

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

UNITED STATES	)	No. ACM 40782 (f rev)
<i>Appellee</i>	)	
	)	
v.	)	
	)	
Hunter A. Smith	)	NOTICE OF
Staff Sergeant (E-5)	)	DOCKETING
U.S. Air Force	)	
<i>Appellant</i>	)	

The record of trial in the above-styled case was returned to this court by the Military Appellate Records Branch (JAJM).

Accordingly, it is by the court on this 18th day of February, 2026,

ORDERED:

That the Record of Trial in the above styled matter is referred to Panel 1.

The court's order of 31 December 2025 authorizing counsel to view sealed material is still in effect.

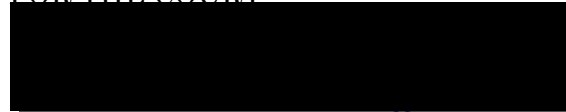
Further, the court permits both appellate defense counsel and appellate government counsel to examine the audio recording of the closed session of Appellant's court-martial.

Counsel must file a motion to request to view any other sealed material.

Based on the procedural history of this case, further requests for enlargements of time may necessitate a status conference.



FOR THE COURT



JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

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

UNITED STATES	)	No. ACM 40782 (f rev)
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Hunter A. SMITH	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 1

On 6 April 2026, Appellant submitted a Motion for Enlargement of Time (First) “request[ing] an enlargement for a period of sixty calendar days from 20 April 2026, which will expire on 19 June 2026.” Appellant contends that sixty days from the date of redocketing is Sunday, 19 June 2026, and therefore Appellant’s brief is not due until Monday, 20 June 2026, citing JT. CT. CRIM. APP. R. 15 and 18(d)(1). The Government generally opposes the motion.

On 27 January 2026, this court returned Appellant’s record of trial for an inaccessible disc, after it had granted Appellant nine enlargements of time. Upon return of the record, and in its 18 February 2026 Notice of Docketing, the court informed Appellant that “[b]ased on the procedural history of this case, further requests for enlargements of time may necessitate a status conference.”* We decline to allow further delay of this case and grant Appellant 45 days to file his assignments of error brief.

The court has considered Appellant’s motion, the Government’s opposition, the procedural history of Appellant’s case, and this court’s Rules of Practice and Procedure.

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

ORDERED:

Appellant’s Motion for Enlargement of Time (First) is **GRANTED IN PART**. Appellant shall file any assignments of error **not later than 3 June 2026**.

It is further ordered:

* Counsel for Appellant does not acknowledge the court’s Notice of Docketing language in its motion.

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.

Further, any future requests 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 (FIRST)
	)	
v.	)	
	)	Before Panel 1
Staff Sergeant (E-5)	)	
Hunter A. Smith,	)	No. ACM 40782 (f rev)
United States Air Force,	)	
<i>Appellant.</i>	)	6 April 2026

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a first enlargement of time to file his brief. Appellant’s case was redocketed on 18 February 2026. Appellant’s brief is currently due on 20 April 2026.¹ Appellant requests an enlargement for a period of sixty calendar days from 20 April 2026, which will expire on 19 June 2026.

¹ Rule 18(d)(1) of the Joint Rules of Practice and Procedure for Courts of Criminal Appeals (JRAP) provides that an “appellant’s brief shall be filed no later than 60 days after the Court has received the record of trial pursuant to Article 65(b), UCMJ, and has docketed the case.” Sixty calendar days from the date of redocketing is Sunday, 19 April 2026. JRAP 15 unambiguously establishes Appellant’s initial briefing due date as Monday, 20 April 2026—the first day after Sunday, 19 April 2026 “that is not a Saturday, Sunday, holiday, or day on which the Court is closed.” This Court construed JRAP 15 in precisely that manner in *United States v. Vongphachanh*, No. ACM 40741 (A.F. Ct. Crim. App. Feb. 12, 2025) (order) (“Sixty calendar days after docketing this case is Saturday, 15 February 2025. However, based on JT. CT. CRIM. APP. R. 18(d)(1), the 60th day after docketing is computed as 18 February 2025, because 15–17 February 2025 comprise a weekend and a federal holiday. Therefore, we agree with Appellant that his initial assignment of error brief is due to this court on 18 February 2025.”). This Court should interpret Appellant’s due date consistently with JRAP 15’s plain language, this Court’s *Vongphachanh* order, and the practice of the United States Court of Appeals for the Armed Forces when applying its comparable computation of time rule. *See, e.g., United States v. Dawson*, 86 M.J. 117 (C.A.A.F. 2025) (mem.) (setting a supplement filing deadline twenty-two days from the order where the twenty-one-day extension prescribed by CAAF Rule 19(a)(5)(A) would have ended on the Memorial Day holiday).

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

Respectfully submitted,

[REDACTED]

Dwight H. Sullivan
Appellate Defense Counsel

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 6 April 2026.

Respectfully submitted,

[REDACTED]

Dwight H. Sullivan
Appellate Defense Counsel

[REDACTED]

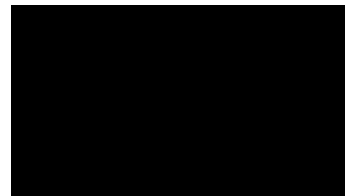
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
HUNTER A. SMITH,	)	
United States Air Force,	)	No. ACM 40782 (f rev)
<i>Appellant.</i>	)	
	)	7 April 2026
	)	

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

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

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

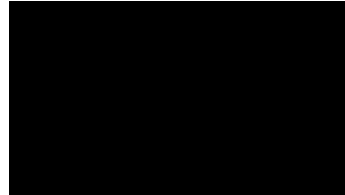


KATE E. LEE, Maj, USAF
Appellate Government Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 7 April 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



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

UNITED STATES	)	No. ACM 40782 (f rev)
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Hunter A. SMITH	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 1

Appellant’s case was originally docketed with the court on 25 February 2025. On 27 January 2026, we remanded Appellant’s record to the Chief Trial Judge, Air Force Trial Judiciary, for correction of the record. Appellant’s case was re-docketed on 18 February 2026. In this court’s notice of docketing Appellant’s counsel were informed that “[b]ased on the procedural history of this case, further requests for enlargements of time may necessitate a status conference.”

On 6 April 2026, Appellant submitted a motion for enlargement of time “request[ing] an enlargement for a period of sixty calendar days from 20 April 2026, which will expire on 19 June 2026.” The Government opposed the motion. We granted Appellant’s motion in part, granting Appellant 45 days to file his assignments of error brief not later than 3 June 2026. This made a total of ten enlargements of time granted by the court since Appellant’s case was originally docketed with this court.

On 27 May 2026, counsel for Appellant moves this court for an enlargement of time of 30 calendar days, which would expire on 3 July 2026.* Counsel for Appellant states he “has completed a review of the record of trial and has identified issues to be briefed in this case. Additional time is necessary for additional research, to complete Appellant’s brief, and for Appellant to fully exercise his rights under *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).” The Appellant is currently confined. The Government generally opposes the motion.

* Appellant contends that 30 days from 3 June 2026 is a “legal holiday” (3 July 2026) and therefore “a brief filed on Monday, 6 July—the first day after the due date that is not a weekend or holiday—will be timely filed,” citing JT. CT. CRIM. APP. R. 15.

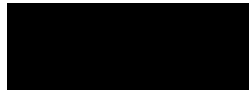
The court has considered Appellant's motion, the Government's opposition, prior filings in this case, case law, and this court's Rules of Practice and Procedure.

Accordingly, it is by the court on this 2d day of June, 2026,

ORDERED:

Appellant's Motion for Enlargement of Time (Second) is **GRANTED IN PART**. Appellant shall file any assignments of error not later than **3 July 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
<i>Appellee</i>	)	(SECOND)
	)	
	)	
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
Hunter A. Smith,	)	No. ACM 40782 (f rev)
United States Air Force,	)	
<i>Appellant</i>	)	27 May 2026

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

Pursuant to Rule 23.3(m)(1), (3), and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a second enlargement of time to file his brief.

Appellant’s case was originally docketed with this Court on 25 February 2025. On 27 January 2026, this Court ordered the record returned to the trial judiciary for correction. *United States v. Smith*, No. ACM 40782, 2026 CCA LEXIS 38 (A.F. Ct. Crim. App. Jan. 27, 2026) (order). The case was redocketed on 18 February 2026. The current due date for Appellant’s brief is 3 June 2026. Appellant respectfully requests an enlargement for a period of thirty calendar days, which would expire on **3 July 2026**.¹ From the date of redocketing to today, 98 days have elapsed. On the requested date, 135 days will have elapsed. From the original docketing date to today, 463 days have elapsed. On the requested date, 500 days will have elapsed.

From 26 through 29 August 2024, Appellant was tried by a general court-martial consisting of a military judge alone at Royal Air Force Lakenheath, United Kingdom. Trial Tr.

