

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	NOTICE OF DIRECT APPEAL
<i>Appellee</i>	)	PURSUANT TO ARTICLE 66(b)(1)(A),
	)	UCMJ
v.	)	
	)	
Staff Sergeant (E-5)	)	No. ACM SXXXXXX
JOSEPH A. TURNER,	)	
United States Air Force	)	1 November 2024
<i>Appellant</i>	)	

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

On 5 April 2024, Appellant was tried by a special court-martial sitting as a military judge alone at Luke Air Force Base, Arizona. Entry of Judgment at 1. Consistent with his pleas, the military judge found Appellant guilty of one charge and specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 128b, UCMJ. *Id* at 1-2. Appellant was sentenced to five months of confinement and a reprimand. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action.

On 8 August 2024, the Government sent Appellant the required notice, by mail, of his right to appeal within 90 days. Pursuant to Article 66(b)(1)(A), UCMJ, Appellant hereby files his notice of direct appeal with this Court.

Respectfully submitted,

TREVOR N. WARD, 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 Government Trial and Appellate Operations Division on 1 November 2024.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel

[REDACTED]

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

UNITED STATES	)	No. ACM _____
<i>Appellee</i>	)	
	)	
v.	)	
	)	
Joseph A. TURNER	)	NOTICE OF
Staff Sergeant (E-5)	)	DOCKETING
U.S. Air Force	)	
<i>Appellant</i>	)	

On 1 November 2024, this court received a notice of direct appeal from Appellant in the above-styled case, pursuant to Article 66(b)(1)(A), Uniform Code of Military Justice, 10 U.S.C. § 866(b)(1)(A).

As of the date of this notice, the court has not yet received a record of trial in Appellant's case.

Accordingly, it is by the court on this 4th day of November, 2024,

ORDERED:

The case in the above-styled matter is referred to Panel 1.

It is further ordered:

The Government will forward a copy of the record of trial to the court forthwith.



FOR THE COURT

[Redacted signature]

OLGA STANFORD, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

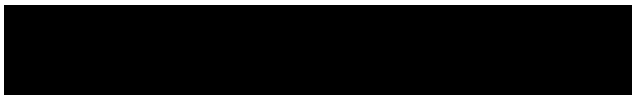
UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (FIRST)
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force	)	27 December 2024
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **6 March 2025**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was transmitted to this Court on 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 51 days have elapsed.¹ On the date requested, 120 days will have elapsed.

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

Respectfully submitted,



TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel

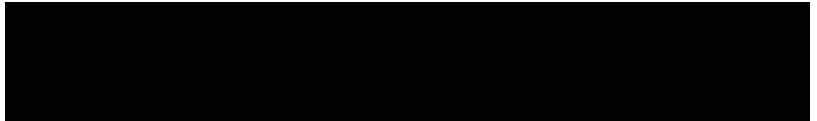


¹ From the date of docketing to the present date, 53 days have elapsed. From the date of docketing to the date requested, 122 days will have elapsed.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 27 December 2024.

Respectfully submitted,

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TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel

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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
	)	
Staff Sergeant (E-5)	)	ACM 24067
JOSEPH A. TURNER, 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.

[Redacted Signature]

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division

[Redacted Address Line 1]
[Redacted Address Line 2]
[Redacted Address Line 3]

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 30 December 2024.

[REDACTED]

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division

[REDACTED]

[REDACTED]

[REDACTED]

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

UNITED STATES	)	No. ACM 24067
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Joseph A. TURNER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 1

On 27 December 2024, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 days to submit Appellant's assignments of error. The Government opposed 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 30th day of December, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **6 March 2025**.

Each request for an enlargement of time will be considered on its merits. 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

[Redacted signature]

OLGA STANFORD, 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 (SECOND)
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	24 February 2025
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his second enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **5 April 2025**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was transmitted to this Court on 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 110 days have elapsed.¹ On the date requested, 150 days will have elapsed.

On 5 April 2024, Appellant was tried by a military judge alone sitting as a special court-martial. R. at 1, 16. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one charge and specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 128b, UCMJ. The military judge sentenced Appellant to five months of confinement and 10 months of hard labor. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.



GRANTED

27 FEB 2025

¹ From the date of docketing to the present date, 112 days have elapsed. From the date of docketing to the date requested, 152 days will have elapsed.

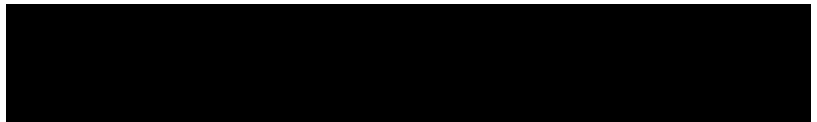
The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and 27 appellate exhibits. The transcript is 118 pages.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature of Trevor N. Ward.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

A black rectangular redaction box covering the address and contact information of Trevor N. Ward.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 24 February 2025.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	ACM 24067
JOSEPH A. TURNER, 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.

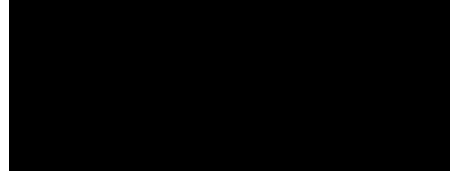
[REDACTED]

THOMAS J. ALFORD, Lt Col, USAFR
Appellate Government Counsel

[REDACTED]
[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 26 February 2026.



THOMAS J. ALFORD, Lt Col, USAFR
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 (THIRD)
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	25 March 2025
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his second enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **5 May 2025**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was transmitted to this Court on 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 139 days have elapsed.¹ On the date requested, 180 days will have elapsed.

On 5 April 2024, Appellant was tried by a military judge alone sitting as a general court-martial. R. at 1, 16. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one charge and specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 119, UCMJ. The military judge sentenced Appellant to five months of confinement and 100 days of hard labor. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.



GRANTED

26 MAR 2025

¹ From the date of docketing to the present date, 141 days have elapsed. From the date of docketing to the date requested, 182 days will have elapsed.

The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and 27 appellate exhibits. The transcript is 118 pages.

Undersigned counsel is assigned 29 cases, 17 cases are pending initial AOE's before this Court. One case before the Supreme Court takes priority over this case: *United States v. Kelnhofer*. Undersigned counsel has not begun drafting this petition. Three cases before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: (1) *United States v. Couty*; *United States v. Beyer*; and (3) *United States v. Covitz*. Undersigned counsel has begun research in *Couty* but has not begun drafting; for the remaining CAAF cases, undersigned counsel has not begun work.

In addition, the following cases with this Court have priority over the instant case.

- 1) *United States v. Barlow*, ACM 40552 – The record of trial is four volumes, consisting of six prosecution exhibits, nine defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 338 pages. The Government has sought an enlargement of time to file its Answer on 27 April 2025. If granted, this appellant's reply would be due on 5 May 2025.
- 2) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel has completed a review of the record. Civilian co-counsel is presently reviewing the record. However, the copy received by the civilian co-counsel from this appellant was heavily redacted. It is unclear why the Government chose to redact non-sealed and non-sensitive information. Regardless, undersigned counsel spent considerable time scanning and sending the unsealed record to

civilian co-counsel. This copy of the record was sent to the civilian co-counsel and it is presently being reviewed.

- 3) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned counsel has not begun a review of this record.
- 4) *United States v. Ehly*, ACM23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits. The transcript is 183 pages long. Undersigned counsel has not begun a review of this record.
- 5) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has not begun a review of this record.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,

TREVOR N. WARD, Maj, 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 Government Trial and Appellate Operations Division on 25 March 2025.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	26 March 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.

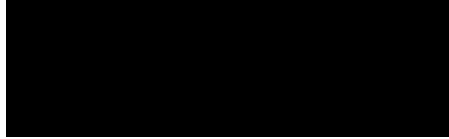
[REDACTED]

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 26 March 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 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	25 April 2025
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his fourth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **4 June 2025**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was not transmitted to this Court until 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 170 days have elapsed.¹ On the date requested, 210 days will have elapsed.

On 5 April 2024, Appellant was tried by a military judge alone sitting as a general court-martial. R. at 1, 16. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one charge and specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 128b, UCMJ. The military judge sentenced Appellant to five months of confinement and



From the date of docketing to the present date, 172 days have elapsed. From the date of docketing to the date requested, 212 days will have elapsed.

My previous filing of the same name and date erroneously stated that 140 days had elapsed. This filing corrects that error.

GRANTED
29 APR 2025

a reprimand. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and 27 appellate exhibits. The transcript is 118 pages.

Undersigned counsel is assigned 31 cases, 19 cases are pending initial AOE's before this Court. One case before the Supreme Court takes priority over this case: *United States v. Kelnhofer*. Undersigned counsel begun drafting this petition, to be completed no later than 14 May 2025. Three cases before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: (1) *United States v. Washington*; (2) *United States v. Beyer*; and (3) *United States v. Covitz*. Undersigned and civilian co-counsel are presently drafting the grant brief in *Washington*. Undersigned counsel has begun research in *Beyer*.

In addition, the following cases with this Court have priority over the instant case.

- 1) *United States v. Barlow*, ACM 40552 – The record of trial is four volumes, consisting of six prosecution exhibits, nine defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 338 pages. The Government's Answer is due on 15 May 2025, with any reply due on 22 May 2025.
- 2) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel has completed a review of the record. Civilian co-counsel is presently reviewing the record.
- 3) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court

exhibit. The transcript is 1,201 pages long. Undersigned counsel has not begun a review of this record. However, civilian co-counsel has completed a review of the record.

4) *United States v. Ehly*, ACM 23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits. The transcript is 183 pages long. Undersigned counsel has not begun a review of this record.

5) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has not begun a review of this record.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

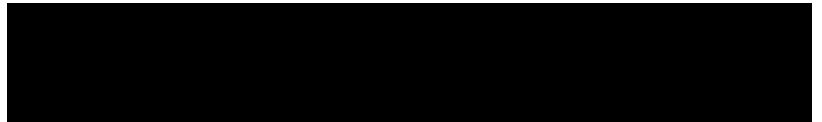
Respectfully submitted,

TREVOR N. WARD, Maj, 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 Government Trial and Appellate Operations Division on 25 April 2025.

Respectfully submitted,

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TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

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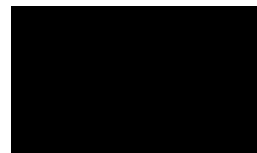
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	28 April 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.

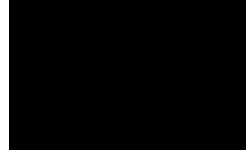


KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 28 April 2025.



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 (FIFTH)
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	22 May 2025
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fifth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **4 July 2025**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was not transmitted to this Court until 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 197 days have elapsed.¹ On the date requested, 240 days will have elapsed.

On 5 April 2024, Appellant was tried by a military judge alone sitting as a general court-martial. R. at 1, 16. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one charge and specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 92, UCMJ. The military judge sentenced Appellant to five months of confinement and



GRANTED
27 MAY 2025

¹ From the date of docketing to the present date, 199 days have elapsed. From the date of docketing to the date requested, 242 days will have elapsed.

a reprimand. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and 27 appellate exhibits. The transcript is 118 pages.

Undersigned counsel is assigned 31 cases, 19 cases are pending initial AOE's before this Court. Two cases before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: (1) *United States v. Washington*; (2) *United States v. Covitz*. The reply brief in *Washington* will be due on 6 June 2025. Undersigned counsel has completed research and has begun drafting the supplement brief in *Covitz*.

In addition, the following cases with this Court have priority over the instant case.

- 1) *United States v. Barlow*, ACM 40552 – The record of trial is four volumes, consisting of six prosecution exhibits, nine defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 338 pages. The reply brief is due today, 22 May 2025. The draft is prepared and will be filed before end of day.
- 2) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel has completed a review of the record. Civilian co-counsel has completed a review of the record and is drafting assigned errors.
- 3) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned counsel has not begun a review of this record. However, civilian co-counsel has completed a review of the record.

4) *United States v. Ehly*, ACM 23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits. The transcript is 183 pages long. Undersigned counsel has not begun a review of this record.

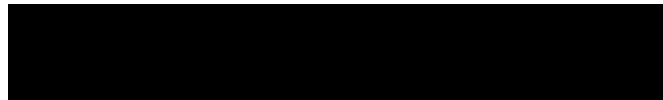
5) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has not begun a review of this record.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,



TREVOR N. WARD, Maj, 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 Government Trial and Appellate Operations Division on 22 May 2025.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

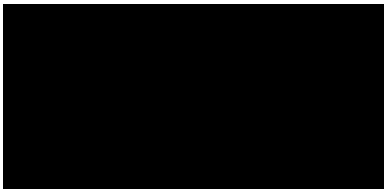
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	27 May 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.

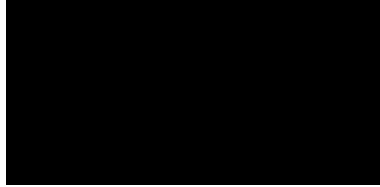


JOCELYN Q. WRIGHT, Maj, USAF
Appellate Government Counsel



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 27 May 2025.



J, 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 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	24 June 2025
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his sixth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **3 August 2025**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was not transmitted to this Court until 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 230 days have elapsed.¹ On the date requested, 270 days will have elapsed.

On 5 April 2024, Appellant was tried by a military judge alone sitting as a general court-martial. R. at 1, 16. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one charge and specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 128b, UCMJ. The military judge sentenced Appellant to five months of confinement and



From the date of docketing to the present date, 232 days have elapsed. From the date of docketing to the date requested, 272 days will have elapsed.

GRANTED
27 JUN 2025

a reprimand. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and 27 appellate exhibits. The transcript is 118 pages.

Undersigned counsel is assigned 34 cases, 21 cases are pending initial AOE's before this Court. Three cases before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: (1) *United States v. Washington*; (2) *United States v. Gibbs*; and (3) *United States v. Barlow*. The reply brief in *Washington* is due on 27 June 2025. Undersigned counsel has not begun work on the petitions in either *Gibbs* or *Barlow*.

In addition, the following cases with this Court have priority over the instant case.

- 1) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel is awaiting the Government's answer in this case.
- 2) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Civilian co-counsel has completed his review of this record. Undersigned counsel has completed his review of the unsealed record, except for the transcript.
- 3) *United States v. Ehly*, ACM 23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits. The transcript is 183 pages long. Undersigned counsel has completed a review of this record and has begun drafting an AOE brief.

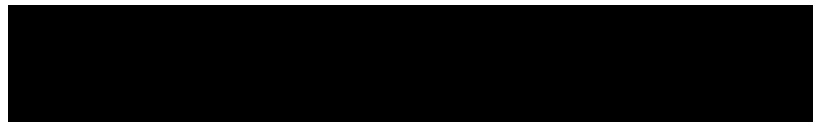
- 4) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has not begun a review of this record.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,



TREVOR N. WARD, Maj, 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 Government Trial and Appellate Operations Division on 24 June 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Trevor N. Ward.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

A black rectangular redaction box covering the contact information of Trevor N. Ward.

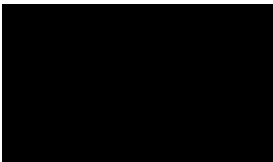
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	25 June 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 25 June 2025.



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 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	25 July 2025
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his seventh enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **2 September 2025**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was not transmitted to this Court until 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 261 days have elapsed.¹ On the date requested, 300 days will have elapsed.

