

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

UNITED STATES)	No. ACM 40649
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Gavin D. TURTU)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 9 September 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 opposes the motion.

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

Accordingly, it is by the court on this 10th day of September, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **26 November 2024**.

Counsel should not rely on any subsequent requests for enlargement of time being granted. Each request will be considered on its merits.

Appellant's counsel is advised that any subsequent motions for enlargement of time shall include, in addition to the 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. Counsel is not required to re-address item (1) in each subsequent motion for enlargement of time if counsel previously replied in the affirmative.

Counsel may request, and the court may order *sua sponte*, a status conference to facilitate timely processing of this appeal.

Appellant's counsel is further advised that any future requests for enlargements of time that, if granted, would expire more than 360 days after docketing, will not be granted absent exceptional circumstances.



FOR THE COURT



OLGA STANFORD, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

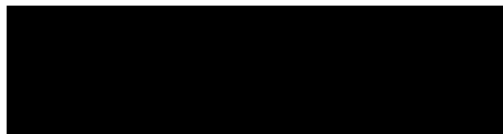
UNITED STATES)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME (FIRST)
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40649
GAVIN D. TURTU,)	
United States Air Force	)	9 September 2024
<i>Appellant</i>)	

**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 an enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **26 November 2024**. This case was docketed with this Court on 29 July 2024. From the date of docketing to the present date, 42 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,

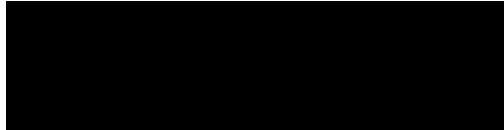


JORDAN L. GRANDE, Capt, USAF
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 9 September 2024.

Respectfully submitted,



JORDAN L. GRANDE, Capt, USAF
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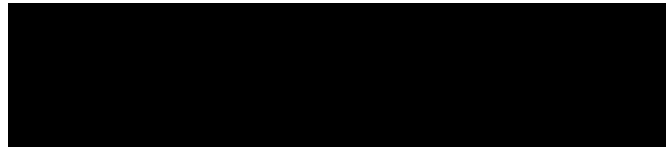
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40649
GAVIN D. TURTU, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

**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.

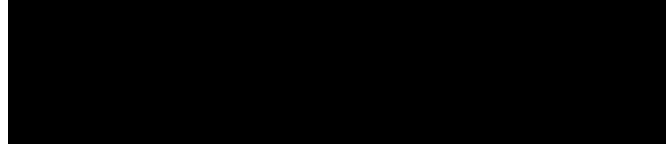
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 9 September 2024.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 2
)	
Senior Airman (E-3)	)	No. ACM 40649
GAVIN D. TURTU,)	
United States Air Force	)	17 November 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 (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **26 December 2024**. This case was docketed with this Court on 29 July 2024. From the date of docketing to the present date, 111 days have elapsed. On the date requested, 150 days will have elapsed.

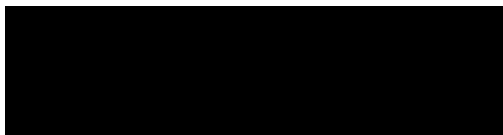
From 1-2 April 2024, Appellant was tried by a general court-martial sitting as a military judge alone at Little Rock Air Force Base, Arkansas. R. at 1, 13-14, 215. Appellant was convicted, consistent with his pleas, R. at 15, of one charge and four specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ). R. at 104-105. Pursuant to a plea agreement, Appellate Exhibit VII, one specification of domestic violence, in violation of Article 128b, UCMJ, was dismissed with prejudice. R. at 98-99, 292. The military judge sentenced Appellant to a reduction in pay grade to Airman Basic (E-1), 24 months of confinement, and a dishonorable discharge. R. at 292.

The record of trial consists of 11 prosecution exhibits, one court exhibit, 18 defense exhibits, and seven appellate exhibits; the transcript is 293 pages. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

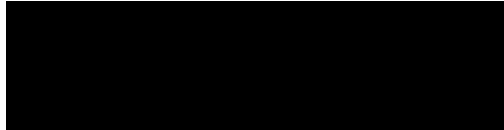


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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 17 November 2024.

Respectfully submitted,



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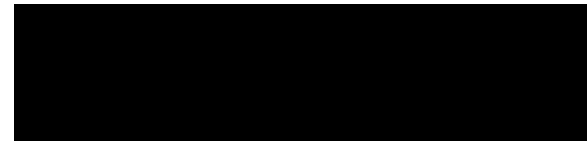
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40649
GAVIN D. TURTU, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

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

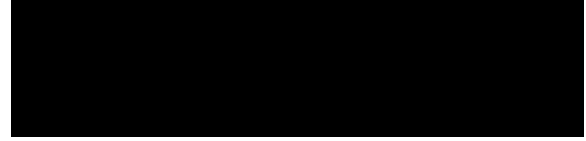
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 19 November 2024.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
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United States Air Force
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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 2
)	
Senior Airman (E-3)	)	No. ACM 40649
GAVIN D. TURTU,)	
United States Air Force	)	16 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 (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **25 January 2025**. This case was docketed with this Court on 29 July 2024. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

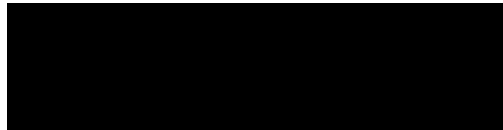
From 1-2 April 2024, Appellant was tried by a general court-martial sitting as a military judge alone at Little Rock Air Force Base, Arkansas. R. at 1, 13-14, 215. Appellant was convicted, consistent with his pleas, R. at 15, of one charge and four specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ). R. at 104-105. Pursuant to a plea agreement, Appellate Exhibit VII, one specification of domestic violence, in violation of Article 128b, UCMJ, was dismissed with prejudice. R. at 98-99, 292. The military judge sentenced Appellant to a reduction in pay grade to Airman Basic (E-1), 24 months of confinement, and a dishonorable discharge. R. at 292.

The record of trial consists of 11 prosecution exhibits, one court exhibit, 18 defense exhibits, and seven appellate exhibits; the transcript is 293 pages. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

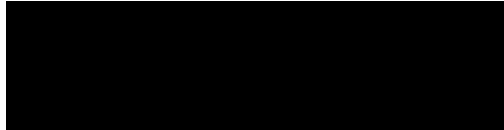


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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 16 December 2024.

