

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS



UNITED STATES	)	MOTION FOR ENLARGEMENT
<i>Appellee</i>	)	OF TIME (FIRST)
)	
v.	)	Before Panel No. 1
)	
First Lieutenant (1Lt)	)	No. ACM 40404
SAMUEL J. TRUEMAN)	
United States Air Force	)	10 March 2023
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for the first enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **26 May 2023**. The record of trial was docketed with this Court on 26 January 2023. From the date of docketing to the present date, 43 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,


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


CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 10 March 2023.

Respectfully submitted,


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



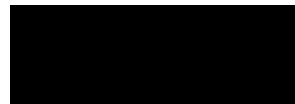
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
First Lieutenant (O-2)	)	ACM 40404
SAMUEL J. TRUEMAN, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

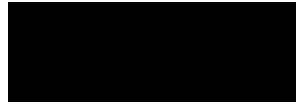


OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 10 March 2023.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT
<i>Appellee</i>	)	OF TIME (SECOND)
)	
v.	)	Before Panel No. 1
)	
First Lieutenant (1Lt)	)	No. ACM 40404
SAMUEL J. TRUEMAN)	
United States Air Force	)	15 May 2023
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **25 June 2023**. The record of trial was docketed with this Court on 26 January 2023. From the date of docketing to the present date, 109 days have elapsed. On the date requested, 120 days will have elapsed.

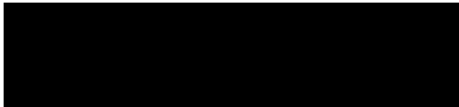
On 10 November 2022 at Robins Air Force (AFB), Georgia, Appellant was tried and convicted by a military judge sitting as a General Court-Martial. R. at 1-17. Consistent with his pleas, the military judge found him guilty of one charge and specification in violation of Article 128, Uniform Code of Military Justice (UMCJ). R. at 45. The military judge sentenced Appellant to 30 days’ confinement and to be dismissed from the Air Force. R. at 133. The convening authority took no action on the findings or sentence, noting Appellant did not request any deferment of confinement or waiver of automatic forfeitures. R. at Vol. 1, Convening Authority Decision on Action – *United States v. First Lieutenant Samuel J. Trueman*, undated.

The record of trial consists of three prosecution exhibits, two appellate exhibits, and one court exhibit; the record is 134 pages. Appellant is not currently confined.

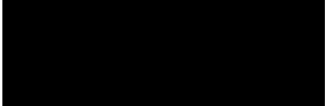
Through no fault of Appellant's, Maj Fleszar has been working on other assigned matters and has not yet started review of Appellant's case. Maj Fleszar will be commencing terminal leave on 1 June 2023 and will be unable to complete review of the case prior to terminal leave. Maj Bosner has just been assigned as new counsel for Appellant, and has similarly not yet started review of Appellant's case. Accordingly, an enlargement of time is necessary to allow Maj Bosner to review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,



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



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



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 15 May 2023.

Respectfully submitted,



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



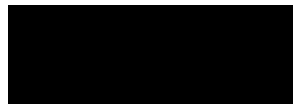
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
First Lieutenant (O-2)	)	ACM 40404
SAMUEL J. TRUEMAN, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

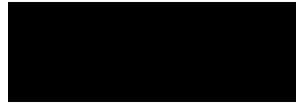


OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 17 May 2023.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (THIRD)
)	
v.	)	Before Panel No. 1
)	
First Lieutenant (O-2),	)	No. ACM 40404
SAMUEL J. TRUEMAN,)	
United States Air Force,	)	15 June 2023
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his third enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **25 July 2023**. The record of trial was docketed with this Court on 26 January 2023. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

On 10 November 2022, Appellant was tried by a general court-martial composed of a military judge alone at Robins Air Force Base, Georgia. Consistent with his pleas, Appellant was convicted of one charge and one specification of assault consummated by a battery, in violation of Article 128, Uniform Code of Military Justice. Record (R.) at 18, 45. The military judge sentenced Appellant to 30 days confinement and a dismissal. R. at 133.