¹ 3 July 2026 is a legal holiday. Therefore, pursuant to Rule 15 of the Joint Rules of Appellate Practice for Courts of Criminal Appeals (JRAP), a brief filed on Monday, 6 July—the first day after the due date that is not a weekend or holiday—will be timely filed.

162, 171, 595. Contrary to his pleas, Appellant was convicted of one charge and five specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ). Trial Tr. 182, 508.² Consistent with his pleas, Appellant was acquitted of one charge of sexual assault and its supporting specification in violation of Article 120, UCMJ, and one specification of domestic violence in violation of Article 128b, UCMJ. The military judge sentenced Appellant to a reprimand, reduction to the grade of E-1, confinement for a total of thirty-six months, and a bad-conduct discharge. Trial Tr. 594. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action, Oct. 24, 2024.

The seven-volume electronic record of trial includes sixteen prosecution exhibits, twenty-two defense exhibits, two court exhibits, and fifty-two appellate exhibits. The transcript is 595 pages. Appellant is currently confined.

In accordance with this Court's order of 9 April 2026, counsel note the following: (1) Appellant has been advised of his right to timely appeal; (2) Appellant has been updated on the status of counsel's progress on his case; (3) Appellant was advised of this motion for second enlargement of time; and (4) Appellant agreed to this request for a second enlargement of time.

The undersigned counsel has completed a review of the record of trial and has identified issues to be briefed in this case. Additional time is necessary for additional research, to complete Appellant's brief, and for Appellant to fully exercise his rights under *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

Since moving for a first enlargement of time in this case, the undersigned counsel has made, *inter alia*, the following filings:

² The military judge's findings modified one specification through exception and another through exception and substitution. Trial Tr. 508.

1. *United States v. Robinson*, No. ACM 24044 (f rev), brief on behalf of appellant (14 April 2026).
2. *United States v. Hooker*, No. 40646 (f rev), motion to cite supplemental authority (14 April 2026).
3. *United States v. Kindred*, No. ACM 40607 (f rev), opposition to government motion to reconsider (23 April 2026).
4. *United States v. Robinson*, No. ACM 24044 (f rev), petition for new trial (30 April 2026).
5. *United States v. Kindred*, No. ACM 40607 (f rev), reply to government opposition to motion to reconsider (12 May 2026).
6. *United States v. Lowery*, No. ACM 40781, brief on behalf of appellant (25 May 2026).
7. *United States v. Campbell*, No. ACM 40652, USCA Dkt. No. 26-0190/AF, supplement to petition for grant of review (26 May 2026).

Additionally, the undersigned participated in eight moot courts to prepare counsel representing the Air Force Appellate Defense Division's clients in oral arguments before this Court and the Court of Appeals for the Armed Forces. The undersigned counsel was out of the office for two days during May 2026 to attend the Court of Appeals for the Armed Forces' continuing legal education program. Additionally, both the Chief and Deputy Chief of the Air Force Appellate Defense Division are currently out of the office attending a three-week course. That has resulted in some leadership responsibilities that they normally perform devolving onto the undersigned counsel. That further limits the time he has had available to prepare the brief in this case, thus further supporting this request for an enlargement of time.

The undersigned is currently assigned twenty cases. Seven of them, including this one, are pending initial briefing before this Court. Six of those seven cases were fully contested court-martial. He prioritizes two of those cases above this one:

1. *United States v. Raines*, No. ACM 40765, a case on fourteenth enlargement with a confined appellant. Counsel have completed a brief on behalf of the appellant and on 27 May 2026 received two documents from the United States Disciplinary Barracks that are necessary to support that brief. Counsel anticipates filing a brief in *Raines* on 28 May 2026.
2. *United States v. Bowers*, No. ACM 40838 (f rev), a case that was redocketed on the same day as this case. The current filing deadline in *Bowers* is 13 June 2026, which is a Saturday. Pursuant to JRAP 15, a brief filed on Monday, 15 June 2026 would be timely filed. The undersigned has reviewed the transcript in *Bowers* and has identified issues to be briefed. Barring unforeseen events, counsel anticipates completing and filing that brief without seeking any additional enlargements.

Additionally, the undersigned is the lead appellate defense counsel in *United States v. Kindred*, No. ACM 40607 (f rev), USCA Dkt. No. 26-0204/AF. The deadline for filing the supplement to the petition for grant of review at the Court of Appeals for the Armed Forces is 16 June 2026. Counsel necessarily prioritizes that filing above briefing in this case.

For the foregoing reasons, Appellant respectfully requests that this Honorable Court grant the requested second enlargement of time.

Respectfully submitted,

[REDACTED]

Dwight H. Sullivan
Appellate Defense Counsel

[REDACTED]

Counsel for Appellant

CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 27 May 2026.

Respectfully submitted,

[REDACTED]

Dwight H. Sullivan
Appellate Defense Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Staff Sergeant (E-5)

HUNTER A. SMITH,

United States Air Force,

Appellant.

)
)
)
)
)
)
)
)
)
)
)

UNITED STATES' GENERAL
OPPOSITION TO APPELLANT'S
MOTION FOR ENLARGEMENT
OF TIME

Before Panel No. 1

No. ACM 40782 (f rev)

28 May 2026

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its 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]

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

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 28 May 2026.



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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
<i>Appellee</i>	)	(THIRD)
	)	
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
Hunter A. Smith,	)	No. ACM 40782 (f rev)
United States Air Force,	)	
<i>Appellant</i>	)	24 June 2026

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

Pursuant to Rule 23.3(m)(1), (3), and (4) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for a third enlargement of time to file his brief.

Appellant's case was originally docketed with this Court on 25 February 2025. On 27 January 2026, this Court ordered the record returned to the trial judiciary for correction. *United States v. Smith*, No. ACM 40782, 2026 CCA LEXIS 38 (A.F. Ct. Crim. App. Jan. 27, 2026) (order). The case was redocketed on 18 February 2026. The current due date for Appellant's brief is 3 June 2026. Appellant respectfully requests an enlargement for a period of thirty calendar days as calculated in accordance with Rule 15 of the Joint Rules of Appellate Procedure for Courts of Criminal Appeals (JRAP), which would expire on **Monday, 3 August 2026**. JRAP 15 provides that in computing a period of time, such as the 30-calendar-day period prescribed by Rule 23.3(m)(3) of this Courts rules, "[t]he 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," in which case "the period runs until the end of the next day that is not a Saturday, Sunday, holiday, or day Court is closed." JRAP 15. This provision unambiguously provides that the 30-period prescribed by Rule 23.3(m)(3) of this Court's rules cannot end on a



GRANTED
25 JUN 2026

weekend—as it would here on Sunday, 2 August 2026 but for JRAP 15. Rather, “the period runs” until the next day on which the Court is open. JRAP 15 does not provide that when a period ends on a weekend day, a filing on the next work day will nevertheless be accepted. Rather, it provides that when the period would otherwise end on a weekend or holiday, no weekend day or holiday may be counted as day 30 and “the period runs until” the next day on which the Court is open. Thus, Appellant’s counsel respectfully and in good faith maintains that in this instance, the 30-calendar-day period as calculated in accordance with JRAP 15’s plain meaning expires on Monday, 3 August 2026. If this Court disagrees with that interpretation of JRAP 15, Appellant’s counsel respectfully requests a conference. Counsel seeks to understand any contrary analysis.

From the date of redocketing to today, 126 days have elapsed. On the requested date, 166 days will have elapsed. From the original docketing date to today, 484 days have elapsed. On the requested date, 524 days will have elapsed.

From 26 through 29 August 2024, Appellant was tried by a general court-martial consisting of a military judge alone at Royal Air Force Lakenheath, United Kingdom. Trial Tr. 162, 171, 595. Contrary to his pleas, Appellant was convicted of one charge and five specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ). Trial Tr. 182, 508.¹ Consistent with his pleas, Appellant was acquitted of one charge of sexual assault and its supporting specification in violation of Article 120, UCMJ, and one specification of domestic violence in violation of Article 128b, UCMJ. The military judge sentenced Appellant to a reprimand, reduction to the grade of E-1, confinement for a total of

¹ The military judge’s findings modified one specification through exception and another through exception and substitution. Trial Tr. 508.

thirty-six months, and a bad-conduct discharge. Trial Tr. 594. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action, Oct. 24, 2024.

The seven-volume electronic record of trial includes sixteen prosecution exhibits, twenty-two defense exhibits, two court exhibits, and fifty-two appellate exhibits. The transcript is 595 pages. Appellant is currently confined.

In accordance with this Court's order of 9 April 2026, counsel note the following: (1) Appellant has been advised of his right to timely appeal; (2) Appellant has been updated on the status of counsel's progress on his case; (3) Appellant was advised of this motion for third enlargement of time; and (4) Appellant agreed to this request for a third enlargement of time.