Respectfully submitted,



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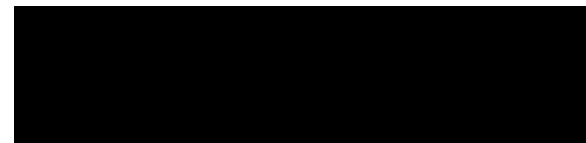
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40649
GAVIN D. TURTU, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

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

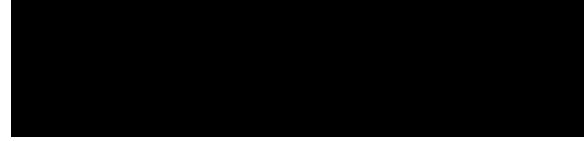
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 16 December 2024.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
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United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME (FOURTH)
)	
v.	)	Before Panel 2
)	
Senior Airman (E-3)	)	No. ACM 40649
GAVIN D. TURTU,)	
United States Air Force	)	16 January 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) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Error. Appellant requests an enlargement for a period of 30 days, which will end on **24 February 2025**. This case was docketed with this Court on 29 July 2024. From the date of docketing to the present date, 171 days have elapsed. On the date requested, 210 days will have elapsed.

From 1-2 April 2024, Appellant was tried by a general court-martial sitting as a military judge alone at Little Rock Air Force Base, Arkansas. Transcript at 1, 13-14, 215. Appellant was convicted, consistent with his pleas, of one charge and four specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ). *Id.* at 15, 104-05. Pursuant to a plea agreement, one specification of domestic violence, in violation of Article 128b, UCMJ, was dismissed with prejudice. *Id.* at 98-99, 292; Appellate Exhibit VII. The military judge sentenced Appellant to a reduction in pay grade to Airman Basic (E-1), confinement for a total of twenty-four months, and a dishonorable discharge. Transcript at 292.

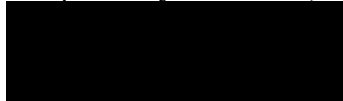
The record of trial consists of eleven prosecution exhibits, one court exhibit, eighteen defense exhibits, and seven appellate exhibits; the transcript is 293 pages. Appellant is currently confined.

In accordance with A.F. Ct. Crim. App. R. 23.2(m)(6), counsel notes the following. This is one of five cases pending before this Court to which the undersigned counsel is assigned. Three of the five cases were fully contested. Three of the five cases were docketed before this case. The undersigned counsel has prioritized ahead of this case the three cases that have been pending before this Court longer. That said, counsel has completed a review of the entire record in this case and has identified potential issues that require additional research.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare such a brief. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,



Dwight H. Sullivan
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews, MD 20762
(240) 612-4770

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 16 January 2025.

Respectfully submitted,



Dwight H. Sullivan
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
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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
)	
Senior Airman (E-4)	)	ACM 40649
GAVIN D. TURTU, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

**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.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations
Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 21 January 2025.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations
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United States Air Force
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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME (FIFTH)
)	
v.	)	Before Panel 2
)	
Senior Airman (E-3)	)	No. ACM 40649
GAVIN D. TURTU,)	
United States Air Force	)	14 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) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Error. Appellant requests an enlargement for a period of 30 days, which will end on **26 March 2025**. This case was docketed with this Court on 29 July 2024. From the date of docketing to the present date, 200 days have elapsed. On the date requested, 240 days will have elapsed.

From 1-2 April 2024, Appellant was tried by a general court-martial sitting as a military judge alone at Little Rock Air Force Base, Arkansas. Trial Tr. at 1, 13-14, 215. Appellant was convicted, consistent with his pleas, of one charge and four specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ). *Id.* at 15, 104-05. Pursuant to a plea agreement, one specification of domestic violence in violation of Article 128b, UCMJ, was dismissed with prejudice. *Id.* at 98-99, 292; Appellate Exhibit VII. The military judge sentenced Appellant to a reduction in pay grade to Airman Basic (E-1), confinement for a total of twenty-four months, and a dishonorable discharge. Trial Tr. at 292.

The record of trial consists of eleven prosecution exhibits, one court exhibit, eighteen defense exhibits, and seven appellate exhibits; the transcript is 293 pages. Appellant is currently confined.


In accordance with A.F. Ct. Crim. App. R. 23.2(m)(6), counsel notes the following. This is one of six cases pending initial briefing before this Court to which the undersigned counsel is assigned. Three of those cases—all fully contested—were docketed before this case. *United States v. Slayton*, No. ACM 40583; *United States v. Kindred*, No. ACM 40607; and *United States v. Roberts*, No. ACM 40608. The undersigned counsel has prioritized those three cases ahead of this case. The undersigned counsel is also assigned to a case pending a supplement to the petition for grant of review at the Court of Appeals for the Armed Forces with priority above this case (*United States v. Ericson*, USCA Dkt. No. 25-0096/AF). His participation in that case is caused by the extraordinary circumstance of the appellant's detailed military appellate defense counsel (a Reservist) being prohibited from performing military duty in light of the geographical distance between her home of record and assigned duty station at Joint Base Andrews, Maryland, and her status as a federal government employee in her civilian capacity, which prevents her from representing the appellant other than in a military duty status. *See* 18 U.S.C. § 205.

That said, counsel has completed a review of the entire record in this case and has identified potential issues that require additional research.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare such a brief. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

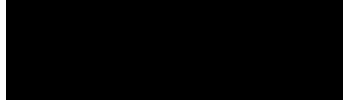


Dwight H. Sullivan
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 14 February 2025.

Respectfully submitted,



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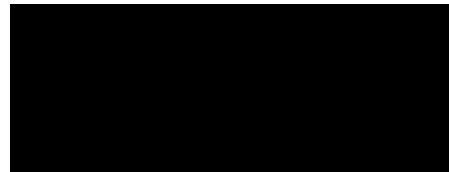
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40649
GAVIN D. TURTU, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

**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.

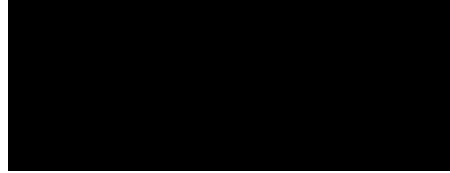
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



THOMAS J. ALFORD, Lt Col, USAFR
Appellate Government Counsel
Government Trial and
Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 18 February 2025.