The record of trial consists of two volumes. The transcript is 134 pages. There are 3 Prosecution Exhibits, no Defense Exhibits, and two Appellate Exhibits, and one Court Exhibit. Appellant is not currently in confinement.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant’s case. Accordingly, an enlargement of

time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,



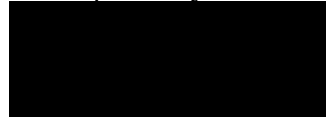
DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 15 June 2023.

Respectfully submitted,



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



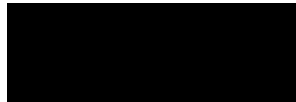
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
First Lieutenant (O-2)	)	ACM 40404
SAMUEL J. TRUEMAN, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

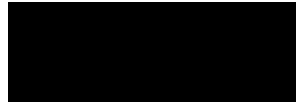


OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 20 June 2023.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FOURTH)
)	
v.	)	Before Panel No. 1
)	
First Lieutenant (O-2),	)	No. ACM 40404
SAMUEL J. TRUEMAN,)	
United States Air Force,	)	18 July 2023
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and 23.3(m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fourth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **24 August 2023**. The record of trial was docketed with this Court on 26 January 2023. From the date of docketing to the present date, 173 days have elapsed. On the date requested, 210 days will have elapsed.

On 10 November 2022, Appellant was tried by a general court-martial composed of a military judge alone at Robins Air Force Base, Georgia. Consistent with his pleas, Appellant was convicted of one charge and one specification of assault consummated by a battery, in violation of Article 128, Uniform Code of Military Justice. Record (R.) at 18, 45. The military judge sentenced Appellant to 30 days confinement and a dismissal. R. at 133.

The record of trial consists of two volumes. The transcript is 134 pages. There are 3 Prosecution Exhibits, no Defense Exhibits, and two Appellate Exhibits, and one Court Exhibit. Appellant is not currently in confinement.

Counsel is currently assigned 38 cases; 18 cases are pending initial AOE’s before this Court. Through no fault of Appellant, undersigned counsel has been working on other assigned matters

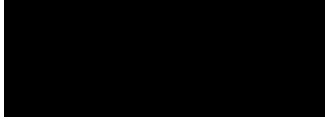
and yet to complete review of Appellant's case. Accordingly, an enlargement of time is necessary to fully review Appellant's case and advise Appellant regarding potential issues. Five cases have priority over the present case:

1. *United States v. Martinez*, ACM 39973: After the CAAF's decision in *United States v. Anderson*, ___ M.J. ___, 2023 CAAF LEXIS 439 (C.A.A.F. 29 Jun. 2023), counsel is preparing a consolidated petition for a writ of certiorari to file at the Supreme Court of the United States.
2. *United States v. Thompson*, ACM 40019 (rem): The appellant's supplement to the petition for grant of review is due to the CAAF on 2 August 2023.
3. *United States v. Daddario*, ACM 40351: Counsel will draft a reply brief for this Court in August 2023.
4. *United States v. Nestor*, ACM 40250: The appellant's petition for grant of review is due to the CAAF on 29 August 2023.
5. *United States v. Daughma*, ACM 40385: The record of trial consists of 18 Prosecution Exhibits, five Defense Exhibits, 64 Appellate Exhibits, and one Court Exhibit. The transcript is 841 pages. Counsel is reviewing the record.

Appellant was advised of his right to a timely appeal. 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 respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,



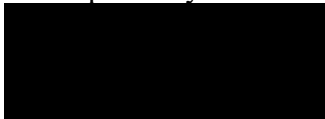
DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 18 July 2023.