On 5 April 2024, Appellant was tried by a military judge alone sitting as a general court-martial. R. at 1, 16. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one charge and specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 128, UCMJ. The military judge sentenced Appellant to five months of confinement and



GRANTED

29 JULY 2025

¹ From the date of docketing to the present date, 263 days have elapsed. From the date of docketing to the date requested, 302 days will have elapsed.

a reprimand. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and 27 appellate exhibits. The transcript is 118 pages.

Undersigned counsel is assigned 34 cases, 21 cases are pending initial AOE's before this Court. Four cases before the United States Supreme Court take priority over these cases: (1) *United States v. Beyer*; (2) *United States v. Covitz*; (3) *United States v. Pulley*; and (4) *United States v. Arizpe*. Undersigned counsel has not begun work on any of these petitions. Additionally, two cases before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: (1) *United States v. Gibbs*; and (2) *United States v. Barlow*. Drafting is nearly complete in *Gibbs* and undersigned counsel has completed research in *Barlow*.

In addition, the following cases with this Court have priority over the instant case.

- 1) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel is awaiting the Government's answer in this case.
- 2) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Civilian co-counsel has completed his review of this record. Undersigned and civilian co-counsel have completed reviews of the record. However, work on the brief has not begun.

- 3) *United States v. Ehly*, ACM 23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits. The transcript is 183 pages long. Undersigned counsel is awaiting the Government's answer.
- 4) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has not begun a review of this record.
- 5) *United States v. Sawyer*, ACM 40670 – The record of trial is five volumes consisting of 10 prosecution exhibits, 16 defense exhibits, and 25 appellate exhibits. The transcript is 245 pages long. Undersigned counsel has completed a review of the record and has identified several potential errors. Undersigned counsel has begun research on those errors and has begun drafting the AOE.
- 6) *United States v. Hon*, ACM 40671 – The record of trial is six volumes long consisting of 14 prosecution exhibits, seven defense exhibits, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long.
- 7) *United States v. Parra Peralta*, ACM 40684 – The record of trial is eight volumes long consisting of 13 prosecution exhibits, 13 defense exhibits, 67 appellate exhibits, and one court exhibit. The transcript is 744 pages long.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

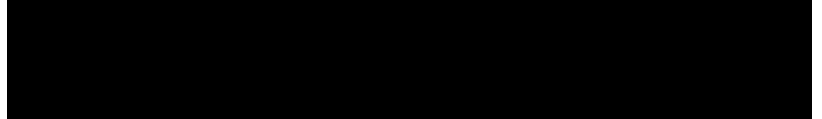
- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature and name of the undersigned counsel.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

A black rectangular redaction box covering the contact information of the undersigned 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 Government Trial and Appellate Operations Division on 25 July 2025.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT’S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	29 July 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 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.

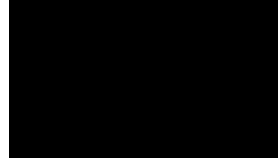


KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 29 July 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME (EIGHTH)
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	22 August 2025
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his eighth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **2 October 2025**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was not transmitted to this Court until 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 289 days have elapsed.¹ On the date requested, 330 days will have elapsed.

On 5 April 2024, Appellant was tried by a military judge alone sitting as a general court-martial. R. at 1, 16. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one charge and specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 128b, UCMJ. The military judge sentenced Appellant to five months of confinement and

¹ From the date of docketing to the present date, 291 days have elapsed. From the date of docketing to the date requested, 332 days will have elapsed.



GRANTED
28 AUG 2025

a reprimand. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and 27 appellate exhibits. The transcript is 118 pages.

Undersigned counsel is assigned 27 cases, 12 cases are pending initial AOE's before this Court. Four cases before the United States Supreme Court take priority over this case: (1) *United States v. Beyer*; (2) *United States v. Covitz*; (3) *United States v. Pulley*; and (4) *United States v. Arizpe*. Undersigned counsel has not begun work on the Beyer and Covitz petitions by conducting research. Additionally, one case before the Court of Appeals for the Armed Forces (CAAF) takes priority over this case: *United States v. Barlow*. While the brief in Barlow is due on 28 August 2025, newly discovered evidence prompted undersigned counsel to file an extension request in order to investigate the veracity of potentially exculpatory evidence not available to the appellant at trial.

In addition, the following cases with this Court have priority over the instant case.

- 1) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. The Government filed its Answer, along with a motion to file under seal, last week. This Court has not yet acted on the motion to file under seal, but it is likely to do so next week as it is unopposed. The reply will likely be due the first week of September 2025.
- 2) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. The initial brief was filed last week. The

Government's Answer is due on 15 September 2025, with any reply due on 22 September 2025.

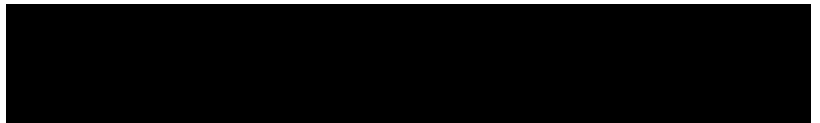
- 3) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has not begun a review of this record and this Court noted that any additional enlargement requests in this case will be looked upon with disfavor.
- 4) *United States v. Sawyer*, ACM 40670 – The record of trial is five volumes consisting of 10 prosecution exhibits, 16 defense exhibits, and 25 appellate exhibits. The transcript is 245 pages long. An initial draft is complete in this case, and will likely be filed by next week.
- 5) *United States v. Hon*, ACM 40671 – The record of trial is six volumes long consisting of 14 prosecution exhibits, seven defense exhibits, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long. Undersigned counsel has not begun work on this case.
- 6) *United States v. Parra Peralta*, ACM 40684 – The record of trial is eight volumes long consisting of 13 prosecution exhibits, 13 defense exhibits, 67 appellate exhibits, and one court exhibit. The transcript is 744 pages long. Undersigned counsel has not begun work on this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

A black rectangular redaction box covering the contact information.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 22 August 2025.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[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
	)	
v.	)	
	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
United States Air Force,	)	
<i>Appellant.</i>	)	26 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 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 yet 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.

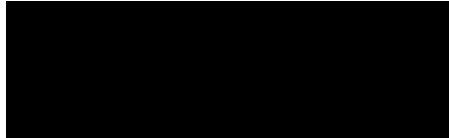
[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
[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 26 August 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



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

UNITED STATES	)	No. ACM 24067
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Joseph A. TURNER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 1

On 23 September 2025, Appellant submitted a Motion for Enlargement of Time (Ninth) requesting an additional 30 days to submit Appellant’s assignments of error. The Government opposed the motion and noted that “[i]f Appellant’s new delay request is granted, the defense delay in this case will be 360 days in length.”

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

Accordingly, it is by the court on this 25th day of September, 2025,

ORDERED:

Appellant’s Motion for Enlargement of Time (Ninth) is **GRANTED**. Appellant shall file any assignments of error not later than **1 November 2025**.

Further requests by Appellant for enlargements of time may necessitate a status conference.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

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 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	23 September 2025
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his ninth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **1 November 2025**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was not transmitted to this Court until 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 321 days have elapsed.¹ On the date requested, 360 days will have elapsed.

On 5 April 2024, Appellant was tried by a military judge alone sitting as a general court-martial. R. at 1, 16. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one charge and specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 128b, UCMJ. The military judge sentenced Appellant to five months of confinement and

¹ From the date of docketing to the present date, 323 days have elapsed. From the date of docketing to the date requested, 362 days will have elapsed.

a reprimand. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and 27 appellate exhibits. The transcript is 118 pages.

Undersigned counsel is assigned 27 cases, 11 cases are pending initial AOE's before this Court. Three cases before the United States Supreme Court take priority over this case: (1) *United States v. Beyer*; (2) *United States v. Covitz*; and (3) *United States v. Pulley*. Undersigned counsel has not begun work on any of these petitions due to work conducted on the below referenced Court of Appeals for the Armed Forces (CAAF) case and *United States v. Lawrence* (before this Court). As a result of these competing priorities, undersigned counsel sought and obtained an extension of time for both *Beyer* and *Covitz*. *Pulley* will also likely seek an extension in order to join other petitioners on the same question they wish to raise.

One case before the Court of Appeals for the Armed Forces (CAAF) takes priority over this case: *United States v. Barlow*. While the brief in *Barlow* was originally due on 28 August 2025, newly discovered evidence prompted undersigned counsel to file an extension request in order to investigate the veracity of potentially exculpatory evidence not available to the appellant at trial. Investigation is still underway, as undersigned counsel conducts interviews and determines appropriate appellate strategy.

In addition, the following cases with this Court have priority over the instant case.

- 1) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. The initial brief was filed last week. After seeking and obtaining one enlargement, the Government's Answer is due on 15 September

2025, with any reply due on 22 September 2025. However, yesterday, 22 September 2025, the Government filed a second enlargement.

- 2) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has completed a review of this record and identified several errors. One of those errors required undersigned counsel to seek the appointment of forensic toxicologist to advise on the appeal. That request is still pending.
- 3) *United States v. Hon*, ACM 40671 – The record of trial is six volumes long consisting of 14 prosecution exhibits, seven defense exhibits, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long. Undersigned counsel has not begun work on this case.
- 4) *United States v. Parra Peralta*, ACM 40684 – The record of trial is eight volumes long consisting of 13 prosecution exhibits, 13 defense exhibits, 67 appellate exhibits, and one court exhibit. The transcript is 744 pages long. Undersigned counsel has not begun work on this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 23 September 2025.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[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
	)	
v.	)	
	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
United States Air Force,	)	
<i>Appellant.</i>	)	24 September 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 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 yet 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.

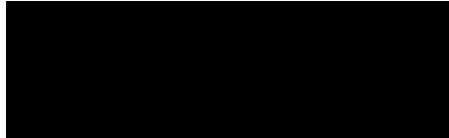
[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
[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 24 September 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 (TENTH)
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	24 October 2025
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his tenth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **1 December 2025**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was not transmitted to this Court until 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 352 days have elapsed.¹ On the date requested, 390 days will have elapsed.

On 5 April 2024, Appellant was tried by a military judge alone sitting as a general court-martial. R. at 1, 16. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one charge and specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 128b, UCMJ. The military judge sentenced Appellant to five months of confinement and



ate of docketing to the present date, 354 days have elapsed. From the date of docketing requested, 392 days will have elapsed.

GRANTED

31 OCT 2025

a reprimand. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and 27 appellate exhibits. The transcript is 118 pages.

Undersigned counsel is assigned 27 cases, 9 cases are pending initial AOE's before this Court. Three cases before the United States Supreme Court take priority over this case: (1) *United States v. Beyer*; (2) *United States v. Covitz*; and (3) *United States v. Pulley*. Undersigned counsel has begun work on the *Beyer* and *Covitz* petitions. These petitions are due in late November and early December.

One case before the Court of Appeals for the Armed Forces (CAAF) takes priority over this case: *United States v. Cooley*. Undersigned counsel was assigned to this case after this Court issued its opinion. Undersigned counsel has completed his review of the record, and is currently conducting research for the supplement, which is due in mid-November.

In addition, the following cases with this Court have priority over the instant case.

- 1) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. The reply brief is due in early November. Undersigned counsel is presently drafting the reply brief.
- 2) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has completed a review of this record, identified several errors, and has begun drafting. Additionally, one of the assignments of error likely requires the appointment of a confidential expert consultant. Undersigned counsel made a

request to the Government, but that request was denied. This appellant will move this court next week to compel the appointment of such an expert.

3) *United States v. Hon*, ACM 40671 – The record of trial is six volumes long consisting of 14 prosecution exhibits, seven defense exhibits, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long. Undersigned counsel has not begun work on this case.

4) *United States v. Parra Peralta*, ACM 40684 – The record of trial is eight volumes long consisting of 13 prosecution exhibits, 13 defense exhibits, 67 appellate exhibits, and one court exhibit. The transcript is 744 pages long. Undersigned counsel has not begun work on this case.

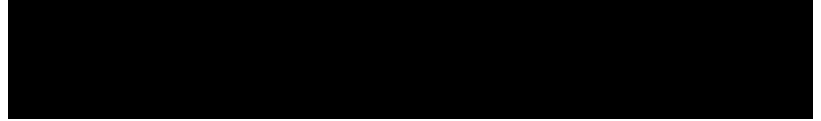
In addition to his duties at the appellate defense division, undersigned counsel was selected to serve as the backfill director of staff for the military justice and discipline directorate. This position has required several days of training and the performance of backfill duties, which have taken undersigned counsel away from his appellate duties.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

A black rectangular redaction box covering the contact information.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 24 October 2025.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
United States Air Force.	)	
<i>Appellant</i>	)	28 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 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 390 days in length. Appellant’s 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 5 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]

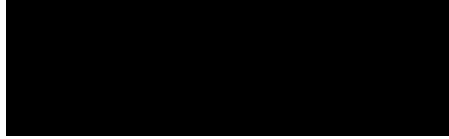
[REDACTED]

[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 28 October 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
	)	(ELEVENTH)
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	24 November 2025
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his eleventh enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **31 December 2025**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was not transmitted to this Court until 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 383 days have elapsed.¹ On the date requested, 420 days will have elapsed.

On 5 April 2024, Appellant was tried by a military judge alone sitting as a general court-martial. R. at 1, 16. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one specification of violating a lawful order, in violation of Article 92, Uniform Code of Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 128b, UCMJ. The military judge sentenced Appellant to five months of confinement and



GRANTED

26 Nov 2025

¹ From the date of docketing to the present date, 385 days have elapsed. From the date of docketing to the date requested, 422 days will have elapsed.

a reprimand. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and 27 appellate exhibits. The transcript is 118 pages.

Undersigned counsel is assigned 27 cases, 9 cases are pending initial AOE's before this Court. One case before the United States Supreme Court take priority over this case: *United States v. Pulley*. Since the last EOT in this case, undersigned counsel has completed drafting in two Supreme Court cases (*Beyer* and *Covitz*). Those petitions are pending filing at the Supreme Court. Undersigned counsel is the lead attorney in *Pulley*, which consolidates another case, *United States v. Folts*. Undersigned counsel plans to have this filing drafted by the end of the Thanksgiving holiday.

In addition, the following cases with this Court have priority over the instant case.

- 1) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has completed a review of this record, identified several errors, and has begun drafting. Additionally, one of the assignments of error likely requires the appointment of a confidential expert consultant. Undersigned counsel has moved this Court to compel the Government to appoint such an expert.
- 2) *United States v. Hon*, ACM 40671 – The record of trial is six volumes long consisting of 14 prosecution exhibits, seven defense exhibits, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long. Undersigned counsel has not begun work on this case.

- 3) *United States v. Parra Peralta*, ACM 40684 – The record of trial is eight volumes long consisting of 13 prosecution exhibits, 13 defense exhibits, 67 appellate exhibits, and one court exhibit. The transcript is 744 pages long. Undersigned counsel has not begun work on this case. However, this Court has ordered that additional enlargement requests were unlikely to be granted.

In addition to his duties at the appellate defense division, undersigned counsel was selected to serve as the backfill director of staff for the military justice and discipline directorate. This position has required several days of training and the performance of backfill duties, which have taken undersigned counsel away from his appellate duties. Further, undersigned counsel anticipates serving as the backfill director around and during the Christmas holiday. However, exact dates are not yet known.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. Undersigned counsel has been diligently working other matters older than Appellant's. During the last enlargement period, undersigned counsel completed the following:

- (1) A petition for writ of certiorari in *United States v. Beyer*;
- (2) A petition for writ of certiorari in *United States v. Covitz*;
- (3) A supplement brief to the Court of Appeals for the Armed Forces in *United States v. Cooley*, which also included reviewing over 1,000 pages of a record because undersigned counsel inherited this case from another military attorney;
- (4) A reply to a Government motion for reconsideration in *United States v. Echasluse*, which also required reviewing over 1,000 pages of record because undersigned counsel inherited this case from another military attorney;
- (5) A first draft review of six filings from other attorneys in the Appellate Defense Division,

- amounting to 141 pages reviewed; and
- (6) Participating in four moot argument for oral arguments at the Court of Appeals for the Armed Forces.