The undersigned counsel has completed a review of the record of trial, has identified issues to be briefed in this case, and has begun to draft Appellant's brief. Additional time is necessary for additional research, to complete Appellant's brief, and for Appellant to fully exercise his rights under *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

Since moving for a second enlargement of time in this case, the undersigned counsel has made, *inter alia*, the following filings:

1. *United States v. Sumpter*, USCA Dkt. No. 26-0179/NA, amicus brief filed with the Court of Appeals for the Armed Forces (28 May 2026).
2. *United States v. Raines*, No. ACM 40765, brief on behalf of appellant filed with this Court (28 May 2026).
3. *United States v. Flanagan*, No. ACM S32826, motion to withdraw from appellate review filed with this Court (2 June 2026).

4. *United States v. Robinson*, Misc. Dkt. No. 2026-05, petition for new trial reply brief filed with this Court (10 June 2026).
5. *United States v. Bowers*, No. ACM 40838 (f rev), brief on behalf of appellant filed with this Court (15 June 2026).
6. *United States v. Kindred*, USCA Dkt. No. 26-0204/AF, No. ACM 40607 (f rev), supplement to petition for grant of review filed with the Court of Appeals for the Armed Forces (15 June 2026).
7. *United States v. Robinson*, No. ACM 24044 (f rev), reply brief filed with this Court (22 June 2026).

Additionally, both the Chief and Deputy Chief of the Air Force Appellate Defense Division were out of the office attending a three-week course from 18 May through 5 June 2026. That resulted in some leadership responsibilities that they normally perform devolving onto the undersigned counsel. That further limited the time he has had available to prepare the brief in this case, thus further supporting this request for an enlargement of time.

The undersigned is currently assigned to twenty-eight cases. Five of them, including this one, are pending initial briefing before this Court. Four of those five cases were fully contested courts-martial. This case is his highest priority among those cases. However, he prioritizes one other filing above this case and will likely prioritize a second filing above this case as well. Counsel is currently preparing a motion to reconsider this Court's opinion in *United States v. Vongphachanh*, No. ACM 40741 (A.F. Ct. Crim. App. May 29, 2026). The filing deadline for that motion is 29 May 2026. Accordingly, counsel necessarily prioritizes meeting that filing deadline ahead of this case. Additionally, the Government's answer to the supplement to the petition for grant of review in *United States v. Kindred*, USCA Dkt. No. 26-0204/AF, is due no

later than 29 June 2026. If the Government files on that date, Appellant's reply will be due no later than 6 July 2026. Counsel will necessarily prioritize that filing ahead of this case.

For the foregoing reasons, Appellant respectfully requests that this Honorable Court grant the requested third enlargement of time.

Respectfully submitted,



Dwight H. Sullivan
Appellate Defense Counsel

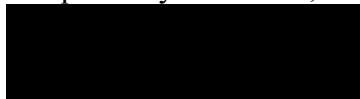


Counsel for Appellant

CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 24 June 2026.

Respectfully submitted,



Dwight H. Sullivan
Appellate Defense Counsel



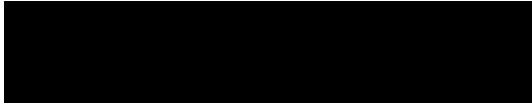
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
HUNTER A. SMITH,	)	
United States Air Force,	)	No. ACM 40782 (f rev)
<i>Appellant.</i>	)	
	)	25 June 2026

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its 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.


HEATHER R. BEZOLD, 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 2026.

[REDACTED]

HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
<i>Appellee</i>	)	(FOURTH)
	)	
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
Hunter A. Smith,	)	No. ACM 40782 (f rev)
United States Air Force,	)	
<i>Appellant</i>	)	15 July 2026

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

Pursuant to Rule 24.3 of this Honorable Court's Rules of Practice and Procedure,
Appellant hereby moves for a fourth enlargement of time to file his brief.

Appellant's case was originally docketed with this Court on 25 February 2025. On 27 January 2026, this Court ordered the record returned to the trial judiciary for correction. *United States v. Smith*, No. ACM 40782, 2026 CCA LEXIS 38 (A.F. Ct. Crim. App. Jan. 27, 2026) (order). The case was redocketed on 18 February 2026. The current due date for Appellant's brief is 3 August 2026. Appellant respectfully requests an enlargement for a period of thirty calendar days, which would expire on **2 September 2026**.

From the date of redocketing to today, 147 days have elapsed. On the requested date, 196 days will have elapsed. From the original docketing date to today, 505 days have elapsed. On the requested date, 554 days will have elapsed.

From 26 through 29 August 2024, Appellant was tried by a general court-martial



military judge alone at Royal Air Force Lakenheath, United Kingdom. Trial

5. Contrary to his pleas, Appellant was convicted of one charge and five

domestic violence in violation of Article 128b, Uniform Code of Military Justice

GRANTED

20 JULY 2026

(UCMJ). Trial Tr. 182, 508.¹ Consistent with his pleas, Appellant was acquitted of one charge of sexual assault and its supporting specification in violation of Article 120, UCMJ, and one specification of domestic violence in violation of Article 128b, UCMJ. The military judge sentenced Appellant to a reprimand, reduction to the grade of E-1, confinement for a total of thirty-six months, and a bad-conduct discharge. Trial Tr. 594. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action, Oct. 24, 2024.

The seven-volume 4.4GB electronic record of trial includes sixteen prosecution exhibits, twenty-two defense exhibits, two court exhibits, and fifty-two appellate exhibits. The transcript is 595 pages. Appellant is currently confined.

In accordance with this Court's order of 9 April 2026 and Rule 24.3(b)(2), counsel note the following: (1) Appellant has been advised of his right to timely appeal; (2) Appellant has been updated on the status of counsel's progress on his case; (3) Appellant was advised of this motion for fourth enlargement of time; and (4) Appellant agreed to this request for a fourth enlargement of time.

The undersigned military appellate defense counsel was detailed to this case on 13 July 2026 and formed an attorney-client relationship with Appellant that same day.

The undersigned government-employed civilian counsel has completed a review of the record of trial and has completed a draft brief. Additional time is necessary for additional client communication and to accommodate Appellant's exercise of his rights under *United States v.*

¹ The military judge's findings modified one specification through exception and another through exception and substitution. Trial Tr. 508.

Grostepon, 12 M.J. 431 (C.M.A. 1982). Absent unforeseen circumstances, counsel do not foresee a need for additional extensions of time.

The undersigned government-employed civilian counsel is currently assigned to twenty-seven cases. Five of them, including this one, are pending initial briefing before this Court. All five were fully contested courts-martial. This case is his highest priority among those cases. However, he prioritizes one other filing above this case. Counsel is currently preparing a reply brief in *United States v. Bowers*, No. ACM 40838 (f rev), which is due no later than 21 July 2026. Counsel necessarily prioritizes that filing ahead of this case.

Undersigned military appellate defense counsel is currently assigned forty-seven cases; thirty-three cases are pending before this Court (thirty cases are pending assignments of error), ten cases pending before the Court of Appeals for the Armed Forces (two cases pending decision), and four cases pending before the United States Supreme Court (for petition for writ of certiorari). To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Lawrence*, ACM 24064 – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 27 July 2026.
2. *United States v. Braddy*, ACM 40810 – The appellant’s petition to the Court of Appeals for the Armed Forces, if any, is due on 4 August 2026.
3. *United States v. Evangelista*, ACM 40531 – The appellant’s petition to the Supreme Court of the United States, if any, is due on 6 August 2026.
4. *United States v. Fundis*, ACM 40689 – The appellant’s petition to the Supreme Court of the United States, if any, is due on 10 August 2026, pending a request for an extension of time.

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

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

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

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

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

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

11. *United States v. Stoiber*, ACM 40841 – The record of trial is a 1,737-page electronic volume consisting of five prosecution exhibits, one defense exhibit, and four appellate exhibits; the trial transcript is 253 pages. Undersigned counsel has not yet completed review of the record of trial.

12. *United States v. Barwick*, ACM 40866 – The record of trial is a 1013-page electronic volume consisting of eleven prosecution exhibits, thirteen defense exhibits, and ten appellate exhibits; the trial transcript is 381 pages. Undersigned counsel has not yet completed review of the record of trial.

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

14. *United States v. Lopez*, ACM 40874 – The record of trial is a 1,362-page electronic volume consisting of eight prosecution exhibits, one defense exhibit, and thirty-six appellate exhibits; the trial transcripts are 360 pages total. Undersigned counsel has not yet completed review of the record of trial.

15. *United States v. Devine*, ACM 40871 – The record of trial is a 1,854-page electronic volume consisting of four prosecution exhibits, nineteen defense exhibits, and seventy-nine appellate exhibits; the trial transcript is 592 pages. Undersigned counsel has not yet completed review of the record of trial.