THOMAS J. ALFORD, Lt Col, USAFR
Appellate Government Counsel
Government Trial and
Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME (SIXTH)
)	
v.	)	Before Panel 2
)	
Senior Airman (E-3)	)	No. ACM 40649
GAVIN D. TURTU,)	
United States Air Force	)	14 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) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignment of Error. Appellant requests an enlargement for a period of 30 days, which will end on **25 April 2025**. This case was docketed with this Court on 29 July 2024. From the date of docketing to the present date, 240 days have elapsed. On the date requested, 270 days will have elapsed.

From 1-2 April 2024, Appellant was tried by a general court-martial consisting of a military judge alone at Little Rock Air Force Base, Arkansas. Trial Tr. at 1, 13-14, 215. Appellant was convicted, consistent with his pleas, of one charge and four specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ). *Id.* at 15, 104-05. Pursuant to a plea agreement, one specification of domestic violence in violation of Article 128b, UCMJ, was dismissed with prejudice. *Id.* at 98-99, 292; App. Ex. VII. The military judge sentenced Appellant to reduction in pay grade to Airman Basic (E-1), confinement for a total of twenty-four months, and a dishonorable discharge. Trial Tr. at 292.

The record of trial consists of eleven prosecution exhibits, one court exhibit, eighteen defense exhibits, and seven appellate exhibits; the transcript is 293 pages. Appellant is currently confined.

In accordance with A.F. Ct. Crim. App. R. 23.2(m)(6), counsel notes the following. This is one of six cases pending initial briefing before this Court to which the undersigned counsel is assigned. Three of those cases—all fully contested—were docketed before this case. *United States v. Slayton*, No. ACM 40583; *United States v. Kindred*, No. ACM 40607; and *United States v. Roberts*, No. ACM 40608. The undersigned counsel has prioritized those three cases ahead of this case.

The undersigned counsel has reviewed the record of trial in this case. Through no fault of Appellant, the undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare such a brief. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of the undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

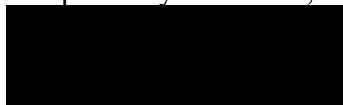


Dwight H. Sullivan
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews, MD 20762
(240) 612-4770

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 14 March 2025.

Respectfully submitted,



Dwight H. Sullivan
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Air Force Appellate Defense Division
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Joint Base Andrews, MD 20762
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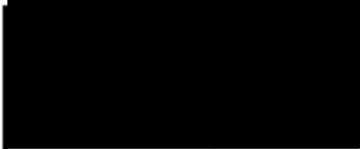
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 2
Senior Airman (E-4))	
GAVIN D. TURTU,	)	No. ACM 40649
United States Air Force.)	
<i>Appellant</i>	)	18 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.


JOCELYN Q. WRIGHT, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 18 March 2025.



JOCELYN Q. WRIGHT, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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

UNITED STATES)	No. ACM 40649
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Gavin D. TURTU)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 17 April 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Seventh) requesting an additional 30 days to submit Appellant’s assignments of error.

In his motion, Appellant’s counsel correctly noted the current due date for Appellant’s brief: 25 April 2025. “Appellant requests an enlargement for a period of thirty days” with a due date of 27 May 2025, which is 32 days after the brief currently is due. Appellant’s counsel explains that a 30-day enlargement of time would end on a non-business day, and his requested due date is the next business day. Appellant’s counsel cites Rule and 15 of the Joint Rules of Appellate Procedure for Courts of Criminal Appeals (Joint Rules) as the basis for requesting a delay of more than 30 days. In its opposition to the motion, the Government did not comment on Appellant’s calculations of time.

Joint Rule 15 states:

In computing any period of time prescribed or allowed by these rules, order of the Court, or any applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, or a day on which the Court is closed when the act to be done is the filing of a paper with the Court, in which event the period runs until the end of the next day that is not a Saturday, Sunday, holiday, or day on which the Court is closed. Unless specified otherwise, “day” indicates calendar day, and shall end at 2359 Eastern Time.

JT. CT. CRIM. APP. R. 15. Appellant’s counsel cites similar rules from other jurisdictions.

Rule 23.3 of this court's Rules of Practice and Procedure provides that an "appellant's first motion for enlargement may be granted for up to 60 calendar days" and "[a]ny subsequent motions for enlargement . . . may be granted for periods not to exceed 30 calendar days. A. F. CT. CRIM. APP. R. 23.3(m)(2), (3).

The court has considered Appellant's motion, the Government's opposition, the Joint Rules, and this court's Rules of Practice and Procedure. Thirty calendar days after the brief currently is due is Sunday, 25 May 2025. Appellant requests an extension of more than 30 days from the current due date of 25 April 2025 to file a brief. We decline Appellant's request to set a due date for an enlargement which is longer than 30 calendar days. Instead, in the interest of clarity, we set a due date that is anticipated to be a business day.

Accordingly, it is by the court on this 21st day of April, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (Seventh) is **GRANTED IN PART**. Appellant shall file any assignments of error not later than **23 May 2025**.



FOR THE COURT

[REDACTED]

OLGA STANFORD, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
<i>Appellee,</i>	)	(SEVENTH)
)	
v.	)	Before Panel 2
)	
Senior Airman (E-3)	)	No. ACM 40649
GAVIN D. TURTU,)	
United States Air Force	)	17 April 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23 of the Joint Rules of Appellate Procedure for the Courts of Criminal Appeals and Rule 23.3(m) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file his assignments of error. Appellant requests an enlargement for a period of thirty days. The thirtieth day from 25 April 2025, the current due date, is Sunday, 25 May 2025. Rule 15 of the Joint Rules of Appellate Procedure for the Courts of Criminal Appeals provides that when a rule or order of a Court of Criminal Appeals would result in a filing being due on a Saturday, Sunday, or legal holiday, “*the period runs* until the end of the next day that is not a Saturday, Sunday, holiday, or day on which the Court is closed.” Joint Rule of Appellate Procedure for the Courts of Criminal Appeals 15 (emphasis added). That Joint Rule prevails over any inconsistent rule or practice of this Court. *United States v. Gilley*, 59 M.J. 245 (C.A.A.F. 2004). Under the plain, unambiguous language of Joint Rule 15, a filing deadline cannot occur on a Saturday, Sunday, or legal holiday. Rather, Joint Rule 15 extends “the period” for filing until the end of the next day on which the relevant Court of Criminal Appeals is open. United States Supreme Court Rule 30.1 is similar to Joint Rule 15, as are Federal Rule of Appellate Procedure 26(a)(1)(C) and United States Court of