An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown. If this Court believes denial is appropriate, Appellant requests a status conference.

Respectfully submitted,

[REDACTED]

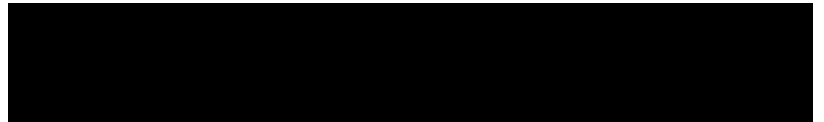
TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 24 November 2025.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Trevor N. Ward.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

A black rectangular redaction box covering the contact information of Trevor N. Ward.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
United States Air Force.	)	
<i>Appellant</i>	)	26 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 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 over 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 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]

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 26 November 2025.

[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[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
	)	(TWELFTH)
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	23 December 2025
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his eleventh enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **30 January 2026**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was not transmitted to this Court until 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 411 days have elapsed.¹ On the date requested, 450 days will have elapsed.

On 5 April 2024, Appellant was tried by a military judge alone sitting as a general court-martial. R. at 1, 16. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one charge and specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 128b, UCMJ. The military judge sentenced Appellant to five months of confinement and

¹ From the date of docketing to the present date, 413 days have elapsed. From the date of docketing to the date requested, 452 days will have elapsed.

a reprimand. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and 27 appellate exhibits. The transcript is 118 pages.

Undersigned counsel is assigned 26 cases, 11 cases are pending initial AOE's before this Court. At present, no case before the Supreme Court or the Court of Appeals for the Armed Forces takes priority over this case. However, should the Government obtain certification in *United States v. Echaluze*, that case before the CAAF would take priority over this one. Additionally, the undersigned was detailed to *United States v. Hilton*. In that case, the CAAF declined review. Should that appellant choose to seek a writ of certiorari from the Supreme Court, that case would also take priority over this one.²

In addition, the following cases with this Court have priority over the instant case.

- 1) *United States v. Hon*, ACM 40671 – The record of trial is six volumes long consisting of 14 prosecution exhibits, seven defense exhibits, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long. Undersigned counsel has completed a review of this case, identified several potential errors, and is conducting research.
- 2) *United States v. Parra Peralta*, ACM 40684 – The record of trial is eight volumes long consisting of 13 prosecution exhibits, 13 defense exhibits, 67 appellate exhibits, and one court exhibit. The transcript is 744 pages long. Undersigned counsel has not begun work

² A previous filing of the same name, dated 22 December 2025, erroneously referenced the Thanksgiving holiday instead of the Christmas holiday. Undersigned counsel has removed the sentence with the holiday reference to avoid further confusion. This filing is being made to take the place of the previous filing referenced above.

on this case. However, this Court has ordered that additional enlargement requests were unlikely to be granted.

- 3) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has completed a review of this record, identified several errors, and has begun drafting. This case could have been complete, but for this Court's order in *Parra Peralta*, requiring undersigned counsel to first turn to that case and *Hon*, noted *supra*.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. Undersigned counsel has been diligently working other matters older than Appellant's. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown. If this Court believes denial is appropriate, Appellant requests a status conference.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 23 December 2025.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
United States Air Force.	)	
<i>Appellant</i>	)	29 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 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 450 days in length. Appellant’s over 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 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 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.

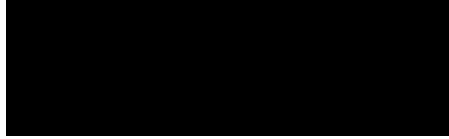
[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
[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 29 December 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



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

UNITED STATES	)	No. ACM 24067
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Joseph A. TURNER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 1

On 23 December 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Twelfth) requesting an additional 30 days to submit Appellant's assignments of error.* The Government opposed the motion.

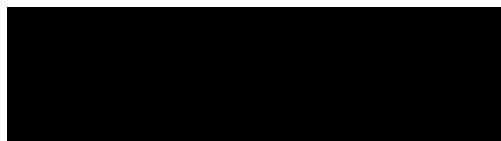
The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure.

Accordingly, it is by the court on this 31st day of December, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (Twelfth) is **GRANTED**. Appellant shall file any assignments of error not later than **30 January 2026**.

Further requests by Appellant for enlargements of time will necessitate a status conference.



SAF

Chief Commissioner

* While the header of Appellant's motion reflects a "Motion for Enlargement of Time (Twelfth)," we note Appellant moved this court "for his eleventh enlargement of time." In the interest of judicial economy, we will treat this as a scrivener's error but remind counsel to review their filings before submitting them to the court.

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

UNITED STATES	)	No. ACM 24067
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Joseph A. TURNER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 1

On 31 December 2025, this court granted Appellant's twelfth motion for an enlargement of time, which the Government opposed, informing Appellant's counsel that "[f]urther requests by counsel for enlargements of time will necessitate a status conference." Appellant shall file any assignments of error not later than 30 January 2026.

On 22 January 2026, Appellant submitted a Motion for Enlargement of Time (Thirteenth) requesting an additional 30 days to submit Appellant's assignments of error. The Government opposed the motion.

Due to the number of enlargements of time and the nature of Appellant's case, this court is not willing to grant Appellant's request for an additional 30 days to submit his assignments of error brief.

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 29th day of January, 2026,

ORDERED:

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



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
	)	(THIRTEENTH)
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	22 January 2026
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his thirteenth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **1 March 2026**. This case was docketed with this Court on 4 November 2024.¹ However, this is a direct appeal and the verbatim transcript was not transmitted to this Court until 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 442 days have elapsed. On the date requested, 480 days will have elapsed.

On 5 April 2024, Appellant was tried by a military judge alone sitting as a general court-martial. R. at 1, 16. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one charge and specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 128b, UCMJ. The military judge sentenced Appellant to five months of confinement and

¹ From the date of docketing to the present date, 444 days have elapsed. From the date of docketing to the date requested, 482 days will have elapsed.

a reprimand. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and 27 appellate exhibits. The transcript is 118 pages.

Undersigned counsel is assigned 23 cases, 9 cases are pending initial AOE's before this Court. One case before the Supreme Court of the United States takes priority over this case: *United States v. Hilton*. That petition must be prepared by 27 February 2026. Additionally, one case before the Court of Appeals for the Armed Forces takes priority over this case: *United States v. Evangelista*. That petition for review is due on 11 February 2026.

In addition, one case before this Court has priority over the instant case.

- 1) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel has completed a review of this record, identified several errors, and has begun drafting. Undersigned counsel anticipates filing the initial AOE brief in this case by next week.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. Undersigned counsel has been diligently working other matters older than Appellant's. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown. If this Court believes denial is appropriate, Appellant requests a status conference.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Trevor N. Ward.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

A black rectangular redaction box covering the contact information of Trevor N. Ward.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 22 January 2026.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
United States Air Force.	)	
<i>Appellant</i>	)	26 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 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 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 2 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.

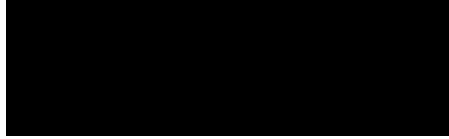
[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
[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 26 January 2026.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION TO ATTACH
<i>Appellee,</i>	)	
	)	
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	4 February 2026
<i>Appellant.</i>	)	

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

Pursuant to Rules 23.3(b) of this Honorable Court's Rules of Practice and Procedure, Appellant moves to attach the Appendix to this motion to the record of trial. The Appendix is a declaration from Lieutenant Colonel Allen Abrams, Deputy Chief of the Appellate Defense Division. The declaration outlines the manning and workload challenges facing the Appellate Defense Division.

This declaration is relevant and necessary for two reasons: (1) to support enlargements of time; and (2) demonstrate that the post-trial delay in this case is caused by the Government's failure to adequately staff the Appellate Defense Division and this Court's failure to request additional personnel be assigned.

WHEREFORE, Appellant requests this Court grant this motion to attach.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 4 February 2026.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

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

UNITED STATES	)	No. ACM 24067
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Joseph A. TURNER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 1

On 29 January 2026, this court granted in part Appellant's thirteenth motion for an enlargement of time, which the Government opposed, stating Appellant shall file any assignments of error not later than 13 February 2026.

On 3 February 2026, Appellant submitted a Motion for Enlargement of Time (Fourteenth) requesting an additional 30 days to submit Appellant's assignments of error. Appellant's counsel states that "[a]bsent exceptional circumstances, [he] believes that he can review the record in Appellant's case and file an [assignments of error] brief on or before 15 March 2026." The Government opposed Appellant's request for a fourteenth enlargement of time.

On 4 February 2026, in support of requests for enlargements of time, Appellant moved this court to attach to his record of trial a nine-page declaration by Lieutenant Colonel (Lt Col) Allen S. Abrams, the Deputy Chief of the Appellate Defense Division, dated 22 January 2026.

On 6 February 2026, this court held a telephonic status conference to discuss the projected completion time of the case. Appellant was represented by Major Trevor N. Ward; Lt Col Abrams and Mr. Dwight H. Sullivan from the Appellate Defense Division also participated in the call. Major Vanessa Bairos represented the Government. In response to a question from the court, Appellant's counsel restated that he anticipates completing an assignments of error brief on or before 15 March 2026. Government counsel stood by their opposition to the enlargement of time.

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

Accordingly, it is by the court on this 9th day of February, 2026,

ORDERED:

Appellant's Motion for Enlargement of Time (Fourteenth) is **GRANTED**. Appellant shall file any assignments of error not later than **15 March 2026**.

Based on Appellant's counsel's expectation to complete an assignments of error brief by 15 March 2026, any further requests for an enlargement of time may be denied absent exceptional circumstances.

It is further ordered:

Appellant's Motion to Attach, dated 4 February 2026, is **DENIED**.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME
	)	(FOURTEENTH)
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	3 February 2026
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fourteenth enlargement of time to file an Assignments of Error (AOE) brief. Appellant requests an enlargement for a period of 30 days, which will end on **15 March 2026**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was not transmitted to this Court until 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 454 days have elapsed. On the date requested, 494 days will have elapsed.¹

On 5 April 2024, Appellant was tried by a military judge alone sitting as a general court-martial. R. at 1, 16. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one charge and specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of Article 128b, UCMJ. The military judge sentenced Appellant to five months of confinement and

¹ From the date of docketing to the present date, 456 days have elapsed. From the date of docketing to the date requested, 496 days will have elapsed.

a reprimand. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and twenty-seven appellate exhibits. The transcript is 118 pages.

Undersigned counsel is assigned sixteen cases. Eight cases are pending initial AOE's before this Court. One case before the United States Supreme Court takes priority over this case: *United States v. Hilton*, No. ACM 40500. Undersigned counsel inherited *Hilton* from another attorney. A review of that record will be necessary before working on the petition, which is currently ongoing. The record is fifteen volumes long, with a transcript that is 2,747 pages. The petition is due to the printer at the end of February 2026.² One case before the Court of Appeals for the Armed Forces (CAAF) also takes priority: *United States v. Evangelista*, No. ACM 40531. The petition is due next week (11 February 2026) and the supplement brief will be due in early March.

In addition, one case before this Court has priority over the instant case:

- 1) *United States v. Lawrence*, ACM 20464 – The record of trial is two volumes consisting of 13 prosecution exhibits, 10 defense exhibits, and five appellate exhibits. The transcript is 126 pages long. Undersigned counsel filed an opening brief in this case last week. The Government answer is due on 2 March 2026, with any reply due on 9 March 2026.

On 29 January 2026, this Court denied, in part, Appellant's Motion for Enlargement of Time (Thirteenth). *United States v. Turner*, No. ACM 24067 (A.F. Ct. Crim. App. Jan. 29, 2026). This denial was based on "the number of enlargements of time and the nature of Appellant's

² All Supreme Court petitions must be printed in booklets, S. Ct. R. 33, unless eligible for an *in forma pauperis* filing. *Id.* Lt Col Hilton is not eligible for *in forma pauperis*. See S. Ct. R. 39. While the due date for the petition is not until 13 March 2026, logistics related to formatting, printing, funding, and delivery generally mean the petition must be sent to the printer no less than two weeks before the due date to ensure timely submission to the Supreme Court.

case.” *Id.* This order appears to analyze Appellant’s case in isolation from undersigned counsel’s immovable requirements imposed by other cases. It also seems to ignore the general proposition that “there are only so many hours in the day. So it is generally for lawyers, not courts, to decide how best to ‘balance’ their ‘limited resources.’” *Fields v. Jordan*, 86 F.4th 218, 242 (6th Cir. 2023) (quoting *Harrington v. Richter*, 562 U.S. 86, 89 (2011)).

Review of Appellant’s record has been delayed not because of the nature of his case, but rather because of the nature and procedural posture of other cases that must take priority over it. As indicated in Appellant’s last enlargement motion, the Supreme Court petition in *Hilton* and CAAF petition/supplement in *Evangelista* must take priority over this case because the timelines cannot be extended further. The deadlines for those two cases are static and cannot be moved.³ Therefore, if this Court does not grant this enlargement of thirty days, then the combined work required on *Hilton*, *Evangelista*, and Appellant’s case will force undersigned counsel into an untenable position: either violate his ethical duty to this Appellant and not file a brief to this Court, violate his ethical duties to Lt Col Hilton and A1C Evangelista by not filing their appeals to the higher courts, or file one or more of these briefs without sufficient time to provide competent and effective representation.

As previously noted, there are *no additional personnel* who can take these cases from undersigned counsel. Mot. to Attach, Attach. A. In addition to the issues raised in Lt Col Abrams’s declaration, two active-duty counsel are not presently working case matters due to medical leave, further constraining options for additional or alternative counsel. It is not physically feasible to

³ The deadline for the CAAF has been calculated assuming the pro forma extension at the CAAF will be granted. The deadline for the Supreme Court petition includes the pro forma extension. There is no rule at the Supreme Court permitting additional extensions for a petition. S. CT. R. 13.5. And more than one extension at the CAAF for a supplement brief is “discouraged” and can only be granted for “good cause shown.” CAAF R. PRAC. & PROC. R. 19(a)(5)(A).

(1) finish reviewing Lt Col Hilton's case; (2) prepare a Supreme Court petition for *United States v. Hilton*; (3) prepare and file a petition and supplement brief for *United States v. Evangelista* at the CAAF; and (4) review Appellant's record and file a brief to this Court, *all* within the time allotted by this Court's partial denial of Appellant's thirteenth enlargement motion.

The potential for undersigned counsel's present docket congestion was previously forecasted by counsel at a status conference in another case; that concern is now, unfortunately, vindicated. This case was previously a higher priority than another case before this Court that has since been reviewed and withdrawn: *United States v. Parra Peralta*, No. ACM 40684. Appellant's case likely could have been filed before the end of this month, but for this Court's decision to move it down in priority. Specifically, another panel of this Court ordered that *Parra Peralta*, not *Turner*, be a higher priority. *See United States v. Parra Peralta*, No. ACM 40684 (A.F. Ct. Crim. App. Jan. 13, 2026) ("During this status conference [this] court [sic] made clear [that *Parra Peralta*] is a higher priority than two other docketed cases."). After discussing this very situation with that panel at a status conference, this Court nevertheless issued an order requiring that Appellant's case move further back in line.