16. *United States v. Rayburn*, ACM 25083 – The record of trial is a 665-page electronic volume consisting of six prosecution exhibits, ten defense exhibits, and three appellate exhibits; the trial transcript is 258 pages. Undersigned counsel has not yet completed review of the record of trial.

17. *United States v. Holmes*, ACM S32835 – The record of trial is a 2,561-page electronic volume consisting of twenty-six prosecution exhibits, eighteen defense exhibits, and five appellate exhibits; the trial transcript is 223 pages. Undersigned counsel has not yet completed review of the record of trial.

18. *United States v. Fox*, ACM 40890 – The record of trial is a 1,579-page electronic volume consisting of eight prosecution exhibits, thirteen defense exhibits, and seventy-two

appellate exhibits; the trial transcript is 426 pages. Undersigned counsel has not yet completed review of the record of trial.

19. *United States v. Pray*, ACM 40895 – The record of trial is a 569-page electronic volume consisting of six prosecution exhibits, four defense exhibits, and nine appellate exhibits; the trial transcript is 110 pages. Undersigned counsel has not yet completed review of the record of trial.

20. *United States v. Lindsey*, ACM 40900 – The record of trial is a 1,065-page electronic volume consisting of three prosecution exhibits, one defense exhibit, nineteen appellate exhibits, and three court exhibits; the trial transcript is 260 pages. Undersigned counsel has not yet completed review of the record of trial.

21. *United States v. Guillergan*, ACM 40897 – The record of trial is a 4,195-page electronic volume consisting of eleven prosecution exhibits, zero defense exhibits, seventeen appellate exhibits, and four court exhibits; the trial transcript is 613 pages. Undersigned counsel has not yet completed review of the record of trial.

22. *United States v. Jones*, ACM 40909 – The record of trial is a 1,035-page electronic volume consisting of three prosecution exhibits, one defense exhibit, and eight appellate exhibits; the trial transcript is 228 pages. Undersigned counsel has not yet completed review of the record of trial.

23. *United States v. Mora*, ACM 40913 – The record of trial is a 1,809-page electronic volume consisting of six prosecution exhibits, six defense exhibits, twenty-six appellate exhibits, and seven court exhibits; the trial transcript is 221 pages. Undersigned counsel has not yet completed review of the record of trial.

24. *United States v. Embrey*, ACM 25094 – The record of trial is a 608-page electronic volume consisting of four prosecution exhibits, ten defense exhibits, and five appellate exhibits; the trial transcript is 120 pages. Undersigned counsel has not yet completed review of the record of trial.

25. *United States v. Zito*, ACM 26002 – The record of trial is a 1,154-page electronic volume consisting of six prosecution exhibits, fourteen defense exhibits, and six appellate exhibits; the trial transcript is 299 pages. Undersigned counsel has not yet completed review of the record of trial.

26. *United States v. Birmingham*, ACM 26009 – The record of trial is a 1,465-page electronic volume consisting of three prosecution exhibits, three defense exhibits, and fifty-three appellate exhibits; the trial transcript is 346 pages. Undersigned counsel has not yet completed review of the record of trial.

27. *United States v. Rabideau*, ACM 40927 – The record of trial is a 2,288-page electronic volume consisting of eight prosecution exhibits, nineteen defense exhibits, seventy-eight appellate exhibits, and one court exhibit; the trial transcript is 1,839 pages. Undersigned counsel has not yet completed review of the record of trial.

28. *United States v. Ortegon*, ACM S32843 – The record of trial is a 515-page electronic volume consisting of nine prosecution exhibits, twenty-three defense exhibits, and eleven appellate exhibits; the trial transcript is 167 pages. Undersigned counsel has not yet completed review of the record of trial.

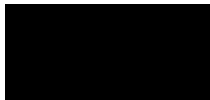
29. *United States v. Jones*, ACM 40939 – The record of trial is a 590-page electronic volume consisting of eight prosecution exhibits, sixteen defense exhibits, eight appellate

exhibits, and one court exhibit; the trial transcript is 281 pages. Undersigned counsel has not yet completed review of the record of trial.

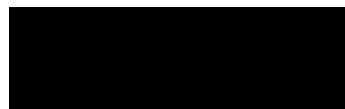
30. *United States v. Holstein*, ACM 40938 – The record of trial is a 903-page electronic volume consisting of two prosecution exhibits, nineteen defense exhibits, and seven appellate exhibits; the trial transcript is 139 pages. Undersigned counsel has not yet completed review of the record of trial.

For the foregoing reasons, Appellant respectfully requests that this Honorable Court grant the requested fourth enlargement of time.

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel



Dwight H. Sullivan
Appellate Defense Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 24 June 2026.

Respectfully submitted,

[REDACTED]

Dwight H. Sullivan
Appellate Defense Counsel

[REDACTED]

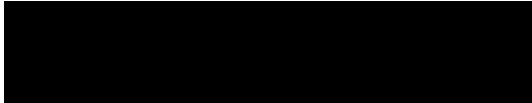
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
HUNTER A. SMITH,	)	
United States Air Force,	)	No. ACM 40782 (f rev)
<i>Appellant.</i>	)	
	)	17 July 2026

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its 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.


HEATHER R. BEZOLD, 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 17 July 2026.

[REDACTED]

HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES <i>Appellee</i>	)	APPELLANT’S MOTION TO
	)	WITHDRAW FROM
	)	APPELLATE REVIEW AND
v.	)	ATTACH
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
HUNTER A. SMITH	)	
United States Air Force	)	No. ACM 40782 (f rev)
<i>Appellant</i>	)	
	)	1 September 2026

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

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

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

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

Respectfully submitted,

[REDACTED]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 1 September 2026.



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Staff Sergeant (E-5)

HUNTER A. SMITH,

United States Air Force,

Appellant.

) **APPELLANT'S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (FIRST)**

)

) Before Panel No. 1

)

) No. ACM 40782

)

) 16 April 2025

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **25 June 2025**.

Appellant's case was docketed with this Court on 25 February 2025. From the date of docketing to the present date, 50 days have elapsed. On the date requested, 120 days will have elapsed since docketing.

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

Respectfully submitted,



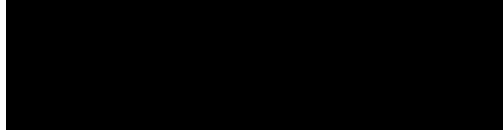
GRANTED

18 APR 2025

JORDAN L. GRANDE, 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 Air Force Government Trial and Appellate Operations Division on 16 April 2025.

A large black rectangular redaction box covering the signature of the certifier.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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

UNITED STATES,
–Appellee,

Staff Sergeant (E-5)
HUNTER A. SMITH,
United States Air Force,
Appellant.

17 April 2025

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

VANESSA BAIROS, 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 17 April 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,

Appellee,

v.

Staff Sergeant (E-5)

HUNTER A. SMITH,

United States Air Force,

Appellant.

) **APPELLANT'S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (SECOND)**

)

) Before Panel No. 1

)

) No. ACM 40782

)

) 16 June 2025

**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 Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **25 July 2025**.

Appellant's case was docketed with this Court on 25 February 2025. From the date of docketing to the present date, 111 days have elapsed. On the date requested, 150 days will have elapsed since docketing.

From 26 through 29 August 2024, Appellant was tried by a General Court-Martial composed of a military judge alone at Royal Air Force Lakenheath, United Kingdom. R. at 162, 171, 595. Contrary to his pleas, Appellant was convicted of One Charge with Five Specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ).¹ 82, 508; *Entry of Judgment* in the Case of *United States v. Hunter A. Smith* (4 Nov. 24).



military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, to be

GRANTED

20 JUN 2025

¹ Appellant was acquitted of One Charge with One Specification of sexual assault, in violation of Article 120, UCMJ; and One Specification of domestic violence, in violation of Article 128b, UCMJ. *Entry of Judgment* in the Case of *United States v. Hunter A. Smith* (4 Nov. 24).

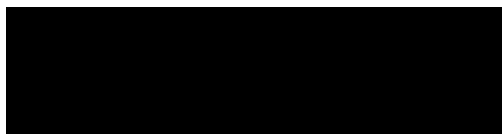
confined for a total of thirty-six months,² and to be discharged from the service with a bad conduct discharge. R. at 594.

The record of trial (ROT) consists of one seven-volume electronic ROT, with sixteen Prosecution Exhibits, two Court Exhibits, twenty-two Defense Exhibits, and fifty-two Appellate Exhibits. The transcript is 595 pages long. 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.