Appeals for the Armed Forces Rule 34(a). For all computation of time purposes, the Supreme Court bases its calculations on the “final filing date” as provided by Rule 30.1. *See* STEPHEN M. SHAPIRO, KENNETH S. GELLER, TIMOTHY S. BISHOP, EDWARD A. HARTNETT & DAN HIMMELFARB, *SUPREME COURT PRACTICE* 6-33 (11th ed. 2019) (“To use an example supplied by the Clerk’s Office, when the 90th day for filing a petition is a Sunday, the ‘final filing date’ is Monday. Thus, the preceding 10-day period should be computed from that Monday. Likewise, if the 10th day before the ‘final filing date’ is a Saturday, a Sunday, or a federal legal holiday, the applicant will satisfy the 10-day provision by ensuring that the application is filed on the next business day.”). This is not merely worthy of emulation as a best practice of the highest court of this nation; it is also an interpretation in keeping with the plain language of the computation of time rule. Counsel is aware of no contrary practice under or interpretation of Federal Rule of Appellate Procedure 26(a)(1)(C) or Court of Appeals for the Armed Forces Rule 34(a). In light of the Supreme Court’s practice under Rule 30.1, it would be surprising if there were any such counterexamples. There are myriad examples of courts applying Federal Rule of Appellate Procedure 26(a)(1)(C) consistently with its plain language.¹

The first day after 25 May 2025 that is not a Sunday or legal holiday is Tuesday, **27 May 2025**. By operation of Joint Rule 15, a thirty-day period that ends on 25 May 2025—the Sunday of Memorial Day weekend—runs until 27 May 2025. This case was docketed on 29 July 2024. From the date of docketing to the present date, 262 days have elapsed. On the

¹ *E.g., Bartlik v. United States Department of Labor*, 62 F.3d 163, 166 (6th Cir. 1995) (holding that Fed. R. App. P. 26(a) provides “the court and the parties with a means of determining the beginning and end of a statute of limitations prescribed elsewhere in law”); *Funbus Systems, Inc. v. California Public Utilities Com.*, 801 F.2d 1120, 1120 (9th Cir. 1986) (“Because the last day for the timely filing of appeal no. 85-7105 fell on a Sunday, Fed. R. App. P. 26(a) applies to extend the filing period until Monday, February 25, 1985.”); *Dunham v. Berryhill*, No. 8:16-cv-02154-SHK, 2018 U.S. Dist. LEXIS 223904, at *6 (C.D. Cal. Sept. 24, 2018) (“this Court’s Judgment remained open to attack until sixty-two days after it was issued, due to the appeal deadline falling on a Saturday and FRAP 26(a)(1)(C) extending the filing deadline to the following Monday”).

requested date of 27 May 2025, 302 days will have elapsed.

On 1 and 2 April 2024, Appellant was tried by a general court-martial consisting of a military judge alone at Little Rock Air Force Base, Arkansas. Trial Tr. at 1, 13-14, 215. Appellant was convicted, consistent with his pleas, of one charge and four specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ). *Id.* at 15, 104-05. Pursuant to a plea agreement, one specification of domestic violence in violation of Article 128b, UCMJ, was dismissed with prejudice. *Id.* at 98-99, 292; App. Ex. VII. The military judge sentenced Appellant to reduction in grade to airman basic (E-1), confinement for a total of twenty-four months, and a dishonorable discharge. Trial Tr. at 292.

The record of trial consists of eleven prosecution exhibits, one court exhibit, eighteen defense exhibits, and seven appellate exhibits; the trial transcript is 293 pages. Appellant is currently confined.

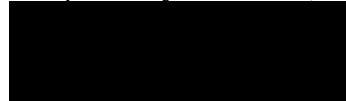
In accordance with A.F. Ct. Crim. App. R. 23.2(m)(6), counsel notes the following. This is one of four cases pending initial briefing before this Court to which the undersigned counsel is assigned. One of those cases—*United States v. Roberts*, No. ACM 40608, a fully contested case with a 1627-page trial transcript for which counsel is currently drafting a brief—was docketed before this case. The undersigned counsel has prioritized that case ahead of this case. The undersigned counsel has also prioritized two other fully contested cases—*United States v. Vongphachanh*, No. ACM 40741, with a 1748-page trial transcript that counsel has completely reviewed, and *United States v. Raines*, No. ACM 40765, with a 2444-page trial transcript that counsel has partially reviewed—ahead of this case. In the latter case, the appellant is confined.

The undersigned counsel has reviewed the record of trial in this case. Through no fault of Appellant, the undersigned counsel has been unable to prepare a brief for Appellant's case.

An enlargement of time is necessary to allow counsel to prepare such a brief. Appellant was advised of his right to a timely appeal. Appellant was provided an update on the status of the undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

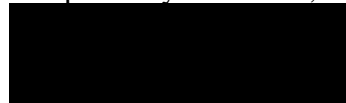


Dwight H. Sullivan
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews, MD 20762
(240) 612-4770

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 17 April 2025.

Respectfully submitted,



Dwight H. Sullivan
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
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(240) 612-4770

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. 2
Senior Airman (E-4))	
GAVIN D. TURTU,	)	No. ACM 40649
United States Air Force.)	
<i>Appellant</i>	)	18 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 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 a year long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two thirds of the 18-month standard for this Court to issue a decision, which only leaves about 8 months combined for the United States and this Court to perform their separate statutory responsibilities.

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



JOCELYN Q. WRIGHT, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 18 April 2025.



JOCELYN Q. WRIGHT, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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

UNITED STATES)	No. ACM 40649
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Gavin D. TURTU)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 21 April 2025, this court granted Appellant an enlargement of time in which to file his assignments of error until 23 May 2025.