Appellant now finds himself in the peculiar situation where one panel of this Court demanded Appellant wait longer, only for another panel to constrain its focus to "the number of enlargements of time and the nature of Appellant's case." This panel's order seems to wholly ignore this Court's earlier order in *Parra Peralta*. This push-and-pull from the Court now imperils Appellant's constitutional and statutory right to effective counsel by threatening to deprive detailed counsel the time necessary to represent him.

Denial, even in part, of this or any future enlargement, will have the effect of depriving an Airman (whether it be Appellant, Lt Col Hilton, or A1C Evangelista) of competent representation.

As highlighted in enlargement motions for this and other cases, undersigned counsel spends a significant amount of time beyond his duty hours working his cases.⁴ There is simply not sufficient time to competently review and brief in Appellant's case before 13 February 2026 while accomplishing the work necessary to meet the higher-court deadlines in the above-referenced cases; the denial in part of the previous enlargement necessitates the filing of this additional enlargement, further limiting time counsel would have spent working on other case matters.

Through no fault of Appellant, undersigned counsel has been unable to begin a review of the record and prepare a brief of Appellant's case. Undersigned counsel has been diligently working on other matters, as detailed above. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

Absent exceptional circumstances, undersigned counsel believes that he can review the record in Appellant's case and file an AOE brief on or before 15 March 2026.

⁴ This Court has previously implied the contrary. *See, e.g., United States v. Gibbs*, No. ACM 40523 (A.F. Ct. Crim. App. Nov. 22, 2024) (Order) (referring to undersigned counsel's "attitude" as "sanguine," but citing nothing for the proposition). Notwithstanding such implications, in the ten days since the last motion for enlargement of time, the undersigned completed the following: (1) a responsive brief in *United States v. Barlow* for a petition for a new trial at the CAAF; (2) a review of *United States v. Lawrence* and finalizing an AOE brief in that case; (3) a review of the 882-page record in *United States v. Soto-Chavez*; (4) a roundtable discussion and a moot to prepare another attorney for argument at the CAAF for *United States v. Menard*; (5) a review of approximately 1,000 pages of the record in *United States v. Hilton*; and (6) preparing for and conducting hours-long interviews with the military commissions defense organization, a required part of undersigned counsel's next assignment.

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

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 3 February 2026.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

A black rectangular redaction box covering the contact information.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
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 23.2 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 494 days in length. Appellant’s over 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 2 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant’s counsel has not started review of the record of trial at this late stage of the appellate process.

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

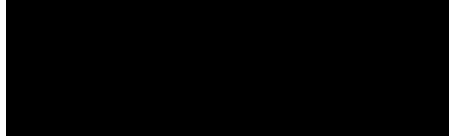
[REDACTED]

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 4 February 2026.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
	)	(FIFTEENTH)
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	6 March 2026
<i>Appellant.</i>	)	

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his fifteenth enlargement of time to file an Assignments of Error (AOE) brief. Barring unforeseen circumstances, this will be Appellant's last enlargement request.

Appellant requests an enlargement for a period of seven days, which will end on **22 March 2026**. This case was docketed with this Court on 4 November 2024. However, this is a direct appeal and the verbatim transcript was not transmitted to this Court until 6 November 2024. From the date of receipt of the verbatim transcript to the present date, 485 days have elapsed. On the date requested, 501 days will have elapsed.¹

On 5 April 2024, Appellant was tried by a military judge alone sitting as a general court-martial. Consistent with his pleas, R. at 19-20, Appellant was found guilty of one charge of specification of violating a lawful order, in violation of Article 92, Uniform Code of Military Justice (UCMJ), and one charge and specification of domestic violence, in violation of



GRANTED

11 MAR 2026

¹ From the date of docketing to the present date, 487 days have elapsed. From the date of docketing to the date requested, 503 days will have elapsed.

Article 128b, UCMJ. The military judge sentenced Appellant to five months of confinement and a reprimand. R. at 118. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The record of trial (ROT) is six volumes long, consisting of three prosecution exhibits and twenty-seven appellate exhibits. The transcript is 118 pages. Undersigned counsel is assigned sixteen cases. Eight cases are pending initial AOE's before this Court. No case before any court takes priority over this case.

In the time since the last motion for enlargement of time, the undersigned counsel has completed the following: (1) a review of more than 1,500 pages of the record of trial in *United States v. Hilton*; (2) completing research and drafting for the petition for writ of certiorari in *Hilton*; (3) completing research and drafting for the supplement brief in *United States v. Evangelista* before the CAAF; (4) a review of five peer filings, encompassing nearly 100 pages; (5) preparing for and attending three moot sessions to prep other counsel for oral argument; and (6) drafting of a responsive pleading in *United States v. Lawrence*.

After completing the reply brief in *Lawrence* this afternoon, the undersigned counsel moved to a review of Appellant's record. He has currently reviewed about 100 pages. In addition, the undersigned counsel has already identified several errors in this case, to include jurisdictional errors, potential ineffective assistance of counsel, coercion involving Appellant's plea of guilty, and deprivation of Appellant's right to counsel. While these are substantial issues, the undersigned counsel nevertheless anticipates completing review of this record and initial briefing during this requested enlargement period (i.e., before 22 March 2026).

Undersigned counsel notes that in the previous enlargement motion, he anticipated completing a review and briefing in this case before 15 March 2026. However, the review of the

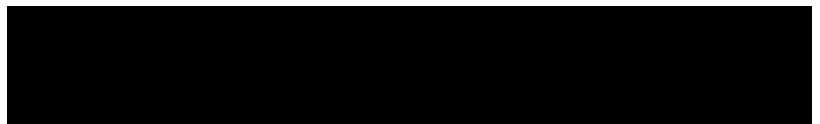
Hilton case took longer than expected and resulted in substantial additional research prior to drafting that petition. Additionally, due to civilian counsel's unavailability in *Evangelista* because of that counsel's trial matters, the undersigned military counsel had to research and draft that petition to the CAAF. This further delayed review of Appellant's record. Lastly, identification of significant constitutional and jurisdictional defects will take time to research before drafting, which was not anticipated at the time of Appellant's last motion for an enlargement.

Through no fault of Appellant, undersigned counsel has been unable to complete a review of the record and prepare a brief of Appellant's case. Undersigned counsel has been diligently working on other matters, as detailed above. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

- (1) Appellant has been advised of his right to a timely appeal.
- (2) Appellant has been advised of this specific request for enlargement of time.
- (3) Appellant has been apprised of the status of undersigned counsel's progress on his case.
- (4) Appellant has consented to this enlargement of time.

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

Respectfully submitted,



TREVOR N. WARD, Maj, 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 Government Trial and Appellate Operations Division on 6 March 2026.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
United States Air Force.	)	
<i>Appellant</i>	)	10 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 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 501 days in length. Appellant’s over 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 1 month 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.

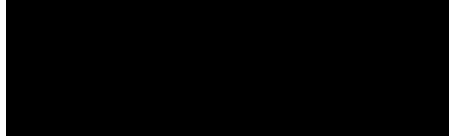
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VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

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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 2026.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Staff Sergeant (E-5)

JOSEPH A. TURNER

United States Air Force

Appellant.

BRIEF ON BEHALF OF APPELLANT

Before Panel No. 1

No. ACM 24067

March 23, 2026

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

Trevor N. Ward
Major, U.S. Air Force
Appellate Defense Counsel



ASSIGNMENT OF ERROR

- I. Staff Sergeant Turner was never advised that, by pleading guilty to a domestic violence offense, he would be federally barred from owning or possessing firearms. Was Staff Sergeant Turner's guilty plea knowing and voluntary?**

STATEMENT OF STATUTORY JURISDICTION

Staff Sergeant (SSgt) Joseph A. Turner, the Appellant, filed a timely appeal of the court-martial judgment, entered into the record on July 4th, 2024, under Article 60c(a), Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 860c. This Court has jurisdiction pursuant to Article 66(b)(1)(A), UCMJ, 10 U.S.C. § 866(b)(1)(A).

STATEMENT OF THE CASE

Consistent with his pleas, R. at 19-20, a military judge sitting as a general court-martial found SSgt Turner guilty of one charge and specification of failure to obey a lawful order, in violation of Article 92, UCMJ, 10 U.S.C. § 892, and one charge and specification of domestic violence, in violation of Article 128b, UCMJ, 10 U.S.C. § 928b. R. at 118. The military judge sentenced SSgt Turner to five months of confinement and a reprimand. R. at 118

STATEMENT OF FACTS

SSgt Turner languished in pretrial confinement for 292 days. Entry of Judgement at 2. While in pretrial confinement, SSgt Turner's expiration of term of service (ETS) date passed and the Air Force stopped paying him. App. Ex. XI at 3. Similarly, healthcare for SSgt Turner's dependents was cut-off. *Id.* Faced with these pressures, SSgt Turner decided to plead guilty to hitting his then-wife on the arm with his hand after she stole his cell phone. Pros. Ex. 1 at 2.

During his *Care*¹ inquiry, the military judge advised SSgt Turner on the rights he would give up by pleading guilty. R. at 22. But the military judge never informed SSgt Turner that his plea of guilty could negatively impact his Second Amendment right to own and possess firearms. *See generally* R. 1-118.

¹ *United States v. Care*, 40 C.M.R. 247 (C.M.A. 1969).

At the time he pled guilty, SSgt Turner did not know that his plea would result in a lifetime forfeiture of his right to own and possess firearms. Mot. to Attach, App’x [hereinafter Turner Decl.]. Had he known this, he would not have pled guilty. *Id.*

ARGUMENT

I. SSgt Turner’s guilty plea was not knowing and voluntary because he was never advised that, by pleading guilty, he would be deprived of his Second Amendment rights.

A. Standard of review.

This Court reviews “questions of law arising from the guilty plea de novo.” *United States v. Smith*, No. ACM 40437 (f rev), 2026 CCA LEXIS 1, at *9 (A.F. Ct. Crim. App. Jan. 5, 2026) (quoting *United State v. Inabinette*, 66 M.J. 320, 322 (C.A.A.F. 2008)). A military judge’s decision to accept a guilty plea is reviewed for an abuse of discretion. *Id.* (quoting *United States v. Riley*, 72 M.J. 115, 119 (C.A.A.F. 2013)).

B. A conviction for a domestic violence offense permanently deprives the convicted of their Second Amendment rights.

The federal criminal code prohibits any person convicted of “a crime punishable by imprisonment for a term exceeding one year”² to possess or own a “firearm or ammunition.” 18 U.S.C. § 922(g)(1). In 2000, Congress passed the Lautenberg Amendment to the Gun Control Act of 1968. Jessica A. Golden, *Examining the Lautenberg Amendment in the Civilian and Military Contexts: Congressional Overreaching, Statutory Vagueness, Ex Post Facto Convictions, and Implementation Flaws*, 29 FORDHAM URB. L.J. 427 (2001) [hereinafter “*Examining Lautenberg*”]. This amendment added 18 U.S.C. § 922(g)(9) to the criminal code, which prohibits persons convicted “in any court of a misdemeanor crime of domestic violence” from owning or possessing a firearm or ammunition. *See Examining Lautenberg* at 427.

² This is otherwise known as a felony conviction. *United States v. Weaver*, 1 M.J. 111, 115 n.2 (C.M.A. 1975).

But, unlike the Gun Control Act, which had a public interest exception, 18 U.S.C. § 925(a)(1) (1968), the Lautenberg Amendment contains no such exception. *Id.* at 429-30; *see* 18 U.S.C. § 922(g)(9). This means that law enforcement and servicemembers, among others, who are convicted of domestic violence cannot own or possess firearms, even if necessary for their jobs. *Id.* at 430. Therefore, once convicted of domestic violence “in any court,” the convicted is permanently deprived of their Second Amendment rights.

C. A military accused must knowingly and voluntarily plead guilty before the plea is accepted. Where the plea of guilty incurs a collateral consequence that is “particularly severe,” the accused must know this before the military judge accepts the plea.

Before accepting a guilty plea, a military judge must ensure that the plea is “knowing and voluntary.” *Riley*, 72 M.J. at 120 (quoting *United States v. Hayes*, 70 M.J. 454, 457 (C.A.A.F. 2012)). The Court of Appeals for the Armed Forces (CAAF) held that when an accused is not advised of potential sex offender registry, the plea is not knowing and voluntary. *Id.* at 122-23. This is because “lifelong” sex offender registry, while a collateral consequence of a conviction, is nevertheless “a particularly severe penalty.” *Id.* at 122. To support this, the CAAF referenced the lifelong nature of sex offender registry as well as the “intimate” relation between the underlying conviction and registration requirements. *Id.* at 120.

Just like sex offender registration, a firearms prohibition under Lautenberg is a particularly severe penalty. The most striking similarity is that a firearms ban under Lautenberg is “lifelong.” *Compare id.* at 120, 122, with 18 U.S.C. § 922(g)(9); *see Examining Lautenberg* at 427. Although even sex offender registration may not be lifelong. *See, e.g.,* VA. CODE ANN. § 9.1-908 (2026). This makes the lifetime ban under Lautenberg more severe than sex offender registration. Moreover, like sex offender registration, there is an intimate relation between domestic violence convictions and the firearms ban. *See* 18 U.S.C. § 922(g)(9). In fact, unlike

sex offender registration, which acts as a blanket to some types of sex offenses (but not others), the Lautenberg Amendment specifically references “all” convictions of domestic violence. 18 U.S.C. § 922(g)(9). This means there is a stronger connection between Lautenberg and domestic violence convictions than sex offender registration and sex offense convictions.

The CAAF also noted that sex offender registration impacted a registrant’s constitutional rights to privacy and freedom of movement. *Cf. Riley*, 72 M.J. at 120-21. Just like sex offender registry, a firearms ban necessarily implicates constitutional rights because the Second Amendment enshrines the right to keep and bear arms. U.S. CONST. amend. II; *see N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 70-71 (2022) (“The constitutional right to bear arms . . . is not ‘a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.’” (quoting *McDonald v. City of Chicago*, 561 U.S. 742, 780 (2010) (plurality opinion))).

Unless the accused has a “sufficient awareness of the relevant circumstances of likely consequences” of his guilty plea, that plea is not “knowing and voluntary.” *United States v. Talkington*, 73 M.J. 2112, 216 (C.A.A.F. 2014) (citing *Riley*, 72 M.J. at 118-19, 122). So even though a “severe penalty” is only a “collateral consequence,” a military judge’s failure to ascertain the accused’s knowledge of that penalty before accepting the plea is an abuse of discretion. *See id.*

D. The military judge abused his discretion by accepting SSgt Turner’s guilty plea without first advising him of the firearms ban.

SSgt Turner pled guilty to a domestic violence specification. By pleading guilty, and having his plea accepted, SSgt Turner permanently forfeited his right to own and possess firearms. 18 U.S.C. § 922(g)(9). Despite this, the military judge never advised SSgt Turner of the firearms prohibition. This was an abuse of discretion. *See Riley*, 72 M.J. at 122. Here, just as in

Riley, “[g]iven the lifelong consequences of [the firearms prohibition under 18 U.S.C. § 922(g)(9)], which is a ‘particularly severe penalty,’” the military judge’s failure to advise on the firearms prohibition “results in a substantial basis to question the providence” of the plea. 72 M.J. at 122.