Respectfully submitted,



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



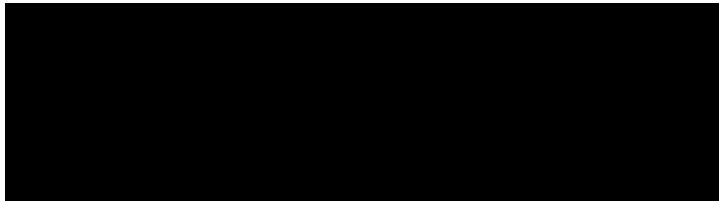
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
First Lieutenant (O-2)	)	ACM 40404
SAMUEL J. TRUEMAN, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

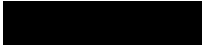
**TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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

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

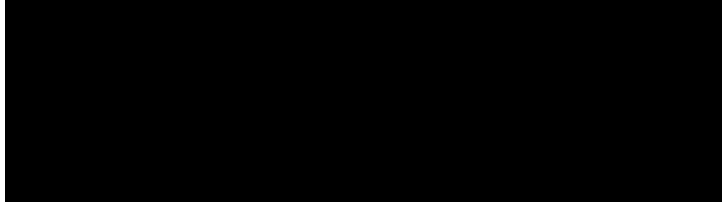


PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



CERTIFICATE OF FILING AND SERVICE

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



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



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

UNITED STATES	)	No. ACM 40404
<i>Appellee</i>)	
)	
v.)	
	)	NOTICE OF PANEL CHANGE
Samuel J. TRUEMAN)	
First Lieutenant (O-2))	
U.S. Air Force)	
<i>Appellant</i>)	

It is by the court on this 8th day of August, 2023,

ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from Panel 1 and referred to Panel 3 for appellate review.

This panel letter supersedes all previous panel assignments.



FOR THE COURT



TANICA S. BAGMON
Appellate Court Paralegal

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FIFTH)
)	
v.	)	Before Panel No. 3
)	
First Lieutenant (O-2),	)	No. ACM 40404
SAMUEL J. TRUEMAN,)	
United States Air Force,	)	14 August 2023
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and 23.3(m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fifth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **23 September 2023**. The record of trial was docketed with this Court on 26 January 2023. From the date of docketing to the present date, 200 days have elapsed. On the date requested, 240 days will have elapsed.

On 10 November 2022, Appellant was tried by a general court-martial composed of a military judge alone at Robins Air Force Base, Georgia. Consistent with his pleas, Appellant was convicted of one charge and one specification of assault consummated by a battery, in violation of Article 128, Uniform Code of Military Justice. Record (R.) at 18, 45. One charge and three specifications of abusive sexual contact, in violation of Article 120, UCMJ, were withdrawn and dismissed with prejudice. R. at 133-134. The military judge sentenced Appellant to 30 days confinement and a dismissal. R. at 133. The convening authority took no action on the findings or sentence. Record of Trial (ROT) Vol. 1, *Convening Authority Decision on Action – United States v. First Lieutenant Samuel J. Trueman*, dated 2 December 2022.

The record of trial consists of two volumes. The transcript is 134 pages. There are three Prosecution Exhibits, no Defense Exhibits, two Appellate Exhibits, and one Court Exhibit.

Appellant is not currently in confinement.

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

Appellate defense counsel is currently assigned fourteen cases; nine cases are pending initial AOE's before this Court and one case is pending a grant brief before the United States Court of Appeals for the Armed Forces (CAAF). The undersigned counsel was assigned to this case on 17 July 2023, but counsel's first full day in the Appellate Defense Division was 31 July 2023. On 8 August 2023, the undersigned counsel reviewed, finalized, and filed a Supplement to the Petition for Grant of Review at the CAAF for *United States v. Wells*, USCA Dkt. No. 23-0219/AF.

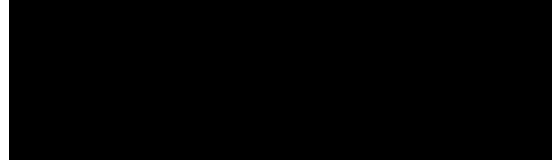
At this time, one case has priority over the present case: *United States v. Leipart*, USCA Dkt. No. 23-0163/AF. The CAAF granted review on two issues on 20 July 2023. Appellant's brief and the joint appendix are due in accordance with the CAAF's order on 21 August 2023.