On 16 May 2025, Appellant submitted a Motion for Enlargement of Time (Eighth) “request[ing] an enlargement for a period of *twenty-eight days* until **13 June 2025**[sic].” (Italics added). The motion additionally states, “On the requested date of 13 June 2025, 319 days will have elapsed” since the date of docketing. While Appellant correctly states the days elapsed from docketing, Appellant’s requested enlargement period from 23 May 2025 to 13 June 2025 is 21 days, not 28 days.

On 20 May 2025, the Government opposed the motion but did not comment on the discrepancy with regard to the requested enlargement.

The court has considered Appellant’s motion, the Government’s opposition, prior filings in this case, and this court’s Rules of Practice and Procedure. Under the circumstances, we interpret Appellant’s motion as a request for an enlargement of time until 13 June 2025, 21 days beyond the existing due date.

Accordingly, it is by the court on this 21st day of May, 2025,

ORDERED:

Appellant’s Motion for Enlargement of Time (Eighth) is **GRANTED**. Appellant shall file any assignments of error not later than **13 June 2025**.

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



FOR THE COURT



OLGA STANFORD, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
<i>Appellee,</i>	)	(EIGHTH)
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40649
GAVIN D. TURTU,)	
United States Air Force	)	16 May 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23 of the Joint Rules of Appellate Procedure for the Courts of Criminal Appeals and Rule 23.3(m) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file his assignments of error. Appellant requests an enlargement for a period of twenty-eight days until **13 June 2025**. This case was docketed on 29 July 2024. From the date of docketing to the present date, 291 days have elapsed. On the requested date of 13 June 2025, 319 days will have elapsed.

On 1 and 2 April 2024, Appellant was tried by a general court-martial consisting of a military judge alone at Little Rock Air Force Base, Arkansas. Trial Tr. at 1, 13-14, 215. Appellant was convicted, consistent with his pleas, of one charge and four specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ). *Id.* at 15, 104-05. Pursuant to a plea agreement, one specification of domestic violence in violation of Article 128b, UCMJ, was dismissed with prejudice. *Id.* at 98-99, 292; App. Ex. VII. The military judge sentenced Appellant to reduction in grade to airman basic (E-1), confinement for a total of twenty-four months, and a dishonorable discharge. Trial Tr. at 292.

The record of trial includes eleven prosecution exhibits, one court exhibit, eighteen

defense exhibits, and seven appellate exhibits; the trial transcript is 293 pages. Appellant is currently confined.

In accordance with A.F. Ct. Crim. App. R. 23.3(m)(6), counsel notes the following. Counsel has a 27 May 2025 due date to file a supplement to petition for grant of review with the United States Court of Appeals for the Armed Forces in the case of *United States v. Dawson*, ___ M.J. ___, No. 25-0156/AF, 2025 CAAF LEXIS 353 (C.A.A.F. May 5, 2025) (mem.) (docketing notice). The undersigned counsel has prioritized that case ahead of this. Additionally, this is one of four cases pending initial briefing before this Court to which the undersigned counsel is assigned. The undersigned counsel has prioritized two of those cases ahead of this case. One is *United States v. Vongphachanh*, No. ACM 40741, a fully contested case with a 1,748-page trial transcript. Counsel has completely reviewed the record of trial in that case, has identified multiple issues requiring briefing, and has begun to write the brief. The other is *United States v. Raines*, No. ACM 40765, a fully contested case with a 2,444-page trial transcript. The appellant in that case is confined. Counsel has thus far reviewed the non-sealed portions of the first 1,332 pages of the trial transcript in that case.

The undersigned counsel has reviewed the complete record of trial in this case and has identified possible errors requiring additional legal research. Through no fault of Appellant, the undersigned counsel has been unable to prepare a brief in Appellant's case. An enlargement of time is necessary to allow counsel to complete the necessary legal research and prepare such a brief. Appellant was advised of his right to a timely appeal. Appellant was provided an update on the status of the undersigned counsel's progress on this case. Appellant was advised of this request for enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

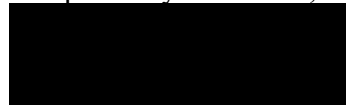


Dwight H. Sullivan
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews, MD 20762
(240) 612-4770

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 16 May 2025.

Respectfully submitted,



Dwight H. Sullivan
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews, MD 20762
(240) 612-4770

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. 2
Senior Airman (E-4))	
GAVIN D. TURTU	)	No. ACM 40649
United States Air Force.)	
<i>Appellant</i>	)	20 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 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 is granted, the defense delay in this case will be 319 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.

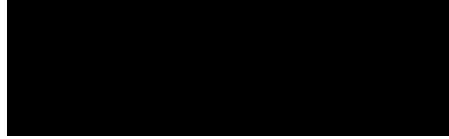
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 20 May 2025.



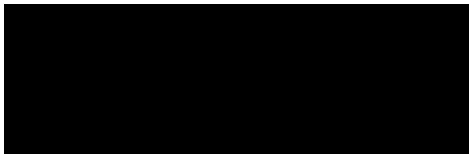
VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

UNITED STATES,)	UNITED STATES’ MOTION
<i>Appellee,</i>)	TO ATTACH
)	
v.)	Before Panel No. 2
)	
Senior Airman (E-4))	No. ACM 40649
GAVIN D. TURTU)	
United States Air Force)	29 May 2025
<i>Appellant.</i>)	

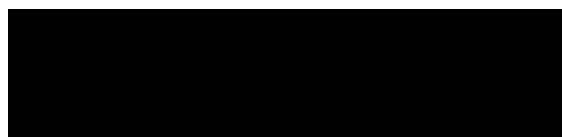
SSgt Darrian Johnson is the Non-commissioned Officer in Charge of Operations Law assigned to the 19th Air Wing Legal Office at Little Rock Air Force Base, AR. He located a copy of Attachment 4 in the base legal office's Microsoft Teams channel labeled "US v. Turtu - Discovery." Upon verifying that it contained the entire video, he provided a copy to undersigned counsel through Microsoft Teams. Undersigned counsel reviewed the copy of Attachment 4 provided by SSgt Johnson and confirmed it played the entire one hour, 43 minute, 32 second video as described in the record. (R. at 22).