In *Riley*, the CAAF noted that the Benchbook “set forth detailed instructions for the acceptance of a guilty plea,” including a provision asking whether trial defense counsel advised the accused about sex offender registration. *Id.* at 121 (citing Dep’t of the Army, Pam. 27-9, Legal Services, Military Judges’ Benchbook [hereinafter “Benchbook”], ch. 2, § II, para. 2-2-8 (Jan. 1, 2010)). While the CAAF recognized the Benchbook is not binding, it nevertheless reasoned that it “is intended to ensure compliance with existing law.” *Id.* at 122. And, therefore, a military judge “should not deviate” from the Benchbook without explaining why. *Id.* (quoting *United States v. Rush*, 54 M.J. 313, 315 (C.A.A.F. 2001)); *United States v. Vanburen*, ARMY 20220062, 2024 CCA LEXIS 107, at *15 (A. Ct. Crim. App. Mar. 8, 2024) (agreeing that the Benchbook is “intended to ensure compliance with existing law”). Because the “military judge failed to adhere to the straightforward guidance set forth in the Benchbook ‘[That] failure . . . affects whether the plea was knowingly made.’” *Riley*, 72 M.J. at 122. (quoting *People v. Fonville*, 804 N.W.2d 878, 895 (Mich. Ct. App. 2011)).

As in *Riley*, “[a]t the time of [SSgt Turner’s] court-martial,” *id.*, the Benchbook provided “straightforward guidance” on questions to ask regarding firearms advice to the accused. Benchbook at ch. 2., § II, para. 2-2-9. In fact, the language quoted by the CAAF in *Riley* is strikingly similar to the language contained in paragraph 2-2-9 for firearms prohibitions.

Compare Riley, 73 M.J. at 121, *with* Benchbook at ch. 2., § II, para. 2-2-9.³ Despite this, the military judge failed to ask these questions. As a result, the record is devoid of any information showing that SSgt Turner knew about the deprivation of his Second Amendment rights.

Therefore, his plea was not knowing and voluntary.

E. There is no evidence in the record that trial defense counsel informed SSgt Turner of his permanent deprivation of his Second Amendment rights. But even if they did, it would not matter because it was the military judge’s responsibility to ensure SSgt Turner’s plea was knowing and voluntary.

In *Riley*, the Government argued that “the burden is only on the defense counsel to notify clients about sex offender registration.” But the CAAF dismissed this argument, noting that “the military judge ‘shoulder[s] the primary responsibility’ for the acceptance of a knowing plea.

Riley, 72 M.J. at 122 (quoting *United States v. King*, 3 M.J. 458 (C.M.A. 1977)). Because there is no evidence in the record that SSgt Turner was advised that his plea of guilty would result in a firearms prohibition, this Court should find the military judge abused his discretion.

Here, the military judge failed to inquire whether SSgt Turner had been advised that his plea of guilty would impact his Second Amendment rights. R. at 1-118. Absent this error, SSgt Turner would have learned that his plea would result in a firearms ban and would he not have pled guilty. Turner Decl. Therefore, setting aside this conviction is appropriate. *Riley*, 72 M.J. at 123.

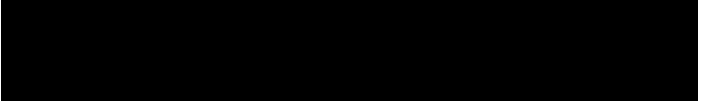
CONCLUSION

Despite analogous, binding caselaw, and a Benchbook instruction advising a colloquy on the firearms prohibition, the military judge failed to ask whether SSgt Turner was advised of the

³ SSgt Turner recognizes that the section quoted by the *Riley* Court says the military judge “must ask the following question[s],” but the firearms prohibition says “may ask.” *Compare Riley*, 73 M.J. at 121, *with* Benchbook at ch. 2., § II, para. 2-2-9. But this distinction is of little difference. While the difference between “may” and “must” implies discretion to the former, the entire Benchbook is discretionary because it is guidance, not binding law. *Riley*, 73 M.J. at 122.

impact of his plea on his Second Amendment rights. By failing to do this, the military judge abused his discretion in accepting SSgt Turner's guilty plea to the domestic violence specification. Therefore, this Court should set aside that finding of guilt for the domestic violence charge and specification, and set aside the sentence.

Respectfully submitted,

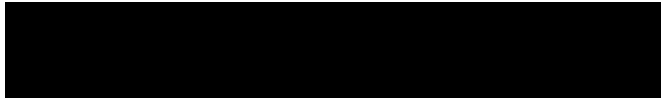
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Trevor N. Ward
Major, U.S. Air Force
Appellate Defense Counsel

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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were electronically delivered to the Court and served on the Air Force Government Trial and Appellate Operations Division on March 23, 2026.



Trevor N. Ward
Major, U.S. Air Force
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION TO ATTACH
	)	(SECOND)
	)	
	)	
v.	)	Before Panel No. 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER,	)	
United States Air Force,	)	March 23, 2026
<i>Appellant.</i>	)	

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

Pursuant to Rules 23.3(b) of this Honorable Court’s Rules of Practice and Procedure, Staff Sergeant (SSgt) Joseph A. Turner, the Appellant, moves to attach the following document to the Record of Trial: Declaration, dated March 23, 2026. This document is contained in the appendix to this motion.

This declaration is relevant and necessary to this Court’s evaluation of the assignment of error. Specifically, the declaration contains information about the rights advisement(s) that were not given to SSgt Turner. It also contains information about SSgt Turner’s decision to plead guilty. This information is required to demonstrate that, had SSgt Turner been appropriately advised, he would not have pled guilty. *See United States v. Riley*, 72 M.J. 115, 123 (C.A.A.F. 2013) (Stucky, J., dissenting) (“Appellant must demonstrate a reasonable probability that, absent the alleged error, she would not have pleaded guilty.”) (first citing *Hill v. Lockhart*, 474 U.S. 52, 59 (1985); then citing *United States v. Hunter*, 65 M.J. 399, 403 (C.A.A.F. 2008)).

In *United States v. Jessie*, 79 M.J. 437, 445 (C.A.A.F. 2020), the Court of Appeals for the Armed Forces continued the practice of allowing consideration of matters outside the record to resolve issues reasonably raised by materials in the record but not fully resolvable by those materials. Here, the error raised involves the rights advisement(s) given to SSgt Turner. His declaration provides this Court the necessary information to resolve this issue.

WHEREFORE, SSgt Turner requests this Court grant this motion to attach.

Respectfully submitted,

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Trevor N. Ward
Major, U.S. Air Force
Appellate Defense Counsel

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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 Government Trial and Appellate Operations Division on March 23, 2026.

Respectfully submitted,

[REDACTED]

Trevor N. Ward
Major, U.S. Air Force
Appellate Defense Counsel

[REDACTED]

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

UNITED STATES	)	No. ACM 24067
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Joseph A. TURNER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 1

On 23 March 2026, Appellant submitted a motion to attach the following document to the record: a sworn declaration by Appellant, dated 23 March 2026. Appellant did not oppose the motion.

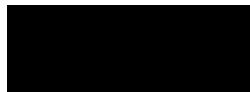
The court has considered the Appellant's motion and the applicable law. The court grants the Appellant's motion; however, it specifically defers consideration of the applicability of *United States v. Jessie*, 79 M.J. 437 (C.A.A.F. 2020), and related case law to the attachment until it completes its Article 66, UCMJ, review of Appellant's entire case.

Accordingly, it is by the court on this 3d day of April, 2026,

ORDERED:

Appellant's Motion to Attach (Second) is **GRANTED**.

FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, <i>Appellee,</i>	)	ANSWER TO ASSIGNMENT OF
	)	ERROR
	)	
v.	)	Before Panel No. 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER	)	
United States Air Force	)	22 April 2026
<i>Appellant.</i>	)	

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

ISSUE PRESENTED

**STAFF SERGEANT TURNER WAS NEVER ADVISED
THAT, BY PLEADING GUILTY TO A DOMESTIC
VIOLENCE OFFENSE, HE WOULD BE FEDERALLY
BARRED FROM OWNING OR POSSESSING FIREARMS.
WAS STAFF SERGEANT TURNER’S GUILTY PLEA
KNOWING AND VOLUNTARY?**

STATEMENT OF CASE

Appellant was charged for the following offenses: Under Article 92, UCMJ, Charge I, two specifications for failing to obey (1) a lawful order prohibiting him from possessing ammunition and (2) a lawful military protective order (MPO) to stay away from BT (his wife); Under Article 112a, UCMJ, two specifications for wrongfully using a Delta-9 tetrahydrocannabinol (THC) (Schedule I) and wrongfully possessing oxandrolone (Schedule III); and under Article 128b, one specification for committing domestic violence against BT by striking her face and arms with his hand. (ROT, Vol 1, *Entry of Judgment*, dated 4 July 2024).

On 22 March 2024, Appellant offered to enter into a plea agreement to plead guilty and not guilty in a military judge alone Special Court Martial as follows:

Charge	UCMJ	Plea	Sentence Modification
Charge I, Specification 1	Article 92	Not Guilty, withdrawn and dismissed with prejudice	N/A
Charge I, Specification 2	Article 92	Guilty	No confinement beyond time served; no forfeiture of pay and allowances, no fine, no reduction in grade, no restrictions, and no hard labor.
Charge II	Article 112a	Not Guilty, withdrawn and dismissed with prejudice	N/A
Charge III	Article 128b	Guilty, excepting the words “face and”	No confinement beyond time served; no forfeiture of pay and allowances, no fine, no reduction in grade, no restrictions, and no hard labor.

(App. Ex. XV).

In exchange, Appellant agreed to enter into a reasonable stipulation of fact with the Government for the charges to which he would plead guilty. (Id.; Pros. Ex. 1, *Stipulation of Fact*, dated 5 April 2024).

On 1 April 2024, the convening authority accepted the plea agreement. (Id.). On 5 April 2024, Appellant pled guilty in accordance with the terms of the plea agreement. (ROT, Vol 1, *Entry of Judgement*, dated 4 July 2024). The military judge sentenced Appellant to a total of five months confinement (with 292 days of pretrial confinement credit) and a reprimand. (Id.; R. at 173). Appellant submitted no matters for consideration under R.C.M. 1106, and the convening authority took no action on the sentence.

STATEMENT OF FACTS

On 6 March 2023, AL (Appellant’s commander) issued an MPO against Appellant, ordering him to remain 100 feet away from BT and her residence (formerly their shared

residence) and to refrain from contacting her. (R. at 32; Pros. Ex. 1). On 19 June 2023, Appellant went to the residence to check the mailbox, which led to a confrontation with BT. (R. at 33). BT took Appellant's phone from him and walked away with it, entering a van parked in her driveway. (R. at 33; Pros. Ex. 1). Appellant followed BT into the van through the passenger side door and hit BT several times on the arm with his hands while attempting to retrieve his phone from BT. (R. at 44; Pros. Ex. 1). JS and JF, BT and Appellant's neighbors across the street, walked outside their home and saw Appellant hit BT while they were in the vehicle. JS and JF called the police, who arrived and apprehended Appellant. (Pros. Ex. 1).

ARGUMENT

THERE IS NO SUBSTANTIAL BASIS TO QUESTION APPELLANT'S GUILTY PLEA.

Additional Facts

In February of 2023, Appellant received an AF Form 177, *Notice of Qualification for Prohibition of Firearms, Ammunition, and Explosives*, as a result of testing positive for THC. (PHO Exhibit 2)¹. The form provided to Appellant stated that persons "who are convicted in any court of a misdemeanor crime of domestic violence" are "permanently prohibit[ed] . . . from the possession and/or purchase of any firearms, ammunitions, or explosives." *Id.*

A year later in his 22 March 2024 offer to plead guilty, Appellant stated he was satisfied with both his trial defense counsel, and they had "fully advised [him] of the nature of the charges against me . . . and the effect of the guilty plea which I am offering to make, and I fully understand their advice and the meaning, effect, and consequences of this plea." (App. Ex. XV).

¹ Appellant was provided with the version of AF Form 177 dated 30 July 2020.

During the colloquy with the military judge, there was no discussion of a firearms prohibition resulting from Appellant's guilty plea. The military judge addressed and ensured Appellant understood the nature of the offenses, the maximum penalty, and the effect of sentence limitations in the plea agreement. (R. at 31, 42-43, 60, 67-68). Appellant also stated he had had enough time to discuss the plea agreement with his trial defense counsel and was satisfied with his trial defense counsel's advice. (R. at 71). Appellant entered into the plea agreement of his "own free will" and "fully under[stood] the meaning and effect of [his] plea agreement." (R. at 71-72). Appellant denied that anyone had threatened or tried to force him to plead guilty, and he said he was pleading guilty voluntarily and of his own free will. (R. at 73).

Appellant now contends that he "was never advised that my plea and resulting conviction for domestic violence would permanently deprive me of my Second Amendment rights to own or possess firearms. Similarly, during the plea colloquy, no one advised me that my plea and resulting conviction would impact my Second Amendment rights." (App. Appendix). Appellant further stated:

[h]ad I known that I would lose my Second Amendment rights, I would not have pled guilty. I am a law enforcement officer by training, and I intended to become a civilian law enforcement officer after my military career. Not only do I believe firearms are necessary for personal protection and home defense, they are also a necessary aspect of civilian law enforcement. I would never have pled guilty if I knew I would lose my right to own or possess firearms."

(Id.)

Standard of Review

A military judge's decision to accept a plea of guilty is reviewed for an abuse of discretion and questions of law arising from the guilty plea de novo. United States v. Inabinette, 66 M.J. 320, 321 (C.A.A.F. 2008). "The test for an abuse of discretion is whether the record

shows a substantial basis in law or fact for questioning the plea.” United States v. Schell, 72 M.J. 339, 345 (C.A.A.F. 2013).

Law and Analysis

For this Court to find Appellant’s plea of guilty to be knowing and voluntary, “the record of trial ‘must reflect’ that the elements of ‘each offense charged have been explained to the accused’ by the military judge.” United States v. Redlinski, 58 M.J. 117, 119 (C.A.A.F. 2003) (quoting United States v. Care, 18 C.M.A. 535, 541 (1969)).

R.C.M. 910(c)(1) outlines the military judge’s obligation to advise an accused of:

The nature of the offense to which the plea is offered, the mandatory minimum penalty, if any, provided by law, the maximum possible penalty provided by law, and if applicable, the effect of any sentence limitation(s) provided for in a plea agreement on the minimum or maximum possible penalty that may be adjudged including the effect of any concurrent or consecutive sentence limitations.

Under R.C.M. 910(d), the military judge must ensure a guilty plea is voluntary:

by addressing the accused personally, determining that the plea is voluntary and not the result of force or threats or of promises apart from a plea agreement . . . The military judge shall also inquire whether the accused’s willingness to plead guilty results from prior discussions between the convening authority, a representative of the convening authority, or trial counsel, and the accused or defense counsel.

The military judge did not abuse his discretion by not advising Appellant that his guilty plea to domestic violence would deprive him of his right to bear arms. Contrary to Appellant’s argument, advisements required for sex offender registration have not been applied to firearms prohibitions. While Appellant relies heavily on a comparison between the firearms prohibition under 18 U.S.C. § 922(g) and sex offender registration as explained in United States v. Riley, 72 M.J. 115 (C.A.A.F. 2013), these two consequences are distinct. In Riley, CAAF held “in the context of a guilty plea, sex offender registration consequences can no longer be deemed

collateral consequences of the plea.” Id. at 121. This decision flowed from (1) United States v. Miller, 63 M.J. 452, 457 (C.A.A.F. 2006) (trial defense counsel should advise an accused about sex offender registration); (2) the Supreme Court’s decision in Padilla v. Kentucky, 559 U.S. 356, 366, 130 S. Ct. 1473, 1482 (2010) (requiring advisement about deportation as a consequence of conviction); and (3) case law that positively compared sex offender registration to deportation. *See* People v. Fonville, 804 N.W.2d 878, 894 (Mich. Ct. App. 2011).