Respectfully submitted,



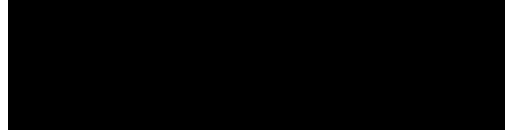
JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel



² Appellant was credited with 1 day of pretrial confinement credit. R. at 594.

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 16 June 2025.

A large black rectangular redaction box covering the signature of the certifier.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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

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)	)	
HUNTER A. SMITH,	)	No. ACM 40782
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	18 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.

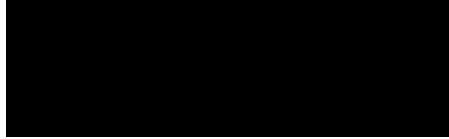
[REDACTED]

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 18 June 2025.



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)

HUNTER A. SMITH,

United States Air Force,

Appellant.

) **APPELLANT'S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME OUT (THIRD)**

)

) Before Panel No. 1

)

) No. ACM 40782

)

) 20 July 2025

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

Pursuant to Rule 23.3(m)(1) and (7) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time, out of time, to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **24 August 2025**.

Appellant's case was docketed with this Court on 25 February 2025. From the date of docketing to the present date, 145 days have elapsed. On the date requested, 180 days will have elapsed since docketing.

There is good cause to grant this Motion. Undersigned counsel mistakenly believed she had filed this Motion on Friday, 18 July in accordance with Rule 23.3(m)(1) of this Court's Rules of Practice and Procedure. Undersigned counsel was out of the office on 18 July 2025 and was subsequently running the Vermont 100 Mile Endurance Race from 19 through 20 July 2025. She did not have access to phone or email while running and thus did not discover this error until she finished running on 20 July 2025. Undersigned counsel filed this Motion as soon as she discovered her oversight.



GRANTED

24 JULY 2025

From 26 through 29 August 2024, Appellant was tried by a General Court-Martial composed of a military judge alone at Royal Air Force Lakenheath, United Kingdom. R. at 162, 171, 595. Contrary to his pleas, Appellant was convicted of One Charge with Five Specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ).¹ R. at 182, 508; *Entry of Judgment in the Case of United States v. Hunter A. Smith* (4 Nov. 24). The military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, to be confined for a total of thirty-six months,² and to be discharged from the service with a bad conduct discharge. R. at 594.

The record of trial (ROT) consists of one seven-volume electronic ROT, with sixteen Prosecution Exhibits, two Court Exhibits, twenty-two Defense Exhibits, and fifty-two Appellate Exhibits. The transcript is 595 pages long. Appellant is currently confined. Undersigned counsel has completed her review of transcript of this case, but not yet the entire record.

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.

¹ Appellant was acquitted of One Charge with One Specification of sexual assault, in violation of Article 120, UCMJ; and One Specification of domestic violence, in violation of Article 128b, UCMJ. *Entry of Judgment in the Case of United States v. Hunter A. Smith* (4 Nov. 24).

² Appellant was credited with 1 day of pretrial confinement credit. R. at 594.

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

Respectfully submitted,

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

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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

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 20 July 2025.

[REDACTED]

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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

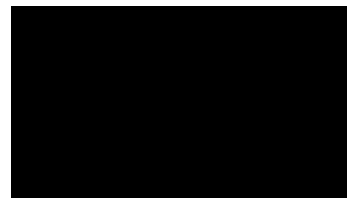
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME - OUT OF TIME
v.	)	
	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
HUNTER A. SMITH,	)	No. ACM 40782
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	23 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 general opposition to Appellant's Motion for Enlargement of Time Out 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.

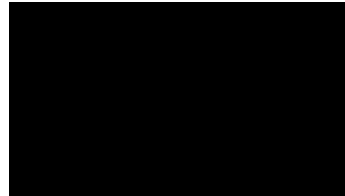


KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 23 July 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Staff Sergeant (E-5)

HUNTER A. SMITH,

United States Air Force,

Appellant.

) **APPELLANT'S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (FOURTH)**

) Before Panel No. 1

) No. ACM 40782

) 15 August 2025

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

Pursuant to Rule 23.3(m)(1), (4), and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **23 September 2025**.

Appellant's case was docketed with this Court on 25 February 2025. From the date of docketing to the present date, 171 days have elapsed. On the date requested, 210 days will have elapsed since docketing.

From 26 through 29 August 2024, Appellant was tried by a General Court-Martial composed of a military judge alone at Royal Air Force Lakenheath, United Kingdom. R. at 162, 171, 595. Contrary to his pleas, Appellant was convicted of One Charge with Five Specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ).¹ R. at 182, 508; *Entry of Judgment* in the Case of *United States v. Hunter A. Smith* (4 Nov. 24). The military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, to be



_____ is acquitted of One Charge with One Specification of sexual assault, in violation of CMJ; and One Specification of domestic violence, in violation of Article 128b, UCMJ. *Entry of Judgment* in the Case of *United States v. Hunter A. Smith* (4 Nov. 24).

GRANTED

21 AUG 2025

confined for a total of thirty-six months,² and to be discharged from the service with a bad conduct discharge. R. at 594.

The record of trial (ROT) consists of one seven-volume electronic ROT, with sixteen Prosecution Exhibits, two Court Exhibits, twenty-two Defense Exhibits, and fifty-two Appellate Exhibits. The transcript is 595 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 29 cases; 25 cases are pending before this Court (18 cases are pending AOE). Thirteen cases have priority over the present case:

1. *United States v. Gale*, Misc. Dkt. No. 2025-01/ USCA Dkt. No 25-0237/AF-

Undersigned counsel is working with civilian counsel to draft a Supplement to the Petition for Grant of Review in this Art. 62, UCMJ case, which is due to the Court of Appeals for the Armed Forces by 2 September 2025.

2. *United States v. Hedgepeth*, ACM No. 40681- The reply brief for this case is currently undergoing leadership review and will be filed with this Court by 19 August 2025.

3. *United States v. Fundis*, ACM No. 40689- The record of trial consists of six volumes, with eight Prosecution Exhibits, two Court Exhibits, eighteen Defense Exhibits, and eighteen Appellate Exhibits. The transcript is 377 pages long. Undersigned counsel has completed her review of the record in this case, however civilian counsel will draft this AOE.

4. *United States v. Reese*, ACM No. 24069 – The record of trial consists of one E-ROT containing two volumes, with twelve Prosecution Exhibits, four Court Exhibits,

² Appellant was credited with 1 day of pretrial confinement credit. R. at 594.

fourteen Defense Exhibits, and fifty-six Appellate Exhibits. The transcript is 1310 pages long. Appellant is not currently confined. Undersigned counsel is currently drafting the AOE for this case.

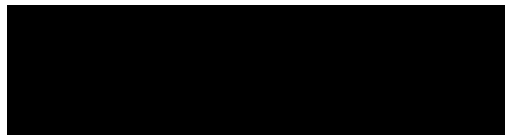
5. *United States v. Castillo*, ACM No. 40705- The record of trial consists of seven volumes, with five Prosecution Exhibits, one Court Exhibit, one Defense Exhibit, and thirty-four Appellate Exhibits. The transcript is 470 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of the record for this case.
6. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
7. *United States v. Heilig*, ACM No. 40740 - The record of trial consists of one e-ROT with six volumes, three Prosecution Exhibits, eight Defense Exhibits, and six Appellate Exhibits; the transcript is 135 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
8. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

9. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
10. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
11. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.
12. *United States v. Ward*, ACM No. 40749 – The record of trial consists of one e-ROT with eleven volumes, with four Prosecution Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits. The transcript is 370 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
13. *United States v. Echavarria*, ACM No. S32810 - The record of trial consists of one e-ROT with three Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits; the transcript is 101 pages long. 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.

Respectfully submitted,

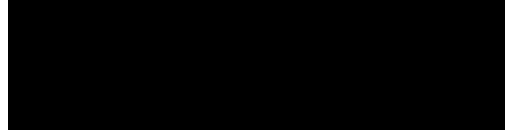


JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel



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 Air Force Government Trial and Appellate Operations Division on 15 August 2025.

A large black rectangular redaction box covering the signature of the certifier.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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

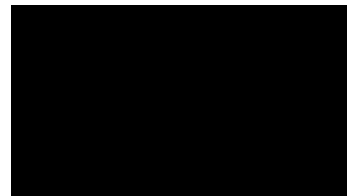
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
HUNTER A. SMITH,	)	
United States Air Force,	)	No. ACM 40782
<i>Appellant.</i>	)	
	)	19 August 2025
	)	

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

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

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

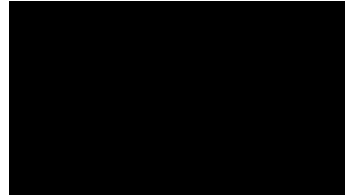


KATE E. LEE, Maj, USAF
Appellate Government Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 19 August 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Staff Sergeant (E-5)

HUNTER A. SMITH,

United States Air Force,

Appellant.