Appendix A of this filing provides a complete version of Prosecution Exhibit 1, Attachment 4. Appendix B describes the process by which Appendix A was located and provided to undersigned counsel. The issue of an incomplete record is raised by materials in the record, and the attachments are necessary to resolve that issue. This Court should accept this filing.

WHEREFORE, the United States respectfully requests this Court grant this Motion to Attach the Documents.



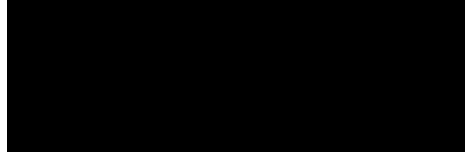
REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, Government
Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 29 May 2025.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION TO
<i>Appellee,</i>	)	COMPEL
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40649
GAVIN D. TURTU,)	
United States Air Force)	
<i>Appellant.</i>	)	22 May 2025

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

COMES NOW Appellant, Senior Airman Gavin D. Turtu, and pursuant to Rule 23.3(e) of this Honorable Court’s Rules of Practice and Procedure, moves to compel the Government to produce complete working copies of Attachments 4 and 9 to Prosecution Exhibit 1.

Prosecution Exhibit 1 is a stipulation of fact that was used extensively at Appellant’s court-martial. Attachment 4 is supposed to be a 1 hour, 43 minute, 32 second recording of a pretextual telephone call between Appellant and his wife on 6 January 2023. Pros. Ex. 1 at page 29. On the disc that constitutes Attachment 4 in appellate defense counsel’s copy of the record of trial, the audio cuts out at 40 minutes and 7 seconds and the playback will not advance beyond 40 minutes and 9 seconds. A review of Attachment 4 in the original record of trial produced that same result. During the Government’s sentencing argument, the trial counsel quoted extensively from Attachment 4. Trial Tr. at 273–76; App. Ex. XIX, slides 9–12, 14.

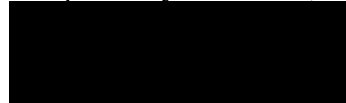
Attachment 9 is supposed to be three clips totaling approximately 18 minutes from the body-worn camera of the police officer who responded to a 9-1-1 call by Appellant’s wife on 26 December 2022. Pros. Ex. 1 at pages 2 (¶10), 42. The three clips are saved as a PowerPoint file. *Id.* at page 42. That file will not load onto appellate defense counsel’s computer. The undersigned counsel also tried to review the original Attachment 9 using the laptop this Court

makes available for counsel's review of audio and video files from original records of trial. The version of Prosecution Exhibit 1, Attachment 9 in the original record of trial would not load onto that computer.

As this Court has emphasized, "[I]t is the Government's responsibility to prepare the record of trial." *United States v. Lovely*, 73 M.J. 658, 675 (A.F. Ct. Crim. App. 2014). This Court should order the Government to fulfill that responsibility by filing complete versions of Attachments 4 and 9 to Prosecution Exhibit 1 that can be played on both the Court's and appellate counsel's computer systems.

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

Respectfully submitted,

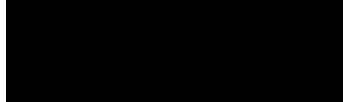


Dwight H. Sullivan
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CERTIFICATE OF FILING AND SERVICE

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 22 May 2025.

Respectfully submitted,



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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, <i>Appellee,</i>)	UNITED STATES' RESPONSE TO
	)	MOTION TO COMPEL
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4)	)	No. ACM 40649
GAVIN D. TURTU)	
United States Air Force	)	29 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 of this Honorable Court's Rules of Practice and Procedure, the United States enters its response to Appellant's Motion to Compel.

Upon review of their record of trial (ROT), appellate defense counsel found that the disc containing the video of Prosecution Exhibit 1, Attachment 4, did not play the entirety of the video entered into the record at trial. (Defense Motion to Compel, dated 22 May 2025).

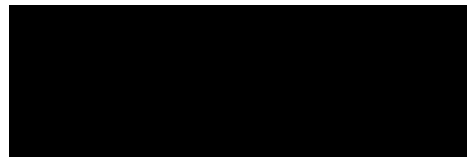
Appellate Defense counsel also found that Prosecution Exhibit 1, Attachment 9, would "not load onto appellate defense counsel's computer." (Id.). Upon review of the original copies of Attachments 4 and 9 kept with the Court, appellate defense counsel found the same technical issues were present.

Undersigned counsel reviewed Appellate Government's copy of the ROT to examine these files. With Attachment 4, undersigned counsel discovered the same issue outlined by Appellate Defense counsel in their motion to compel. However, undersigned counsel was able to open the PowerPoint that made up Attachment 9. The file contained three slides and each slide contained one video of body camera footage. In total, the three videos were approximately 18 minutes long.

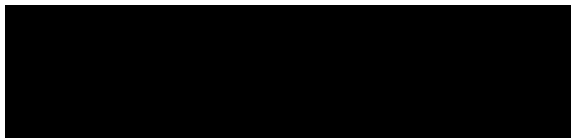
Undersigned counsel and appellate defense counsel have agreed that a new copy of Attachment 9 will be put on a disc made from Appellate Government's copy in their ROT. The disc will be provided to appellate defense counsel concurrent with the filing of this motion.

To cure the defect in Attachment 4, this Court should grant the United States' Motion to Attach a new copy of Attachment 4 that contains the entire 1 hour, 43 minutes, 32 seconds of audio.

WHEREFORE, the United States respectfully requests this Court deny in part the Motion to Compel with respect to Attachment 9 and grant the concurrently filed Motion to Attach the Documents for Attachment 4.



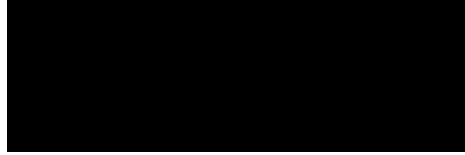
REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
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MARY ELLEN PAYNE
Associate Chief
Government Trial and Appellate Operations Division
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United States Air Force
(240) 612-4800

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 29 May 2025.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
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**UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS**

UNITED STATES)	No. ACM 40649
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Gavin D. TURTU)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 22 May 2025, Appellant moved this court “to compel the Government to produce complete working copies of Attachments 4 and 9 to Prosecution Exhibit 1,” the stipulation of fact. Appellant asserted that the copies of Attachment 4, described as a recording of a pretextual phone call approximately 1 hour, 43 minutes, and 32 seconds long, contained in Appellant’s copy of the record of trial and the original record of trial “will not advance beyond 40 minutes and 9 seconds.” Appellant asserted appellate defense counsel were also unable to access the three police body camera recordings, totaling approximately 18 minutes, contained in Attachment 9 on either Appellant’s copy of the record of trial or the original record of trial.