There is no similar corresponding case law elevating advisement of the firearms prohibition to the same level as sex offender registration or deportation; in contrast, there is federal law that knowledge of this collateral consequence is not required for a guilty plea to be knowing and voluntary. *See* United States v. Bethurum, 343 F.3d 712, 718 (5th Cir. 2003) (appellant’s guilty plea was not rendered unknowing or involuntary by absence of warning about firearms prohibition because the Federal Rules of Criminal Procedure do not require one); *see also* United States v. Brown, 822 Fed. Appx. 878, 882 (11th Cir. 2020) (appellant’s lack of knowledge of the collateral consequence of being unable to possess a firearm did not defeat his knowing and intelligent waiver of trial by jury); *see also* Commonwealth v. Erler, 271 N.E.3d 210, 217 (2025) (“the undeniable importance of the right to keep and bear arms does not remove it from the ranks of collateral consequences that a criminal defendant need not be informed of to render a valid guilty plea.”) In addition, while discussing this Court’s ability to review a firearms prohibition annotation on a Statement of Trial Results or Entry of Judgment in United States v. Vanzant this Court again stated that the “firearms prohibition remains a collateral consequence of the conviction.” 84 M.J. 671, 681 (A.F. Ct. Crim. App. 2024). Therefore, unlike with sex offender registration, the military judge did not have an affirmative obligation to advise Appellant about the firearms prohibition as a collateral consequence of his plea.

Highlighting the recommended instructions in the Department of the Army Pamphlet (D.A. Pam.) 27-9, *Military Judges' Benchbook*, para. 2-2-9 (29 February 2020), Appellant has already acknowledged the failure of his argument: A military “judge *may* ask” the trial defense counsel and the accused questions about the “adverse impact” on firearms possession as a collateral consequence of his guilty plea, whereas a military “judge *must* ask” the trial defense counsel and accused regarding advisement and understanding of sex offender registration. (App. Br. at 7). As this Court explained in Riley, the Benchbook instruction regarding sex offender registration advice from trial defense counsel existed to “ensure compliance with existing law;” specifically, “reflect[ing] the Miller and Padilla line of cases.” 72 M.J. at 122. A military judge *must* ask questions related to sex offender registration or they abuse their discretion in accepting a guilty plea, but it cannot be an abuse of discretion for a military judge not to ask questions they “may” ask about the firearms prohibition when there is no “existing law” compelling those questions. Id.; D.A. Pam. 27-9, para. 2-2-9; *see United States v. Wilson*, 84 M.J. 383, 390-391 (C.A.A.F. 2024) (“[T]he abuse of discretion standard of review recognizes that a judge has a wide range of choices and will not be reversed so long as the decision remains within that range.”) The military judge’s decision not to ask about the firearms prohibition was within the range of reasonable choices available to him and therefore not an abuse of discretion.

Appellant alleges that his plea was not knowing and voluntary because he did not know pleading guilty to domestic violence would deprive him of his right to bear arms under the Second Amendment. (App. Br. at 4-5). When an appellant contests the providence of a guilty plea based on the collateral consequences of a conviction:

[T]he appellant is entitled to succeed only when the collateral consequences are major and the appellant's misunderstanding of the consequences (a) results foreseeably and almost inexorably from the language of a pretrial agreement; (b) is induced by the trial judge's

comments during the providence inquiry; or (c) is made readily apparent to the judge, who nonetheless fails to correct that misunderstanding.

Miller, 63 M.J. at 457 (quoting United States v. Bedania, 12 M.J. 373, 376 (C.M.A. 1982)).

This Court “will reject the providency of a plea only where the appellant demonstrates a “material prejudice to a substantial right,” which means “the right to make an informed decision to plead guilty.” United States v. Hunter, 65 M.J. 399, 403 (C.A.A.F. 2008) (citing United States v. Ginn, 47 M.J. 236, 247 (C.A.A.F. 1997); *see also* United States v. Felder, 59 M.J. 444, 446 (C.A.A.F. 2004)). Appellant must show that if he had been advised properly, the “decision to reject the plea bargain would have been rational under the circumstances.” Padilla, 559 U.S. at 372 (analyzing prejudice for ineffective assistance of counsel claim after guilty plea); *see also* Hill v. Lockhart, 474 U.S. 52, 59 (1985) (“the [appellant] must show that there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.”)² Even outside the ineffective assistance of counsel context, courts “should not upset a plea solely because of *post hoc* assertions from a defendant about how he would have pleaded, but should instead look to contemporaneous evidence to substantiate a defendant's expressed preferences.” United States v. Hobbs, 953 F.3d 853, 857 (6th Cir. 2020) (internal quotations omitted) (addressing whether accused would have still pled guilty after post-plea SCOTUS decision changed criminal elements required to be proven beyond a reasonable doubt.)

² *See also* Riley, 72 M.J. at 123 (Stucky, J., dissenting) (when “appellant seeks relief for a military judge’s failure to inquire into the appellant’s knowledge of a sex offender registration requirement, it makes sense to employ the same prejudice standard in determining whether an appellant was prejudiced by a military judge's error in accepting her guilty plea as we do for ineffectiveness of counsel claims.”)

The military judge met his obligations under R.C.M. 910(c) and (d), and Appellant has not demonstrated that there is a substantial basis to question his plea based on the absent firearms prohibition advisement. In United States v. Dugan, this Court specifically addressed the military judge's failure to discuss the firearms prohibition as a collateral consequence of a guilty plea and found the appellant had not shown a "substantial basis in the record to question the providence of Appellant's guilty plea as it relates to th[at] matter." 2023 CCA LEXIS 444, at *27 (A.F. Ct. Crim. App. Oct. 23, 2023) (unpub. op.) The Dugan appellant was incorrectly advised regarding the maximum punishment of his conviction prior to offering to plead guilty, and the trial defense counsel explained the error during a recess in the guilty plea colloquy. Id. at *16. After having the maximum punishment error explained and understanding that he could withdraw from the plea at that point, the appellant still desired to proceed with his guilty plea. Id. The appellant appealed his conviction, claiming he did not understand that his "felony-level offense" would "deprive him of his right to possess a firearm." Id. at *26. Applying Miller, this Court found that the appellant's "alleged misunderstanding" regarding the firearms prohibition "was not the result of language in a plea agreement, was not induced by the military judge's comments, and was never made readily apparent to the military judge. Id. at *27. The "military judge had correctly advised [the appellant] on the maximum sentence" and twice "confirmed that [the appellant] was pleading guilty voluntarily and of his own free will and that he was not coerced in any way to plead guilty." Id.

Similar facts exist in Appellant's case. First, the military judge ensured Appellant understood that he was pleading guilty to failure to obey a lawful order and domestic violence, and that he was doing so voluntarily and of his own free will. (R. at 31, 42-43, 60, 67-68, 71-73; R.C.M. 910). Second, Appellant's "alleged misunderstanding" regarding the firearms prohibition

“was not the result of language in a plea agreement, was not induced by the military judge's comments, and was never made readily apparent to the military judge.” Dugan, 2023 CCA LEXIS 444, at *27. The record does “not suggest that Appellant was *misadvised* in anyway, or that there was a misunderstanding to any degree, about his ability to possess a firearm in the future.” Id. (emphasis added). In contrast to Dugan, there is *no* allegation by Appellant that he was “misadvised” regarding any portion of his guilty plea. Id.

From the signed AF Form 177 contained in the preliminary hearing report, there is positive evidence that Appellant was advised as early as February 2023 that those with a misdemeanor conviction for domestic violence were permanently prohibited from possessing firearms. (PHO Exhibit 2). The fact that Appellant had been temporarily restricted from possessing guns and ammunition due to drug use and was, at one point, charged with violating that restriction, would have put Appellant on further notice that criminal behavior can result in loss of firearms rights. “[S]tanding alone,” Appellant’s “post hoc assertion” that he would not have pled guilty if he understood he would give up his right to bear arms is not enough to show a substantial basis to question his plea. Appellant’s assertion is unconnected to “contemporaneous evidence . . . [of Appellant’s] expressed preferences” from the (1) plea agreement’s language; (2) comments by the military judge during the plea inquiry; or (3) a misunderstanding made apparent to but uncorrected by the military judge. United States v. Suarez, 86 M.J. 65, 73 (C.A.A.F. 2025) (analyzing prejudice for ineffective assistance of counsel claim in a guilty plea context) (internal citations omitted); Miller, 63 M.J. at 457. The only contemporaneous evidence about the firearms prohibition in Appellant’s case is the advisement on the AF Form 177 that *Appellant* signed in February 2023. At this point, Appellant “has an incentive to claim, in retrospect, that the result of the plea process would have been different regardless of whether that

claim is, in fact, true,” and this Court should not give credence to or grant relief based on Appellant’s bare bones *post hoc* assertion that he would not have pled guilty. Id. (internal citation omitted).

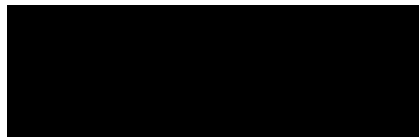
Appellant has likewise not shown that, if he had understood the consequences of his guilty plea would include a firearms prohibition, it would have been rational for him to plead not guilty. Padilla, 72 M.J. at 124. Appellant was facing five specifications for disobeying lawful orders, drug possession and use, and domestic violence. (ROT, Vol 1, *Entry of Judgment*, dated 4 July 2024). The maximum punishment for domestic violence alone included a dishonorable discharge, forfeiture of all pay and allowances, and confinement for 40 months. Manual for Courts-Martial (MCM), pt. IV, ¶78a.d.(1); ¶78a.d.(2)(a) (2023 ed.). The record established that JF, and JS would have testified that Appellant was in BT’s car striking her with his hands, while AL would have testified that Appellant was under an MPO to stay away from BT and their shared residence at the time. (Pros. Ex. 1). Photographs taken of BT at the time of the incident showed bruises on her arms and hands, and BT had numerous bruises and injuries to her face, including a black eye. (Pros. Ex. 1; PHO Exhibit 3). In January 2023, Appellant tested positive in a random drug screening for THC and law enforcement later found oxandrolone at his residence pursuant to a search authorization. (PHO Exhibit 2, 7, 8). Appellant’s positive THC result in January 2023 led to law enforcement issuing him an AF Form 177, prohibiting him from possessing ammunition, but hundreds of rounds of ammunition were also discovered in Appellant’s home pursuant to a search authorization. (PHO Exhibit 2). Given the evidence against Appellant, particularly the photographs of BT’s injuries and eyewitness testimony to the domestic violence from JS and JF, a firearms prohibition was a near certainty with either a litigated trial or the guilty plea. In addition, the focus of Appellant’s plea offer was to limit his

sentence as stringently as possible – meaning nothing beyond the confinement he had already served and a reprimand. (App. Ex. XV). Based on his plea offer, Appellant’s goal was to limit his exposure to greater confinement or financial penalties through grade reductions or forfeitures, not to avoid a conviction that would result in a firearms prohibition. *Id.*

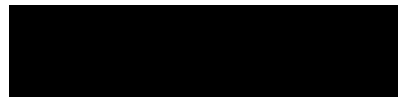
Without support in the record for any of the Miller factors, the mere absence of a discussion about the firearms prohibition between the military judge and Appellant creates “no substantial basis in the record to question the providence of Appellant’s guilty plea.” *Id.* Appellant has not shown a reasonable probability that he would have pled not guilty even if the military judge had advised him of the firearms prohibition during the guilty plea colloquy. Hill, 474 U.S. at 59.

CONCLUSION

For these reasons, the United States respectfully requests that this Honorable Court deny Appellant’s claim of error and affirm the findings and sentence in this case.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel

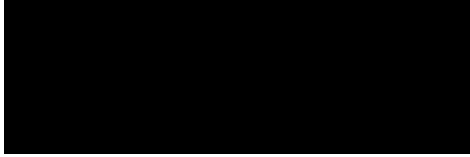


MARY ELLEN PAYNE
Associate Chief
Government Trial and Appellate Operations



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and the Air Force
Appellate Defense Division on 22 April 2026.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Staff Sergeant (E-5)

JOSEPH A. TURNER

United States Air Force

Appellant.

REPLY BRIEF

Before Panel No. 1

No. ACM 24067

April 29, 2026

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

Trevor N. Ward
Major, U.S. Air Force
Appellate Defense Counsel



Staff Sergeant (SSgt) Joseph A. Turner, the Appellant, pursuant to Rule 18(d) of this Court's Rules of Practice and Procedure, files this Reply to the Government's Answer to Assignment of Error, dated April 22, 2026 [hereinafter "Ans."]. In addition to the arguments in his opening brief, Br. on Behalf of Appellant, Mar. 23, 2026, SSgt Turner submits the following additional arguments.

I. The military judge abused his discretion by accepting SSgt Turner's guilty plea without first advising him of the "particularly severe" firearms ban under 18 U.S.C. § 922(g).

A. The logic of *Riley* applies to firearms prohibitions.

When a military accused pleads guilty, that plea is knowing and voluntary only if the accused is aware of the "particularly severe" consequences of his conviction. *United States v. Riley*, 72 M.J. 115, 122 (C.A.A.F. 2013). The Government notes that the *Riley* Court extended this principle to sex offender registry. Ans. at 5-6. But it claims *Riley*'s logic can extend no further. *Id.* This ignores the striking similarity between sex offender registry and lifelong firearms prohibitions.

Just like sex offender registration, "the lifelong consequences of [the firearms prohibition under 18 U.S.C. § 922(g)(9)] . . . is a 'particularly severe penalty.'" *Riley*, 72 M.J. at 122. The *Riley* Court noted three things that make sex offender registry "particularly severe:" (1) the lifelong nature of the penalty, *id.* at 120, 122; (2) the relationship between the conviction and the penalty (i.e., that the conviction triggers the registration requirement), *id.* at 120-21; and (3) impacts to a convicted member's constitutional rights. *Id.* The firearms prohibition for domestic violence convictions shares these three features. 18 U.S.C. § 922(g)(9); *Examining the Lautenberg Amendment in the Civilian and Military Contexts: Congressional Overreaching, Statutory Vagueness, Ex Post Facto Convictions, and Implementation Flaws*, 29 FORDHAM URB. L.J. 427 (2001).

The severity of the penalty in *Riley* is analogous to the severity of the penalty in the present case. And, just as in *Riley*, a military judge's failure to advise on the firearms prohibition "results in a substantial basis to question the providence" of the plea. *Riley*, at 72 M.J. at 122.

B. The Benchbook told the military judge he should discuss the firearms prohibition. He failed to do so.

Not only was *Riley*'s reasoning on point, the Military Judges' Benchbook also informed the military judge to discuss potential firearm prohibitions with SSgt Turner. In *Riley*, the CAAF noted that the Benchbook "set forth detailed instructions for the acceptance of a guilty plea," including a provision asking whether trial defense counsel advised the accused about sex offender registration. *Id.* at 121 (citing Dep't of the Army, Pam. 27-9, Legal Services, Military Judges' Benchbook [hereinafter "Benchbook"], ch. 2, § II, para. 2-2-8 (Jan. 1, 2010)). As in *Riley*, "[a]t the time of [SSgt Turner's] court-martial," *id.*, the Benchbook provided "straightforward guidance" on questions to ask regarding firearms advice. Benchbook at ch. 2., § II, para. 2-2-9.¹ As acknowledged in his opening brief, Br. on Behalf of Appellant at 7 n.3, the only difference between the two versions is the word "may."