) **APPELLANT'S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (FIFTH)**

)

) Before Panel No. 1

)

) No. ACM 40782

)

) 15 September 2025

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

Pursuant to Rule 23.3(m)(1), (4), and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **23 October 2025**.

Appellant's case was docketed with this Court on 25 February 2025. From the date of docketing to the present date, 201 days have elapsed. On the date requested, 240 days will have elapsed since docketing.

From 26 through 29 August 2024, Appellant was tried by a General Court-Martial composed of a military judge alone at Royal Air Force Lakenheath, United Kingdom. R. at 162, 171, 595. Contrary to his pleas, Appellant was convicted of One Charge with Five Specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ).¹



¹ *Entry of Judgment* in the Case of *United States v. Hunter A. Smith* (4 Nov. 24).

The military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, to be

GRANTED

18 SEP 2025

¹ Appellant was acquitted of One Charge with One Specification of sexual assault, in violation of Article 120, UCMJ; and One Specification of domestic violence, in violation of Article 128b, UCMJ. *Entry of Judgment* in the Case of *United States v. Hunter A. Smith* (4 Nov. 24).

confined for a total of thirty-six months,² and to be discharged from the service with a bad conduct discharge. R. at 594.

The record of trial (ROT) consists of one seven-volume electronic ROT, with sixteen Prosecution Exhibits, two Court Exhibits, twenty-two Defense Exhibits, and fifty-two Appellate Exhibits. The transcript is 595 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 29 cases; 23 cases are pending before this Court (18 cases are pending AOE). Nine cases have priority over the present case:

1. *United States v. Castillo*, ACM No. 40705- The record of trial consists of seven volumes, with five Prosecution Exhibits, one Court Exhibit, one Defense Exhibit, and thirty-four Appellate Exhibits. The transcript is 470 pages long. Appellant is not currently confined. Undersigned counsel is drafting the AOE in this case.
2. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. Undersigned counsel is reviewing the record for this case.
3. *United States v. Heilig*, ACM No. 40740 - The record of trial consists of one e-ROT with six volumes, three Prosecution Exhibits, eight Defense Exhibits, and six Appellate Exhibits; the transcript is 135 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.

² Appellant was credited with 1 day of pretrial confinement credit. R. at 594.

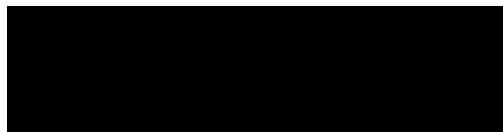
4. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.
5. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
6. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
7. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.
8. *United States v. Ward*, ACM No. 40749 – The record of trial consists of one e-ROT with eleven volumes, with four Prosecution Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits. The transcript is 370 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

9. *United States v. Echavarria*, ACM No. S32810 - The record of trial consists of one e-ROT with three Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits; the transcript is 101 pages long. 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.

Respectfully submitted,

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

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

A large 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 Air Force Government Trial and Appellate Operations Division on 15 September 2025.

A large black rectangular redaction box covering the signature of the certifier.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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

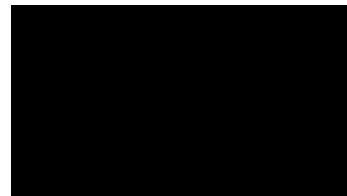
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
HUNTER A. SMITH,	)	
United States Air Force,	)	No. ACM 40782
<i>Appellant.</i>	)	
	)	17 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 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.

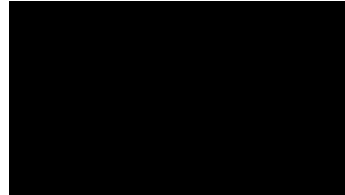


KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 17 September 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Staff Sergeant (E-5)

HUNTER A. SMITH,

United States Air Force,

Appellant.

) **APPELLANT'S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (SIXTH)**

) Before Panel No. 1

) No. ACM 40782

) 14 October 2025

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

Pursuant to Rule 23.3(m)(1), (4), and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **22 November 2025**.

Appellant's case was docketed with this Court on 25 February 2025. From the date of docketing to the present date, 231 days have elapsed. On the date requested, 270 days will have elapsed since docketing.

From 26 through 29 August 2024, Appellant was tried by a General Court-Martial composed of a military judge alone at Royal Air Force Lakenheath, United Kingdom. R. at 162, 171, 595. Contrary to his pleas, Appellant was convicted of One Charge with Five Specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ).¹ R. at 182, 508; *Entry of Judgment* in the Case of *United States v. Hunter A. Smith* (4 Nov. 24). The military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, to be



Appellant was acquitted of One Charge with One Specification of sexual assault, in violation of Article 120, UCMJ; and One Specification of domestic violence, in violation of Article 128b, UCMJ. *Entry of Judgment* in the Case of *United States v. Hunter A. Smith* (4 Nov. 24).

GRANTED
20 OCT 2025

confined for a total of thirty-six months,² and to be discharged from the service with a bad conduct discharge. R. at 594.

The record of trial (ROT) consists of one seven-volume electronic ROT, with sixteen Prosecution Exhibits, two Court Exhibits, twenty-two Defense Exhibits, and fifty-two Appellate Exhibits. The transcript is 595 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 29 cases; 23 cases are pending before this Court (18 cases are pending AOE). Eight cases have priority over the present case:

1. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. Undersigned counsel is currently drafting the AOE in this case.
2. *United States v. Heilig*, ACM No. 40740 - The record of trial consists of one e-ROT with six volumes, three Prosecution Exhibits, eight Defense Exhibits, and six Appellate Exhibits; the transcript is 135 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of the record in this case.
3. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is

² Appellant was credited with 1 day of pretrial confinement credit. R. at 594.

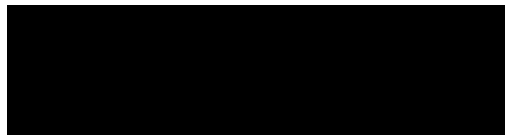
currently confined. Undersigned counsel has completed her review of the record for this case.

4. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
5. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
6. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.
7. *United States v. Ward*, ACM No. 40749 – The record of trial consists of one e-ROT with eleven volumes, with four Prosecution Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits. The transcript is 370 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
8. *United States v. Echavarria*, ACM No. S32810 - The record of trial consists of one e-ROT with three Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits; the transcript is 101 pages long. 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.

Respectfully submitted,

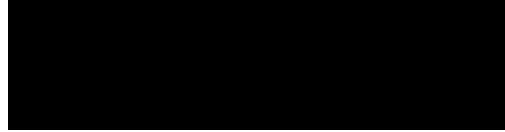


JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel



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 Air Force Government Trial and Appellate Operations Division on 14 October 2025.

A large black rectangular redaction box covering the signature of the certifier.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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

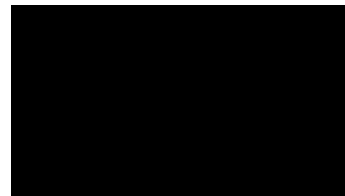
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
HUNTER A. SMITH,	)	
United States Air Force,	)	No. ACM 40782
<i>Appellant.</i>	)	
	)	16 October 2025
	)	

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

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

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

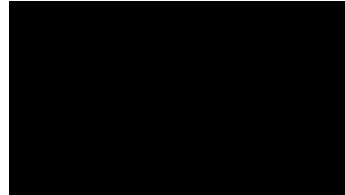


KATE E. LEE, Maj, USAF
Appellate Government Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 16 October 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Staff Sergeant (E-5)

HUNTER A. SMITH,

United States Air Force,

Appellant.

) **APPELLANT'S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (SEVENTH)**

) Before Panel No. 1

) No. ACM 40782

) 14 November 2025

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

Pursuant to Rule 23.3(m)(1), (4), and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **22 December 2025**.

Appellant's case was docketed with this Court on 25 February 2025. From the date of docketing to the present date, 262 days have elapsed. On the date requested, 300 days will have elapsed since docketing.

From 26 through 29 August 2024, Appellant was tried by a General Court-Martial composed of a military judge alone at Royal Air Force Lakenheath, United Kingdom. R. at 162, 171, 595. Contrary to his pleas, Appellant was convicted of One Charge with Five Specifications

stic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ).¹ 508; *Entry of Judgment* in the Case of *United States v. Hunter A. Smith* (4 Nov. 24).

The military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, to be



GRANTED

18 Nov 2025

¹ Appellant was acquitted of One Charge with One Specification of sexual assault, in violation of Article 120, UCMJ; and One Specification of domestic violence, in violation of Article 128b, UCMJ. *Entry of Judgment* in the Case of *United States v. Hunter A. Smith* (4 Nov. 24).

confined for a total of thirty-six months,² and to be discharged from the service with a bad conduct discharge. R. at 594.

