a chambers conference to discuss this motion for enlargement of time.

Respectfully submitted,

[REDACTED]

ROLF W. TILLEY, Capt, USAF
Appellate Defense Counsel

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

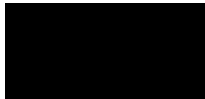
[REDACTED]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

[REDACTED]
[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 Air Force Government Trial and Appellate Operations Division on 8 September 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO APPELLANT'S MOTION
	)	FOR ENLARGEMENT OF TIME
	)	OUT OF TIME
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
RICHARD M. STOIBER,	)	No. ACM 40842
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	9 September 2026

**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, Out of Time, to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over 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 480 days in length. Appellant's over a 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 over two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 3 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed a 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.

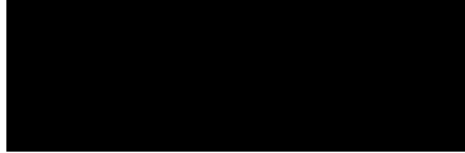
[REDACTED]

REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 9 September 2026.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel



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

UNITED STATES	)	No. ACM 40842
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Richard M. STOIBER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 2

On 2 September 2026, counsel for Appellant submitted a Motion to Examine Sealed Materials. Specifically, counsel seeks to examine Prosecution Exhibit 2. According to Appellant, the Government consents to this motion.

Upon the court’s review of the requested sealed material, the court noted that Prosecution Exhibit 2 is a disc marked as “contraband,” “contains possible CSAM,” and “sealed.” However, the envelope this exhibit was placed in was not marked as “sealed.” Further review of the transcript indicates the military judge ordered Prosecution Exhibit 2 “will be sealed and maintained in accordance with R.C.M. 1113, and remain so sealed unless otherwise ordered by competent authority.”¹

Matters that are ordered sealed by the military judge should be placed in a “thick, opaque envelope, [and] sealed completely with tape . . . [t]he envelope should be annotated with the words SEALED MATERIAL – SPECIAL HANDLING REQUIRED. SEALED BY MILITARY JUDGE.” Department of the Air Force Manual 51-203, *Records of Trial*, ¶ 9.3.2 (21 Apr. 2021, as amended by DAFGM 2026-01, 14 Jul. 2026).

Appellate counsel may examine sealed material released to counsel at trial “upon a colorable showing . . . that examination is reasonably necessary to a proper fulfillment of the appellate counsel’s responsibilities” R.C.M. 1113(b)(3)(B)(i), *Manual for Courts-Martial, United States* (2024 ed.).

The court has considered Appellant’s motion, the Government’s response, case law, and this court’s Rules of Practice and Procedure. The court finds

¹ The Clerk of Court will ensure Prosecution Exhibit 2 is properly sealed in the original record of trial retained by the court, and we order the Government to take the corrective action outlined in the decretal paragraph below.

Appellant's counsel has made a colorable showing that review of the sealed material is necessary to fulfill counsel's duties of representation to Appellant.

Accordingly, it is by the court on this 11th day of September, 2026,

ORDERED:

Appellant's Motion to Examine Sealed Materials is **GRANTED**. Appellate defense counsel and appellate government counsel may view **Prosecution Exhibit 2**, subject to the following conditions:

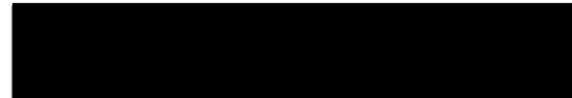
To view the sealed material, counsel will coordinate with the court. Additionally, no counsel granted access to the material may photocopy, photograph, reproduce, disclose, or make available the content to any other individual without the court's prior written authorization.

It is further ordered:

The Government shall take all steps necessary to ensure any copies of **Prosecution Exhibit 2** in the possession of any Government office,² Appellant, counsel for Appellant (trial and appellate), or any other known copy, be destroyed.



FOR THE COURT



AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

² The base legal office may maintain a sealed copy in accordance with DAFMAN 51-203, ¶ 9.3.6.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

v.

Staff Sergeant (E-5)

RICHARD M. STOIBER

United States Air Force

Appellant

) **APPELLANT’S MOTION TO**
) **WITHDRAW FROM**
) **APPELLATE REVIEW AND**
) **ATTACH**
)
) Before Panel No. 2
)
) No. ACM 40842
)
) 5 October 2026

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

Pursuant to Rule 16 of this Court’s Rules of Practice and Procedure and Rule for Courts-Martial (R.C.M.) 1115, Appellant moves to withdraw his case from appellate review. Appellant has fully consulted with Capt Rolf Tilley, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promises of clemency, or otherwise, to withdraw his case from appellate review.

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

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

Respectfully submitted,

[REDACTED]

ROLF W. TILLEY, Capt, USAF
Appellate Defense Counsel

[REDACTED]

[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 Air Force Government Trial and Appellate Operations Division on 5 October 2026.

[REDACTED]

ROLF W. TILLEY, Capt, USAF
Appellate Defense Counsel

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]