This one word, according to the Government, absolves the military judge of his duty to ensure the plea was knowing and voluntary. Ans. at 7. Not so. The Benchbook's helpful guidance shows the military judge knew he could ask SSgt Turner about the firearms prohibition. Benchbook at ch. 2., § II, para. 2-2-9. Further, military judges are presumed to know the law. *United States v. Erickson*, 65 M.J. 221, 225 (C.A.A.F. 2007). As such, this judge should have been aware of *Riley* and the striking similarities between sex offender registry and a lifelong firearms prohibition. Because of this, the military judge had an obligation to ensure SSgt

¹ This citation is to the current version of the Benchbook.

Turner's guilty plea was knowing and voluntary by informing him of the firearms prohibition. His failure to do so was an abuse of discretion.

C. The Government's citation to three unpersuasive and non-binding cases should leave this Court unconvinced.

The Government only points to three nonbinding cases to bolster its legal conclusion that the firearms prohibition is different from other "particularly severe penalt[ies]," like sex offender registration and deportation: a 2003 case from the Fifth Circuit,² a case from the intermediate appellate court of Massachusetts,³ and an unpublished Eleventh Circuit case.⁴ Ans. at 6. These cases are unpersuasive.

The Fifth Circuit case is unpersuasive because it pre-dates the Supreme Court's decision in *Padilla v. Kentucky*, 559 U.S. 356 (2010), and the Court of Appeals for the Armed Forces (CAAF's) decision in *Riley*. See *Bethurum*, 343 F.3d 712. As the Government notes, *Padilla* was the impetus for the CAAF's decision in *Riley*. Ans. at 6. The nonbinding *Bethurum* decision was instead based on a distinct line of Fifth Circuit caselaw. *Bethurum*, 343 F.3d at 718 (citing other Fifth Circuit cases for the proposition that waivers of rights need not be knowing in civilian court).

The intermediate appellate court case from Massachusetts is likewise unpersuasive because it dealt with an ineffective assistance of counsel claim, not a claim that a plea was unknowing or involuntary. *Erlor*, 271 N.E.3d 210 ("We reaffirm our holding . . . that failure to advise a defendant about the collateral consequences of a guilty plea on the right to possess

² *United States v. Bethurum*, 343 F.3d 712 (5th Cir. 2003).

³ *Commonwealth v. Erlor*, 271 N.E.3d 210 (Mass. App. Ct. 2025).

⁴ *United States v. Brown*, 822 Fed. App'x 878 (11th Cir. 2020).

firearms does not constitute ineffective assistance.”).⁵ *Erler* is also unconvincing because it directly conflicts with the CAAF’s decision in *Riley*. Compare *Riley*, 72 M.J. at 120-22 (explaining the sex offender registry is a “particularly severe” consequence that the accused must know before knowingly and intelligently pleading guilty), with *Erler*, 271 N.E.3d at 217 (“We recognize the importance of the constitutional right to bear arms, but all constitutional rights are lost when a noncitizen is removed from the country. The possibility of indefinite civil commitment as a sexually dangerous person is a particularly severe consequence, but it remains a collateral consequence that the defendant need not be aware of to render a voluntary and intelligent guilty plea.”).

The Eleventh Circuit case is unpersuasive because it has to do with a civilian defendant waiving his right to a jury trial, not a plea of guilty. *Brown*, 822 Fed. App’x at 879. Moreover, the opinion primarily deals with Brown’s unpersuasive argument that the Eleventh Circuit’s Sixth Amendment “ultimate punishment” standard should be applied to a non-Sixth Amendment issue. *Id.* at 882. The court’s explanation for why its specific standard (about Sixth Amendment rights) could not be adopted for a non-Sixth Amendment case has nothing to do with military plea providence. Further, this case is unpublished.

Ultimately, *Riley* is controlling here: just like sex offender registry, a lifelong firearms prohibition is a particularly severe penalty. This is why the Benchbook informs military judges to advise an accused of the prohibition when he pleads guilty. The Government can point to no case, binding or persuasive, to counter the logic of *Riley* or the Benchbook’s clear guidance.

⁵ The Government misrepresents this case: “[A]ppellant’s guilty plea was not rendered unknowing or involuntary by absence of warning about firearms prohibition.” Ans. at 6. This is not what the Court held; instead, the Court found no ineffective assistance. *Erler*, 271 N.E.3d 210. These are two distinct legal concepts.

Therefore, the military judge should have advised SSgt Turner that, by pleading guilty, he would be subject to a lifelong firearms ban. His failure to do so was an abuse of discretion.

II. There was no information before the military judge that SSgt Turner was aware of the Second Amendment implications of his plea of guilty.

The Air Force Form 177 notifying SSgt Turner that he would have to surrender firearms *for one year* following a positive drug test does not inform this issue because this form was not before the military judge. The CAAF has said that “the military judge ‘shoulder[s] the primary responsibility’ for the acceptance of a knowing plea.” *Riley*, 72 M.J. at 122 (quoting *United States v. King*, 3 M.J. 458 (C.M.A. 1977)). Here, the Government attempts to do what it did in *Riley*: shift the burden somewhere else. *Compare id.*, with *Ans.* at 10-11 (talking about the Air Force Form 177). There are multiple problems with using this preliminary hearing exhibit to prove SSgt Turner knew he was forfeiting his Second Amendment rights *for life* by pleading guilty. First, this form was not presented to the military judge at trial. Because there was no information before the military judge that SSgt Turner was aware of the Second Amendment consequences of his plea, the military judge erred by not inquiring about the firearms prohibition. But, even if the military judge did know about this form, it would not have absolved him of his obligation to inform SSgt Turner about the *lifelong* nature of the firearms prohibition.

III. SSgt Turner’s conviction should be set aside.

Once a military appellate court finds a plea of guilty unknowing or involuntary, the only remedy “is to set aside the finding based on the improvident plea and authorize a rehearing.” *Riley*, 72 M.J. at 122-23 (citing *United States v. Negron*, 60 M.J. 136, 143-44 (C.A.A.F. 2004) (additional citations omitted)). Prejudice is not required. *Id.*; *but see Ans.* at 10-11. The Government confuses ineffective assistance of counsel caselaw with plea providence caselaw.

Ans. at 10 (arguing that “post hoc assertion[s]” of how an accused would have pled are insufficient to require reversal) (citing *United States v. Suarez*, 86 M.J. 65, 73 (C.A.A.F. 2025)).

The Government not only confuses the correct standard, it seems to manufacture a new one. Ans. at 11 (“Appellant has likewise not shown that, if he had understood the consequences of his guilty plea would include a firearms prohibition, it would have been rational for him to plead not guilty.”).⁶ This “rational to plead not guilty” standard appears to come from Judge Stucky’s dissent in *Riley*, 72 M.J. 123-24 (Stucky, J., dissenting), but the Government fails to indicate this. Ans. at 11. Making matters worse, Judge Stucky apparently adopted this standard from the Supreme Court’s ineffective assistance precedent. *Id.*; see *Padilla*, 559 U.S. at 372 (“There is no reason to doubt that lower courts—now quite experienced with applying *Strickland* [*v. Washington*, 466 U.S. 668 (1984)]—can effectively and efficiently use its framework.”); *Roe v. Flores-Ortega*, 528 U.S. 470, 480 (2000) (creating the “rational to plead not guilty standard” for ineffective assistance of counsel cases). This is *not* an ineffective assistance case. It is an *improvident plea* case. Once improvidence is shown, prejudice is not required. And here, where plea improvidence was demonstrated, there is only one remedy: setting aside the conviction.

Respectfully submitted,

[REDACTED]

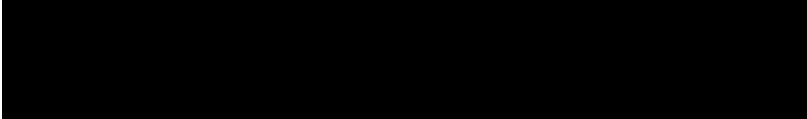
Trevor N. Ward
Major, U.S. Air Force
Appellate Defense Counsel

[REDACTED]

⁶ It is unclear what the Government is citing to for this proposition. The Government says it is citing to a military justice reporter case named *Padilla*. Ans. at 11. However, the numerical citation is to *Riley*, *id.*; *Padilla* is the Supreme Court decision discussed *supra*. 559 U.S. 356.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were electronically delivered to the Court and served on the Air Force Government Trial and Appellate Operations Division on April 29, 2026.



Trevor N. Ward
Major, U.S. Air Force
Appellate Defense Counsel



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

UNITED STATES	)	No. ACM 24067
<i>Appellee</i>	)	
	)	
v.	)	
	)	NOTICE OF PANEL
Joseph A. TURNER	)	CHANGE
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	

It is by the court on this 30th day of April, 2026,

ORDERED:

That the record of trial in the above-styled matter is withdrawn from Panel 1 and referred to a Special Panel for appellate review.

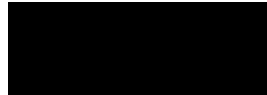
The Special Panel in this matter shall be constituted as follows:

GRUEN, PATRICIA A., Colonel, Senior Appellate Military Judge
MENDELSON, JAMIE L., Lieutenant Colonel, Appellate Military Judge
MORGAN, CHRISTOPHER S., Colonel, Appellate Military Judge

This panel letter supersedes all previous panel assignments.



FOR THE COURT



STEPHAN A. WILLIAMS, TSgt, USAF
Appellate Court Paralegal

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

UNITED STATES	)	No. ACM 24067
<i>Appellant</i>	)	
	)	
v.	)	
	)	ORDER
Joseph A. TURNER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellee</i>	)	Special Panel

On 29 April 2026, Appellant moved this court for oral argument in the above-styled case. On 30 April 2026, Appellee opposed the motion.

Oral argument is hereby ordered on the following issue:

**WHETHER APPELLANT’S PLEA WAS KNOWING AND
VOLUNTARY WHEN THE MILITARY JUDGE DID NOT
ENSURE APPELLANT WAS ADVISED AS TO THE AD-
VERSE IMPACT ON HIS ABILITY TO OWN OR POSSESS
A FIREARM AS A RESULT OF A DOMESTIC VIOLENCE
CONVICTION.**

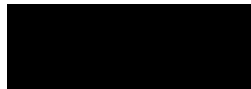
Accordingly, it is by the court on this 8th day of July, 2026,

ORDERED:

Appellant’s Motion for Oral Argument, dated 29 April 2026, is **GRANTED**.

Oral argument on this issue will be heard in the courtroom of the United States Air Force Court of Criminal Appeals, located at 1500 West Perimeter Road, Suite 1900, Joint Base Andrews – Naval Air Facility Washington, Maryland, at a time and date to be set by future order of the court.

FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

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

UNITED STATES	)	No. ACM 24067
<i>Appellant</i>	)	
	)	
v.	)	
	)	ORDER
Joseph A. TURNER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellee</i>	)	Special Panel

On 8 July 2026, this court ordered oral argument in the above-captioned case on the following issue:

**WHETHER APPELLANT'S PLEA WAS KNOWING AND
VOLUNTARY WHEN THE MILITARY JUDGE DID NOT
ENSURE APPELLANT WAS ADVISED AS TO THE AD-
VERSE IMPACT ON HIS ABILITY TO OWN OR POSSESS
A FIREARM AS A RESULT OF A DOMESTIC VIOLENCE
CONVICTION.**

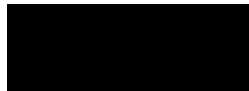
Accordingly, it is by the court on this 10th day of July, 2026,

ORDERED:

Oral argument on this issue will be heard at **1000 hours, on Wednesday, 29 July 2026**, in the courtroom of the United States Air Force Court of Criminal Appeals, located at 1500 West Perimeter Road, Suite 1900, Joint Base Andrews – Naval Air Facility Washington, Maryland.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ORAL ARGUMENT
<i>Appellee,</i>	)	
	)	
v.	)	Before Panel No. 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER	)	
United States Air Force	)	April 29, 2026
<i>Appellant.</i>	)	

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

Pursuant to Rules 23 and 25 of this Honorable Court’s Rules of Practice and Procedure, SSgt Joseph A. Turner, the Appellant, hereby moves for oral argument on the following issue:

I. Staff Sergeant Turner was never advised that, by pleading guilty to a domestic violence offense, he would be federally barred from owning or possessing firearms. Was Staff Sergeant Turner’s plea knowing and voluntary?

Oral argument can assist this Court in answering the error assigned for review. SSgt Turner recognizes that this Court has never required a military judge to inform an accused about the collateral consequence of a firearms prohibition for a domestic violence offense. But the logic of *United States v. Riley* should be so extended. 72 M.J. 115 (C.A.A.F. 2013) (holding that, for a plea to be knowing and voluntary, the military judge must advise the accused of sex offense collateral consequences). Discussing *Riley*’s logic, as well as the cases cited by the Government, will help the Court decide whether *Riley* should apply to other “severe” collateral consequences like the firearms prohibition.

SSgt Turner r consents to any delay that oral argument may incur and disclaims any issues related to the post-trial delay caused by his request. Additionally, the undersigned counsel does not anticipate that preparation for this oral argument will delay his review or preparation of any other

case before this Court, the Court of Appeals for the Armed Forces, or the United States Supreme Court.

Because oral argument will assist this Court in answering the error assigned for review in this case, SSgt Turner respectfully requests that this Court grant the motion for oral argument.

[REDACTED] submitted,



Trevor N. Ward
Major, U.S. Air Force
Appellate Defense Counsel

[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 April 29, 2026

Respectfully [REDACTED]



Trevor N. Ward
Major, U.S. Air Force
Appellate Defense Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	OPPOSITION TO MOTION FOR
<i>Appellee</i>	)	ORAL ARGUMENT
	)	
	)	
v.	)	Before Panel No. 1
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER	)	
United States Air Force	)	30 April 2026
<i>Appellant</i>	)	

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

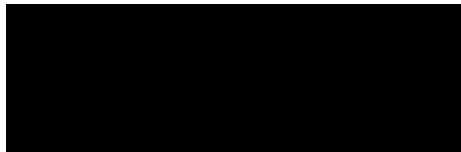
Pursuant to Rules 23(c) and 25 of this Court’s Rules of Practice and Procedure, the United States opposes Appellant’s motion for oral argument, filed 29 April 2026. Appellant requests oral argument for one issue: whether Appellant’s guilty plea for domestic violence was knowing and voluntary when he was not advised by the military judge that he would be federally barred from possessing firearms as a collateral consequence of his guilty plea. Appellant provides no argument for how oral argument would assist this Court in deciding any of the issues that arose in a military judge alone forum.

Contrary to Appellant’s assertions, oral argument is unnecessary to clarify the question presented to this Court. The facts necessary to resolve Appellant’s assignment of error are plainly set out in the verbatim transcript of the record of trial. The issue is also not so novel to require oral argument for this Court’s decision. The single issue is discussed at length in all the briefs, including Appellant’s reply brief, and all the facts necessary for this court to decide the issue are contained in the record. There is nothing novel about collateral consequences in this case to warrant this Court’s time in holding argument outside the briefs. This Court is adequately equipped to review the case law and come to its own conclusion on whether Appellant’s guilty

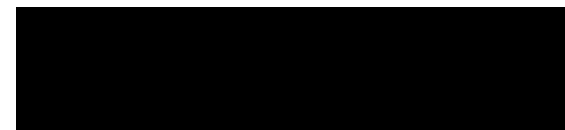
plea was knowing and voluntary in this case.