On 29 May 2025, the Government responded to the defense motion. With respect to Attachment 4, appellate government counsel found the same defect in the Government’s copy of the record of trial that Appellant identified. With respect to Attachment 9, the Government indicated appellate government counsel were able to access the recordings contained in the Government’s copy of the record of trial. The Government stated counsel for the two parties agreed the Government would prepare a new copy of Attachment 9 from the Government’s copy of the record and provide it the Defense.

Also on 29 May 2025, the Government filed a motion to attach a replacement copy of Attachment 4 of Prosecution Exhibit 1, as well as a 28 May 2025 declaration from Staff Sergeant DJ, 19th Airlift Wing Office of the Staff Judge Advocate, identifying the source of the replacement copy as “an archived Microsoft Teams Group titled ‘US v. Turtu – Discovery.’” Appellant did not oppose the Government’s motion to attach.

“A substantial omission renders a record of trial incomplete and raises a presumption of prejudice that the Government must rebut.” *United States v. Henry*, 53 M.J. 108, 111 (C.A.A.F. 2000) (citations omitted).

Rule for Courts-Martial (R.C.M.) 1112(b)(5) provides, *inter alia*, the “record of trial in every general and special court-martial shall include . . . [e]xhibits” *Manual for Courts-Martial, United States* (2024 ed.).

R.C.M. 1112(d)(2) provides, in part:

A record of trial is complete if it complies with the requirements of subsection (b). . . . A record of trial found to be incomplete or defective before or after certification may be corrected to make it accurate. A superior competent authority may return a record of trial to the military judge for correction under this rule. The military judge shall give notice of the proposed correction to all parties and permit them to examine and respond to the proposed correction. . . .

R.C.M. 1112(d)(3)(A) provides the military judge may take corrective action by, *inter alia*, “reconstructing the portion of the record affected.”

Department of Air Force Instruction (DAFI) 51-201, *Administration of Military Justice*, ¶ 21.15 (24 Jan. 2024), provides “[a] defective or incomplete ROT is corrected in accordance with R.C.M. 1112(d). A Certificate of Correction is prepared and certified by the military judge detailed to the case.”

Accordingly, it is by the court on this 12th day of June, 2025,

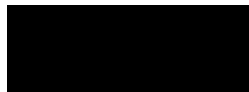
ORDERED:

Appellant’s Motion to Compel dated 22 May 2025 is **DENIED**.

Not later than **25 June 2025**, counsel for the Government shall **SHOW GOOD CAUSE** as to why this court should not return the original record of trial for correction of the record as to Attachments 4 and 9 of Prosecution Exhibit 1, and to any other matters needing correction, to ensure a complete, certified record for the court’s review.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

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

UNITED STATES)	No. ACM 40649
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Gavin D. TURTU)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 21 May 2025, this court granted Appellant’s eighth motion for enlargement of time in which to file his assignments of error. This court ordered that “Appellant shall file any assignments of error not later than **13 June 2025**.”

On 22 May 2025, Appellant moved this court “to compel the Government to produce complete working copies of Attachments 4 and 9 to Prosecution Exhibit 1.”

On 29 May 2025, the Government responded to Appellant’s motion to compel. The Government explained “counsel for the two parties agreed the Government would prepare a new copy of Attachment 9 from the Government’s copy of the record and provide it the Defense.” Also on 29 May 2025, the Government moved to attach a replacement copy of Attachment 4 to Prosecution Exhibit 1, with a declaration describing the source of the replacement copy. Appellant did not oppose the Government’s motion to attach.

On 12 June 2025, this court denied Appellant’s 22 May 2025 motion to compel and ordered counsel for the Government to “**SHOW GOOD CAUSE** as to why this court should not return the original record of trial for correction of the record as to Attachments 4 and 9 of Prosecution Exhibit 1, and to any other matters needing correction,” not later than 25 June 2025. The Government’s 29 May 2025 motion to attach remains pending before the court.

On 12 June 2025, Appellant filed a “Motion for Leave to File and Consent Emergency Motion to Stay the Briefing Schedule,” requesting a “thirty-day stay with the possibility of a later request to extend the stay depending on the consequences of this Court’s order of 12 June 2025,” in light of the “continued litigation concerning whether to remand the record for correction.” Appellant asserted counsel for the Government consented to its 12 June 2025 motions.

The court has considered Appellant's motions, prior filings and orders in this case, the Rules for Courts-Martial, and this court's Rules of Practice and Procedure.

Accordingly, it is by the court on this 13th day of June, 2025,

ORDERED:

Appellant's Motion for Leave to File dated 12 June 2025 is **GRANTED**. Appellant's "Consent Emergency Motion to Stay the Briefing Schedule" dated 12 June 2025 is also **GRANTED**. Appellant shall file any assignments of error not later than **13 July 2025**.



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 LEAVE
	)	TO FILE AND CONSENT
	)	EMERGENCY MOTION TO STAY
<i>Appellee,</i>	)	THE BRIEFING SCHEDULE
)	
v.	)	Before Panel 2
)	
Senior Airman (E-4)	)	No. ACM 40649
GAVIN D. TURTU,)	
United States Air Force)	
<i>Appellant.</i>	)	12 June 2025

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

COMES NOW Appellant, Senior Airman Gavin D. Turtu, and pursuant to Rules 23.1 and 23.2 of this Honorable Court’s Rules of Practice and Procedure, moves for leave to file an emergency motion to stay the briefing schedule and moves to stay the briefing schedule. Counsel for the Government have consented to those motions.

Appellant’s brief is currently due no later than 13 June 2025. Appellant’s counsel planned to file his brief on that date. Today (12 June 2025), this Court ordered:

Not later than 25 June 2025, counsel for the Government shall SHOW GOOD CAUSE as to why this court should not return the original record of trial for correction of the record as to Attachments 4 and 9 of Prosecution Exhibit 1, and to any other matters needing correction, to ensure a complete, certified record for the court’s review.