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

Appellant was advised of his right to a timely appeal. 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 respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

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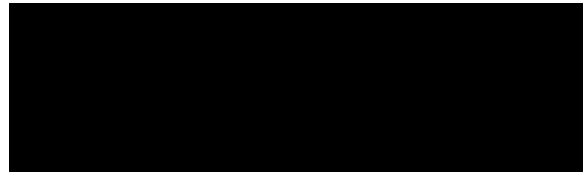
SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

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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 14 August 2023.

Respectfully submitted,

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SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

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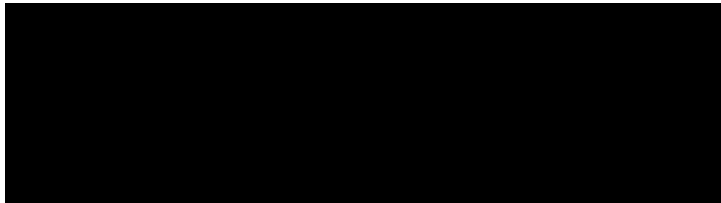
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
First Lieutenant (O-2)	)	ACM 40404
SAMUEL J. TRUEMAN, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

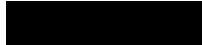
**TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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

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

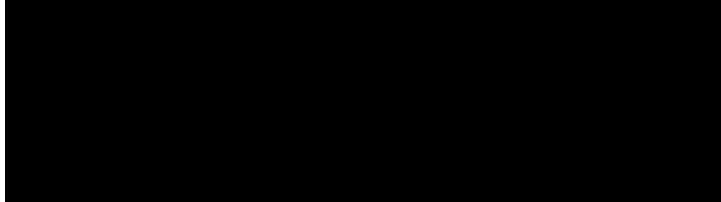


PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 16 August 2023.



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



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

UNITED STATES	)	No. ACM 40404
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Samuel J. TRUEMAN)	
First Lieutenant (O-2))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 3

On 14 August 2023, counsel for Appellant submitted a Motion for Enlargement of Time (Fifth) requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure. Accordingly, it is by the court on this 17th day of August, 2023,

ORDERED:

Appellant's Motion for Enlargement of Time (Fifth) is **GRANTED**. Appellant shall file any assignments of error not later than **23 September 2023**.

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



FOR THE COURT



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SIXTH)
)	
v.	)	Before Panel No. 3
)	
First Lieutenant (O-2),	)	No. ACM 40404
SAMUEL J. TRUEMAN,)	
United States Air Force,	)	15 September 2023
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and 23.3(m)(6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his sixth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **23 October 2023**. The record of trial was docketed with this Court on 26 January 2023. From the date of docketing to the present date, 232 days have elapsed. On the date requested, 270 days will have elapsed. This enlargement of time is being filed out of an abundance of caution, as a Motion to Withdraw from Appellate Review was filed in this case on 13 September 2023, but is pending action. Counsel is withdrawing the motion of the same name filed today, due to an error in the calculation of days.

On 10 November 2022, Appellant was tried by a general court-martial composed of a military judge alone at Robins Air Force Base, Georgia. Consistent with his pleas,¹ Appellant was convicted of one charge and one specification of assault consummated by a battery, in violation of Article 128, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 928. R. at 18, 45. The military judge sentenced Appellant to 30 days confinement and a dismissal. R. at 133. The convening

¹ One charge and three specifications of abusive sexual contact, in violation of Article 120, UCMJ, 10 U.S.C. § 920, were withdrawn and dismissed with prejudice. R. at 133-34.

authority took no action on the findings or sentence. Record of Trial (ROT) Vol. 1, *Convening Authority Decision on Action – United States v. First Lieutenant Samuel J. Trueman*, dated 2 December 2022.