There is little more that could be said in oral argument that has not already been said in the appellate briefs. Moreover, there has not been a recent change in the law such that oral argument would provide clarification to the issues in Appellant's case. Oral argument would also serve to unduly delay this Court's review of the case. The case was docketed with this Court on 4 November 2024. As of the date of this motion, 542 days have elapsed since this case was docketed due to fifteen enlargements of time granted to Appellant. This Court should not grant oral argument in this case because it would only lead to greater unnecessary delay on a single issue brief that took over five hundred days to be filed with this Court. For all the above outlined reasons, this Court should deny the request for oral argument in this case.

WHEREFORE, the United States respectfully requests this Court deny Appellant's request for oral argument.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel

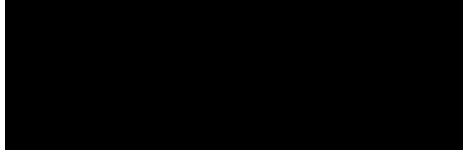


MARY ELLEN PAYNE
Associate Chief
Government Trial and Appellate Operations Division



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and the Air Force Appellate Defense Division on 30 April 2026.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

v.

Staff Sergeant (E-5)

Joseph A. TURNER

United States Air Force

Appellant

) NOTICE OF APPEARANCE

)

)

)

) Before Panel a Special Panel

)

) No. ACM 24067

)

) 21 July 2026

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

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

Respectfully submitted,



PAIGE F. MARKLEY DENTON, 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 Air Force Government Trial and Appellate Operations Division on 21 July 2026.



PAIGE F. MARKLEY DENTON, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, <i>Appellee,</i>	)	UNITED STATES' MOTION TO CITE SUPPLEMENTAL AUTHORITY
	)	
v.	)	
	)	Before Panel a Special Panel
Staff Sergeant (E-5)	)	
JOSEPH A. TURNER,	)	No. ACM 24067
United States Air Force	)	
<i>Appellant.</i>	)	22 July 2026

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

Pursuant to Rules 23.3(d) and 25(e) of this Honorable Court's Rules of Practice and Procedure, the United States hereby moves to cite as supplemental authority the following legal authorities not previously cited: Department of the Army Pamphlet (DA PAM) 27-9, *Military Judge's Benchbook*, 29 February 2020¹ and Article 45(c), UCMJ. The Government would like to raise these authorities for the Court's consideration in oral argument.

The 2020 edition of DA PAM 27-9 was the Benchbook in effect at the time of Appellant's court-martial. That version was not superseded until after Appellant's trial. The 2020 edition of DA PAM 27-9 does not include any direction, permissive or mandatory, for the trial judge to inform the accused about collateral consequences involving firearms. The following collateral consequence: Firearms Possession. If the accused pled guilty to an offense that criminalize firearms possession, the judge may ask the following questions,"



referenced by Appellant and the Government in the briefs filed with this Court was not added

GRANTED
24 JULY 2026

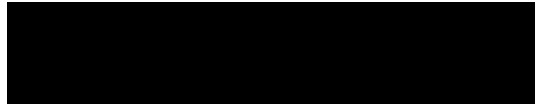
¹ At the time of this filing, the Army's website hosting the 2020 edition of the Benchbook is not working. The Government has provided a downloaded copy of the 2020 edition to the Court and Appellate Defense Counsel with this filing.

until the 2020 version of the Benchbook was amended and superseded on 29 July 2025. DA PAM 27-9, *Military Judge's Benchbook*, 29 July 2025.² The 2020 edition of the Benchbook is the only relevant version for this Court to evaluate when determining whether the trial judge abused his discretion because he could not have abused his discretion in failing to ask a question that was not required nor recommended.

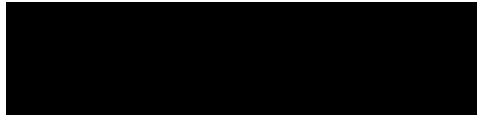
Article 45(c), UCMJ, explains, “A variance from the requirements of this article is harmless error if the variance does not materially prejudice the substantial rights of the accused.” Therefore, “if it appears [an accused] has entered the plea of guilty improvidently or through lack of understanding its meaning and effect,” it is harmless error unless the accused was prejudiced. Article 45(a), UCMJ. This is relevant for this case because Article 45(c) was added to the UCMJ after our superior Court decided United States v. Riley, 72 M.J. 115 (C.A.A.F. 2013). National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328 § 5227, 130 Stat. 2000 (2016). Thus, even though prejudice was not analyzed in Riley, this Court must consider whether Appellant was prejudiced in accordance with Article 45(c). Because Appellant’s alleged prejudice is that he would not have pleaded guilty, this Court should evaluate that assertion with the same rigor as the same claim made under a Sixth Amendment ineffective assistance of counsel allegation.

² Available at https://www.jagcnet.army.mil/Home/assets/pdf/trial-judiciary/ARN44424-PAM_27-9-000-WEB-1.pdf (last accessed 21 July 2026).

WHEREFORE, the United States requests this Court grant this Motion to Cite Supplemental Authority.



HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel



MARY ELLEN PAYNE
Associate Chief
Government Trial & Appellate Operations



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and the Air Force
Appellate Defense Division on 22 July 2026.

[REDACTED]

HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION TO CITE
	)	SUPPLEMENTAL AUTHORITY
	)	
v.	)	Before Special Panel
	)	
Staff Sergeant (E-5)	)	No. ACM 24067
JOSEPH A. TURNER	)	
United States Air Force	)	July 27, 2026
<i>Appellant.</i>	)	

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

Pursuant to Rules 23.3(d) and 25.3(e) of this Honorable Court’s Rules of Practice and Procedure, SSgt Joseph A. Turner, the Appellant, hereby moves to cite the following supplemental authority:

1. Transcript of Record at 250, *United States v. Carey*, No. ACM S32806, 2026 CCA LEXIS 282 (A.F. Ct. Crim. App. June 16, 2026).
2. Transcript of Record at 84–85, *United States v. Soto Chavez*, No. ACM 40772.
3. Transcript of Record at 325–26, *United States v. Robinson*, No. ACM 24044 (f rev).
4. Department of the Army Pamphlet 27-9, Military Judge’s Benchbook, Unofficial Update, Mar. 22, 2021.
5. *Summary of Changes*, ELECTRONIC BENCHBOOK (July 28, 2026, at 09:45 ET), <https://www.jagcnet.army.mil/EBB/data/RecentUpdates.html>.
6. *United States v. Hartman*, 69 M.J. 467 (C.A.A.F. 2011).

In the three transcripts Appellant moves to cite, military judges conduct a colloquy with the accused and/or their trial defense counsel about the impact that pleading guilty to a charge of domestic violence will have on their Second Amendment rights. This information, summarized below, will assist this Court during oral argument and in resolving the assignment of error. This

information shows how the military judge in Appellant's case abused his discretion by failing to conduct the firearms colloquy and refutes the Government's position that the firearms colloquy was not added to the Military Judge's Benchbook until the major published change in 2025. Gov't Mot. to Cite Supplemental Authority, dated July 22, 2026.

First, Airman (Amn) David E.R. Carey pled guilty to domestic violence on October 1, 2024. Transcript of Record at 202, 209, *Carey*, No. ACM S32806, 2026 CCA LEXIS 282. Judge Nathan Royer presided over the guilty plea hearing at Joint Base Elmendorf-Richardson, Alaska. *Id.* at 1, 202. After Amn Carey pled guilty to domestic violence, Judge Royer asked Amn Carey's defense counsel whether they "advise[d] the accused prior to trial of the prohibition on possessing firearms or ammunition pursuant to 18 U.S.C. [§] 922 resulting from a finding of guilty of [the domestic violence charge]." *Id.* at 250. Defense counsel informed Judge Royer that they provided the advice orally. *Id.* Judge Royer then asked Amn Carey, "is that correct, did your counsel explain to you the implications of a finding of guilt on [the domestic violence charge], and what that will mean with respect to your ability to possess firearms or ammunition?" *Id.* After Amn Carey responded in the affirmative, Judge Royer inquired whether Amn Carey "[had] any questions about any of that?" *Id.*

Second, Senior Airman (SrA) Uber Soto Chavez pled guilty to domestic violence on October 16, 2024. Transcript of Record at 1, 35, 39. *Soto Chavez*, No. ACM 40772. A different military judge, Judge Bradley Palmer, presided over the guilty plea hearing at Joint Base San Antonio-Lackland, Texas. *Id.* at 1, 25. After SrA Soto Chavez pled guilty to domestic violence, Judge Palmer advised him that

while any criminal conviction in certain circumstances could impact a person's right to possess firearms under 18 United States Code. Under that statute it specifically prohibits the sale, transfer, possession of firearms to and by anyone who has been convicted in any court of a misdemeanor crime of domestic violence. Which the

offense to which you are pleading guilty would qualify. So given the offense to which you are pleading guilty is the defense [sic] called domestic violence. This provision would prohibit you from possessing a firearm and prohibit sellers from selling you a firearm. Do you understand this?

Id. at 84. SrA Soto Chavez said that he understood. *Id.* at 85. Judge Palmer followed up, inquiring whether SrA Soto Chavez had “any questions about [his] convictions impact [sic] your ability to possess a firearm?” *Id.*

Third, Senior Master Sergeant (SMSgt) Jared D. Robinson pled guilty to domestic violence on January 28, 2025. Transcript of Record at 9, 247, 262, *Robinson*, No. ACM 24044 (f rev). Another military judge, Judge Vicky Marcus, presided over this guilty plea hearing at Joint Base Langley-Eustis, Virginia. *Id.* at 1, 247. After SMSgt Robinson pled guilty to domestic violence, Judge Marcus advised him that “[b]y pleading guilty to a domestic offense, there will be a firearm requirement triggered by the Lautenberg amendment [sic] [18 U.S.C. § 922(g)(9),] that will likely limit your ability to possess firearms in the future. Did your counsel explain that with you?” *Id.* at 326. After responding affirmatively, Judge Marcus asked, “Did you understand the rights [sic] were likely giving up related to firearms based on your guilty plea in this case?” *Id.* SMSgt Turner again answered in the affirmative. Judge Marcus then had a colloquy with trial defense counsel regarding the Air Force Form 177 and the five-year ban for dating relationships.¹

Additionally, Appellant also moves to cite the Department of the Army Pamphlet 27-9, Military Judge’s Benchbook, Unofficial Update, Mar. 22, 2021, the “Summary of Changes”

¹ Trial defense counsel and the military judge inartfully use the phrase “intimate partner” to refer to the dating relationship in SMSgt Robinson’s case. However, there is a distinction between “an intimate partner” (such as a spouse like in Appellant’s case) and a “dating relationship” for purposes of the federal firearms ban for domestic violence convictions. *Compare* 18 U.S.C. § 921(a)(33), *and* 18 U.S.C. § 922(g)(9), *with* Bipartisan Safer Communities Act, Pub. L. No. 117-159, § 2005, 136 Stat. 1313, 1332 (2022) (defining “dating relationship”). Appellant’s domestic violence conviction involved his spouse and therefore does not trigger the significantly shorter five-year firearms ban discussed in SMSgt Robinson’s case.

webpage on the Electronic Benchbook website, *see Summary of Changes*, ELECTRONIC BENCHBOOK (July 28, 2026, at 09:45 ET), <https://www.jagcnet.army.mil/EBB/data/RecentUpdates.html>, and *United States v. Hartman*, 69 MJ 467 (C.A.A.F. 2011).

These authorities will assist the Court in deciding whether the military judge abused his discretion in omitting the firearms portion of the guilty plea colloquy because they illuminate the dynamic and imperfect nature of the Military Judge’s Benchbook. In their motion to cite supplemental authority, the Government states that “[t]he 2020 edition of DA PAM 27-9 was the Benchbook in effect at the time of Appellant’s court-martial.” Gov’t Mot. to Cite Supplemental Authority at 1, dated July 22, 2026. Not so. There was at least one unofficial update published to PDF on March 22, 2021, Department of the Army Pamphlet 27-9, Military Judge’s Benchbook, Unofficial Update, Mar. 22, 2021,² and the “Summary of Changes” webpage shows that the Benchbook continues to be regularly updated. It is a dynamic resource for military judges that should be accessed online, rather than via the latest official PDF update. This is because military judges should use the most up-to-date version possible. The “Summary of Changes” webpage also shows the imperfection of the Benchbook. Of note, *United States v. Hartman*, 69 MJ 467 (C.A.A.F. 2011), requiring military judges to conduct heightened plea colloquies in cases with constitutional dimensions, was decided in 2011, but not added to the Benchbook until 21 April 2026.

Because the transcripts and Benchbook changes cited above will assist this Court at both oral argument and in resolving the assignment of error, Appellant respectfully requests that this Court grant the motion to cite supplemental authority.

² This update does not include the firearms colloquy. And, with full candor to the Court, counsel for Appellant could not find the unofficial update where it was added. However, counsel note that they likely did not locate every unofficial update.

Respectfully submitted,

[REDACTED]

Trevor N. Ward
Major, U.S. Air Force
Appellate Defense Counsel

[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 July 28, 2026.

Respectfully submitted,

[REDACTED]

Trevor N. Ward
Major, U.S. Air Force
Appellate Defense Counsel

[REDACTED]

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

UNITED STATES	)	No. ACM 24067
<i>Appellant</i>	)	
	)	
v.	)	
	)	ORDER
Joseph A. TURNER	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellee</i>	)	Special Panel

On 10 July 2026, the court scheduled oral argument in the above-captioned case, for 1000 hours, on Wednesday, 29 July 2026, in the courtroom of the United States Air Force Court of Criminal Appeals.

On 28 July 2026, counsel for Appellant moved this court to cite the following supplemental authorities “at both oral argument and in resolving the assignment of error” in issue:

- (1) Transcript of Record at 250, *United States v. Carey*, No. ACM S32806, 2026 CCA LEXIS 282 (A.F. Ct. Crim. App. June 16, 2026);
- (2) Transcript of Record at 84–85, *United States v. Soto Chavez*, No. ACM 40772;
- (3) Transcript of Record at 325–26, *United States v. Robinson*, No. ACM 24044 (f rev);
- (4) Department of the Army Pamphlet 27-9, Military Judge’s Benchbook, Unofficial Update, Mar. 22, 2021;
- (5) *Summary of Changes*, ELECTRONIC BENCHBOOK (July 28, 2026, at 09:45 ET; and
- (6) *United States v. Hartman*, 69 M.J. 467 (C.A.A.F. 2011).

This court “may, in its discretion, rule on motions before the opposing filing is received.” A.F. CT. CRIM. APP. R. 23.1(c). We find it appropriate to do so here. We deny counsel for Appellant authorization to cite supplemental authorities (1)–(3), but authorize counsel for Appellant to cite supplemental authorities (4)–(6).

Accordingly, it is by the court on this 28th day of July, 2026,
ORDERED:

Appellant's Motion to Cite Supplemental Authority, dated 28 April 2026, is **GRANTED IN PART**. Counsel for Appellant may cite supplemental authorities (4)–(6) only.

FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

v.

Joseph A. TURNER

Staff Sergeant (E-5)

United States Air Force

Appellant

NOTICE OF APPEARANCE

No. ACM 24067

Special Panel

29 July 2026

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

Pursuant to Rule 12 of the Joint Rules of Appellate Procedure and this Court's Rules of Practice and Procedure, Megan P. Marinos files this written notice of appearance. Ms. Marinos will sit second chair at Appellant's table at oral argument as supervisory counsel.

Respectfully submitted,



MEGAN P. MARINOS

Senior Counsel

Air Force Appellate Defense Division



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Division on 29 July 2026.

[REDACTED]

MEGAN P. MARINOS
Senior Counsel
Air Force Appellate Defense Division

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]