The record of trial (ROT) consists of one seven-volume electronic ROT, with sixteen Prosecution Exhibits, two Court Exhibits, twenty-two Defense Exhibits, and fifty-two Appellate Exhibits. The transcript is 595 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 29 cases; 23 cases are pending before this Court (18 cases are pending AOE). Seven cases have priority over the present case:

1. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. Undersigned counsel is currently drafting the AOE in this case.
2. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.
3. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and

² Appellant was credited with 1 day of pretrial confinement credit. R. at 594.

four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.

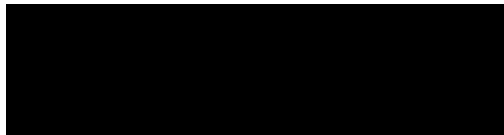
4. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
5. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.
6. *United States v. Ward*, ACM No. 40749 – The record of trial consists of one e-ROT with eleven volumes, with four Prosecution Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits. The transcript is 370 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
7. *United States v. Echavarria*, ACM No. S32810 - The record of trial consists of one e-ROT with three Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits; the transcript is 101 pages long. 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.

Respectfully submitted,

A solid black rectangular box used to redact the signature of the Appellate Defense Counsel.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

A solid black rectangular box used to redact the contact information of the Appellate Defense Counsel.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 14 November 2025.

A large black rectangular redaction box covering the signature of the certifier.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT’S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
HUNTER A. SMITH,	)	
United States Air Force,	)	No. ACM 40781
<i>Appellant.</i>	)	
	)	17 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 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 at this late stage in the process.

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

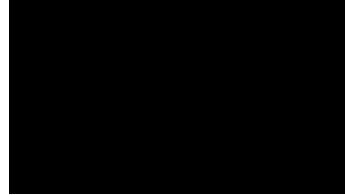


KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 17 November 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Staff Sergeant (E-5)

HUNTER A. SMITH,

United States Air Force,

Appellant.

) **APPELLANT'S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (EIGHTH)**

)

) Before Panel No. 1

)

) No. ACM 40782

)

) 15 December 2025

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

Pursuant to Rule 23.3(m)(1), (4), and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **21 January 2026**.

Appellant's case was docketed with this Court on 25 February 2025. From the date of docketing to the present date, 293 days have elapsed. On the date requested, 330 days will have elapsed since docketing.

From 26 through 29 August 2024, Appellant was tried by a General Court-Martial composed of a military judge alone at Royal Air Force Lakenheath, United Kingdom. R. at 162, 171, 595. Contrary to his pleas, Appellant was convicted of One Charge with Five Specifications of domestic violence, in violation of Article 128b, Uniform Code of Military Justice (UCMJ).¹



08; *Entry of Judgment* in the Case of *United States v. Hunter A. Smith* (4 Nov. 24).

y judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, to be

GRANTED

18 DEC 2025

¹ Appellant was acquitted of One Charge with One Specification of sexual assault, in violation of Article 120, UCMJ; and One Specification of domestic violence, in violation of Article 128b, UCMJ. *Entry of Judgment* in the Case of *United States v. Hunter A. Smith* (4 Nov. 24).

confined for a total of thirty-six months,² and to be discharged from the service with a bad conduct discharge. R. at 594.

The record of trial (ROT) consists of one seven-volume electronic ROT, with sixteen Prosecution Exhibits, two Court Exhibits, twenty-two Defense Exhibits, and fifty-two Appellate Exhibits. The transcript is 595 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned 22 cases; 17 cases are pending before this Court (10 cases are pending AOE). Seven cases have priority over the present case:

1. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. The AOE in this case is currently being reviewed and edited.
2. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. Undersigned counsel is drafting the AOE in this case.
3. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.

² Appellant was credited with 1 day of pretrial confinement credit. R. at 594.

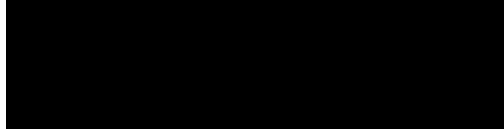
4. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
5. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.
6. *United States v. Ward*, ACM No. 40749 – The record of trial consists of one e-ROT with eleven volumes, with four Prosecution Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits. The transcript is 370 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
7. *United States v. Echavarria*, ACM No. S32810 - The record of trial consists of one e-ROT with three Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits; the transcript is 101 pages long. 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.

Respectfully submitted,

A large black rectangular redaction box covering the signature of the appellant.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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

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 15 December 2025.

A large black rectangular redaction box covering the signature of the certifier.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT’S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
HUNTER A. SMITH,	)	
United States Air Force,	)	No. ACM 40782
<i>Appellant.</i>	)	
	)	17 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 nearly a year to submit an assignment of error to this Court. If Appellant’s new delay request is granted, the defense delay in this case will be 330 days in length. Appellant’s nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court’s appellate processing standards. Appellant has already consumed almost two thirds of the 18 month standard for this Court to issue a decision, which only leaves about 7 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant’s counsel has not completed review of the record of trial at this late stage of the appellate process.

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

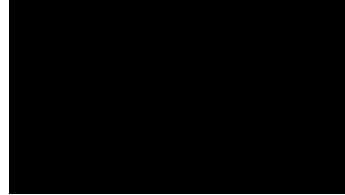


KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 17 December 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 (NINTH)
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 40782
HUNTER A. SMITH,	)	
United States Air Force,	)	
<i>Appellant.</i>	)	9 January 2026

**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 his brief. Appellant requests an enlargement for a period of 30 days, which will end on **20 February 2026**. This case was docketed with this Court on 25 February 2025. From the date of docketing to the present date, 318 days have elapsed. On the date requested, 360 days will have elapsed.

From 26 through 29 August 2024, Appellant was tried by a general court-martial consisting of a military judge alone at Royal Air Force Lakenheath, United Kingdom. Trial Tr. 162, 171, 595. Contrary to his pleas, Appellant was convicted of one charge and five specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ). Trial Tr. 182, 508.¹ Consistent with his pleas, Appellant was acquitted of one charge of sexual assault and its supporting specification in violation of Article 120, UCMJ, and one specification of domestic violence in violation of Article 128b, UCMJ. The military judge sentenced Appellant to a reprimand, reduction to the

grade of E-1, confinement for a total of thirty-six months, and a bad-conduct discharge. Trial Tr. The convening authority took no action on the findings or sentence. Convening Authority



GRANTED
15 JAN 2026

¹ The military judge’s findings modified one specification through exception and another through exception and substitution. Trial Tr. 508.

Decision on Action, Oct. 24, 2024.

The seven-volume electronic record of trial includes sixteen prosecution exhibits, twenty-two defense exhibits, two court exhibits, and fifty-two appellate exhibits. The transcript is 595 pages. Appellant is currently confined.

Good cause exists to grant this requested enlargement. Through no fault of Appellant, his detailed counsel require additional time to complete a brief on Appellant's behalf. The undersigned government-employed civilian counsel has reviewed the entire record of trial, including the sealed portions, except for the audio of the closed court-martial session held on 23 April 2024. The undersigned government-employed civilian counsel has identified several issues that will be briefed to this Court but requires additional time to prepare that brief. Additionally, time is needed for the Government to respond to this Court's order of 31 December 2025 concerning the Government's noncompliance with Department of the Air Force Manual 51-203, *Records of Trial*, ¶ 2.2.4.2 (Apr. 21, 2021), when preparing the audio file of the closed session at Appellant's court-martial and for this Court to order any appropriate relief following the Government's response.

In accordance with Rule 23.3(m)(6) of this Honorable Court's Rules of Practice and Procedure, counsel note the following. The undersigned government-employed civilian counsel is currently assigned to twenty-three cases, nine of which are pending initial briefing before this Court. Eight of those nine cases (including this case) were fully contested courts-martial. He prioritizes two of those nine cases above this one:

- 1, *United States v. Raines*, No. ACM 40765. This was a fully contested general court-martial tried before members resulting in findings of guilty to two specifications of violating Article 120, UCMJ, and eight specifications of violating Article 120b, UCMJ. The appellant received a sentence including confinement for sixteen years and is currently confined. The trial transcript is 2444 pages. The case was docketed with

this Court on 23 January 2025. The undersigned government-employed civilian counsel has reviewed the entire record except for portions of Appellate Exhibit CXXXIV, which is sealed. He has prepared drafts of several assignments of error and has identified multiple additional issues requiring further research and possibly briefing.