The record of trial consists of two volumes. The transcript is 134 pages. There are three Prosecution Exhibits, no Defense Exhibits, two Appellate Exhibits, and one Court Exhibit. Appellant is not currently in confinement.

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

Appellate defense counsel is currently assigned sixteen cases; ten cases are pending initial AOE's before this Court and two cases are pending before the United States Court of Appeals for the Armed Forces (CAAF). Two cases have priority over the present case:

1. *In Re HVZ*, USCA Dkt. No. 23-0250/AF – The Judge Advocate General of the Air Force certified for review four issues, which were docketed by the CAAF on 13 September 2023. The Real Party in Interest's brief is due on 25 September 2023.²

2. *United States v. Leipart*, USCA Dkt. No. 23-0163/AF – The Government's Answer is expected on 20 September 2023, making the Reply due on 30 September 2023. Oral argument is anticipated to occur by the end of the year.

Since Appellant's last request for an enlargement of time, undersigned counsel has completed her review of the record and filed a Motion to Withdraw from Appellate Review on 13 September 2023 on behalf of Appellant. As the withdrawal request has not yet been acted on, this enlargement of time is requested. In the event the withdrawal is denied, through no fault

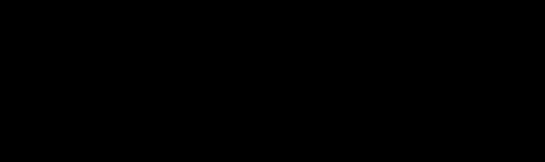
² A new and corrected docketing notice was issued by the CAAF, changing the deadline for this brief.

of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete the AOE for Appellant's case. Accordingly, an enlargement of time is necessary to finalize Appellant's AOE.

Appellant was advised of his right to a timely appeal. 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 respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,



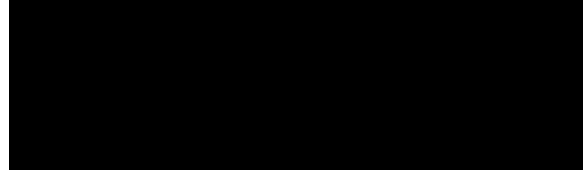
SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division




CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 15 September 2023.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

Four horizontal black rectangular redaction bars covering contact information.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION TO WITHDRAW FROM
<i>Appellee,</i>	)	APPELLATE REVIEW AND ATTACH
)	
v.)	
	)	Before Panel No. 3
First Lieutenant (O-2),)	
SAMUEL J. TRUEMAN,	)	No. ACM 40404
United States Air Force,)	
<i>Appellant.</i>	)	13 September 2023

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

Pursuant to Rule 16 of the Rules of Practice and Procedure of the United States Air Force Court of Criminal Appeals and Rule for Courts-Martial (R.C.M.) 1115, Appellant moves to withdraw his case from appellate review. Appellant has fully consulted with Captain Samantha Castanien, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promises of clemency, or otherwise, to withdraw his case from appellate review. Further, pursuant to Rules 23(b) and 23.3(b), undersigned counsel asks this Court to attach the two-page document appended to this pleading to the record of this proceeding. The appended document is necessary to comply with R.C.M. 1115(d).

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

Respectfully submitted,

[Redacted Signature]

SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division

[Redacted Address Line 1]

[Redacted Address Line 2]

[Redacted Address Line 3]

[Redacted Address Line 4]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Division on 13 September 2023.



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division



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

UNITED STATES	)	No. ACM 40404
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Samuel J. TRUEMAN)	
First Lieutenant (O-2))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 3

On 13 September 2023, Appellant submitted a Motion to Withdraw from Appellant Review and Motion to Attach. Specifically, Appellant moved to attach a DD Form 2330, *Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals*, signed by Appellant on 12 September 2023 and Appellant's counsel on 11 September 2023.

The Government did not submit any opposition.

Accordingly, it is by the court on this 18th day of September 2023,

ORDERED:

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



FOR THE COURT

[Redacted signature]

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