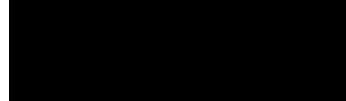
United States v. Turtu, No. ACM 40649 (A.F. Ct. Crim. App. June 12, 2025) (order).

Appellant’s counsel are past the deadline for seeking an enlargement of tomorrow’s filing deadline. *See* A.F. Ct. Crim. App. R. 23.3(m)(7). An out-of-time motion for enlargement of time would not alter that deadline unless it were granted before close of business tomorrow. *See id.* (“In the absence of a granted motion for enlargement of time out of time, the original filing deadline remains in place.”). Accordingly, absent a further order by this Court, Appellant’s counsel will be

compelled to file his brief notwithstanding continued litigation concerning whether to remand the record for correction. To avoid such a situation, Appellant seeks a stay of the current briefing schedule. Appellant seeks a thirty-day stay with the possibility of a later request to extend the stay depending on the consequences of this Court's order of 12 June 2025. Appellant further asks this Court to grant this motion no later than close of business on 13 June 2025.

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

Respectfully submitted,

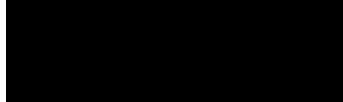


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CERTIFICATE OF FILING AND SERVICE

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 12 June 2025.

Respectfully submitted,

A solid black rectangular box used to redact the signature of Dwight H. Sullivan.

Dwight H. Sullivan
Appellate Defense Counsel
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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	
<i>Appellee</i>)	UNITED STATES' ANSWER TO
	)	SHOW CAUSE
v.)	
	)	Before Panel No. 2
Senior Airman (E-4))	
GAVIN D. TURTU , USAF	)	No. ACM 40649
<i>Appellant</i>)	
	)	25 June 2025

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

On 1 April 2024, Appellant was convicted, consistent with his pleas, at a general court-martial by a military judge of one charge and four specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ). (R. at 104-105).

On 12 June 2025, this Court *sua sponte* directed the following:

Not later than **25 June 2025**, counsel for the Government shall **SHOW GOOD CAUSE** as to why this court should not return the original record of trial for correction of the record as to Attachments 4 and 9 of Prosecution Exhibit 1, and to any other matters needing correction, to ensure a complete, certified record for the court's review.

(*Show Cause Order*, dated 12 June 2025.)

Supplemental Statement of the Facts

On 22 May 2025, Appellant moved this Court to compel the Government to produce working copies of Attachments 4 and 9 from Prosecution Exhibit 1.” (*Appellant Motion to Compel*, dated 22 May 2025). Appellant filed this motion on the grounds that copies of Attachments 4 and 9, both electronic files, in appellate defense counsel's record of trial (ROT) were not functioning correctly. (Id.). On 29 May 2025, the Government responded to Appellant's motion in two ways. First, the Government responded that their copy Attachment 9

functioned correctly and so the Government provided Appellant defense counsel with a working copy of Attachment 9. (*Government Response*, dated 29 May 2025). The Government also moved this Court to attach a new copy of Attachment 4 to the record. (*Government Motion to Attach*, dated 29 May 2025). The copy of Attachment 4 was retrieved from the base legal office and functioned correctly. (Appendix B). Appellant did not oppose the Government's motion to attach. This Court has not yet ruled on the Government's motion to attach. (*Show Cause Order*, dated 12 June 2025).

Standard of Review

Whether a record of trial is complete is a question of law that courts review *de novo*. United States v. Henry, 53 M.J. 108, 110 (C.A.A.F. 2000).

Law and Argument

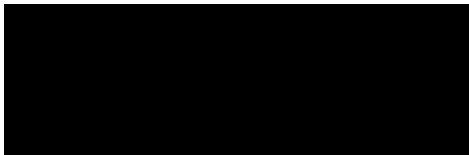
Working copies of Attachments 4 and 9 were provided via the Government's Response and the Government's Motion to Attach. (*Government Response*, dated 29 May 2025; *Government Motion to Attach*, dated 29 May 2025). It is not necessary for this Court to remand the record for correction. This Court has consistently elected not to provide any remedy for an incomplete record where the Government has provided the missing portions through a motion to attach.

When a record is incomplete, Rule for Court Martial 1112(d)(2) allows this Court to return the record of trial to the military judge for correction. Yet if the omitted portions of the record have already been provided to this Court, there is no utility in returning the record for correction. Where the Government has produced missing documents through a motion to attach, this Court has consistently not granted any remedy. See United States v. King, ACM 39583, 2021 CCA LEXIS 415 (A.F. Ct. Crim. App. 16 August 2021) (unpub. op.); United States v.

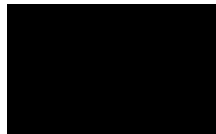
Jones, 2022 CCA LEXIS 584, *10 (A.F. Ct. Crim. App. 17 October 2022) (unpub. op.); United States v. Garron, 2023 CCA LEXIS 67, *5 (A.F. Ct. Crim. App. 9 February 2023) (unpub. op.).

The Government has provided the missing attachments to appellate defense counsel directly and through a motion to attach. Appellant defense counsel concur with appellate government's position that a remand is not necessary in this case, as true copies of Attachments 4 and 9 were previously provided by the government. Therefore, this Court should continue to follow its established method; this Court should grant the Government's motion to attach and decline to remand the record for correction.

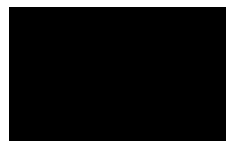
WHEREFORE, the United States respectfully requests this Court remand the record for correction.



REGINA HENENLOTTER, Maj, USAF
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MATTHEW TALCOTT, Colonel, USAF
Director, Government Trial and Appellate
Operations Division
Military Justice and Discipline Directorate
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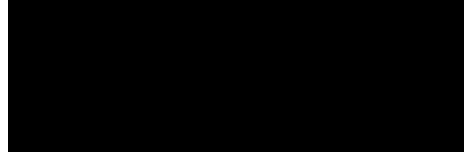


FOR

MARY ELLEN PAYNE
Associate Chief, Government
Trial and Appellate Counsel Division
Military Justice and Discipline Directorate
United States Air Force
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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 Appellate Defense Division on 25 June 2025.



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