2. *United States v. Robinson*, No. ACM 24044 (f rev). This was a fully contested special court-martial tried before members resulting in findings of guilty to one specification of violating Article 83, UCMJ, one specification of violating Article 92, UCMJ, and one specification of violating Article 107, UCMJ. The appellant received a sentence including confinement for 131 days and reduction to the grade of E-2. The trial transcript is 1112 pages. The case was originally docketed with this Court on 30 May 2024 but this Court later remanded the record of trial for correction because the disc purporting to contain the court-martial audio could not be reviewed because it was saved in a format that could not be opened. *United States v. Robinson*, No. ACM 24044, 2025 CCA LEXIS 259 (A.F. Ct. Crim. App. June 6, 2025). This Court redocketed the case on 18 July 2025. The undersigned government-employed civilian counsel has reviewed the entire record and has drafted a portion of the appellant's brief.

The undersigned military appellate defense counsel is currently assigned to twenty-one cases, seventeen of which are pending initial briefing before this Court. She prioritizes six of those cases above this one:

1. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits,

and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. Undersigned counsel anticipates filing this AOE by early next week.

2. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
3. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case and anticipates filing a two-issue AOE this month.
4. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one e-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of the record for this case.
5. *United States v. Ward*, ACM No. 40749 – The record of trial consists of one e-ROT with eleven volumes, with four Prosecution Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits. The transcript is 370 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of the record for this case.
6. *United States v. Echavarria*, ACM No. S32810 - The record of trial consists of one e-ROT with three Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits; the transcript is 101 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

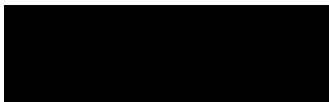
Appellant was advised of his right to a timely appeal. Appellant has been provided an

update on the status of the undersigned counsel's progress on this case. Appellant was advised of 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.

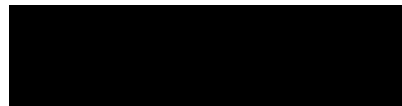
Appellant expressly invokes his constitutional right to a timely appeal.

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

Respectfully submitted,



Dwight H. Sullivan
Defense Counsel



JORDAN L. GRANDE, Maj, USAF Appellate
Air Force Appellate Defense Counsel



Counsel for Appellant

CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 9 January 2026.

Respectfully submitted,



Dwight H. Sullivan
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT’S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 1
HUNTER A. SMITH,	)	
United States Air Force,	)	No. ACM 40782
<i>Appellant.</i>	)	
	)	13 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 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.

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

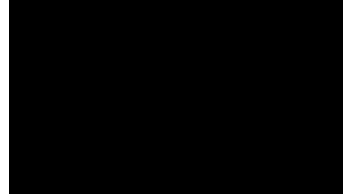


KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 13 January 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION TO
<i>Appellee</i>	)	EXAMINE SEALED MATERIAL
v.	)	
	)	Before Panel 1
Staff Sergeant (E-5)	)	
Hunter A. Smith,	)	No. ACM 40782
United States Air Force,	)	
<i>Appellant.</i>	)	23 December 2025

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

Pursuant to Rules 3.1(c) and 23.3(f) of this Honorable Court’s Rules of Practice and Procedure and Rule for Courts-Martial 1113(b)(3)(B)(i), *Manual for Courts-Martial, United States* (2024 ed.), Appellant moves for both parties to be permitted to examine the following sealed material:

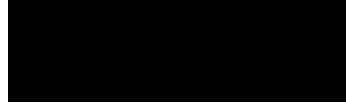
- Appellate Exhibits VII-XIV, XXVI, XXXVI, XXXVII, XL
- Trial transcript pages 31-61
- Audio files corresponding to trial transcript pages 31-61

Both parties at trial had access to those sealed exhibits and participated in the sessions that are transcribed at pages 31-61.

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

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

Respectfully submitted,



Dwight H. Sullivan
Appellate Defense Counsel

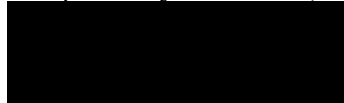


Counsel for Appellant

CERTIFICATE OF FILING AND SERVICE

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

Respectfully submitted,



Dwight H. Sullivan
Appellate Defense Counsel



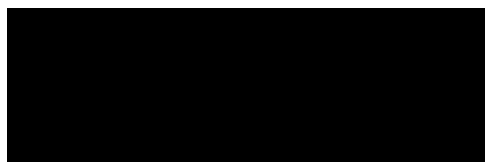
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, <i>Appellee,</i>	)	UNITED STATES' RESPONSE TO
	)	APPELLANT'S MOTION TO
	)	EXAMINE SEALED MATERIALS
v.	)	
	)	Panel No. 1
Staff Sergeant (E-5)	)	
HUNTER A. SMITH, USAF,	)	ACM 40782
<i>Appellant.</i>	)	
	)	29 December 2025

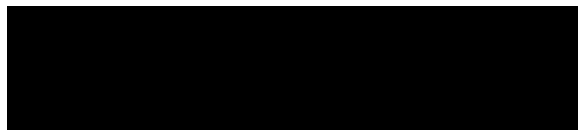
**TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States responds to Appellant's Motion to Examine Sealed Materials. The United States does not object to Appellant's counsel reviewing the exhibits, audio, and transcript pages, which appear to have been reviewed by both parties at trial, so long as the United States can also review the sealed portions of the record as necessary to respond to any assignment of error that references the sealed materials – as Appellant has requested. The United States respectfully requests that any order issued by this Court also allow both counsel to view the sealed materials.

WHEREFORE, the United States respectfully responds to Appellant's motion.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel

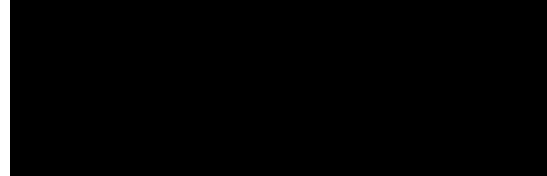


MARY ELLEN PAYNE
Associate Chief
Government Trial and Appellate Operations



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 29 December 2025.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel



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

UNITED STATES	)	No. ACM 40782
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Hunter A. SMITH	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 1

On 23 December 2025, counsel for Appellant submitted a Motion to Examine Sealed Material. Specifically, Appellant requests Appellate Defense counsel and Appellate Government counsel be permitted to examine the following sealed materials: Appellate Exhibits VII–XIV, XXVI, XXXVI, XXXVII, XL, trial transcript pages 31–61, and audio files corresponding to trial transcript pages 31–61. Both parties at trial had access to those sealed exhibits and participated in the sessions that are transcribed at pages 31–61. On 29 December 2025, counsel for the government responded by not opposing Appellant’s motion but requesting equal access to view the same sealed materials.

Upon the court’s review of the requested sealed material, the court discovered that it cannot open the one audio disc file which corresponds with the closed sessions of Appellant’s court-martial. The court is unable to access the sealed audio disc because it is listed as a .trm file type, which is not in compliance with paragraph 2.2.4.2 of the Department of the Air Force Manual 51-203, *Records of Trial* (21 Apr. 2021). The court will direct appropriate action in its decretal paragraph below.

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

The court has considered Appellant’s motion, the Government’s response, and this court’s Rules of Practice and Procedure. The court finds Appellant’s counsel has made a colorable showing that review of the available sealed materials is necessary to fulfill counsel’s responsibilities.

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

ORDERED:

Appellant’s Motion to Examine Sealed Material is **GRANTED IN PART**.

Appellate defense counsel and appellate government counsel may view **Appellate Exhibits VII–XIV, XXVI, XXXVI, XXXVII, XL**, and **trial transcript pages 31–61**.

To view the above-listed sealed material, counsel will coordinate with the court.

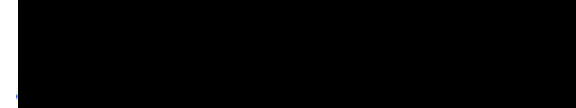
No counsel will photocopy, photograph, or otherwise reproduce this material and will not disclose or make available its contents to any other individual without this court’s prior written authorization.

It is further ordered:

The Government will **SHOW GOOD CAUSE** why this court should not remand this case back to the Chief Trial Judge, Air Force Trial Judiciary, for correction of the record relating to the sealed audio disc pursuant to R.C.M. 1112(b)(1) and 1112(d)(2)–(3), **not later than 19 January 2026**.



FOR THE COURT



JACOB B. HOEFERKAMP, Capt, USAF
Acting Clerk of the Court

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. 1
Staff Sergeant (E-5)	)	
HUNTER A. SMITH, USAF	)	No. ACM 40782
<i>Appellant</i>	)	
	)	20 January 2026

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

On 31 December 2025, this Court discovered that the single sealed audio file in the above-captioned case was listed as a .trm filetype, which is not in compliance with paragraph 2.2.4.4 of the Department of the Air Force Manual (DAFMAN) 51-203, *Records of Trial* (21 Apr. 2021). On 31 December 2025, this Court *sua sponte* directed the following:

The Government will **SHOW GOOD CAUSE** why this court should not remand this case back to the Chief Trial Judge, Air Force Trial Judiciary, for correction of the record relating to the sealed audio disc pursuant to R.C.M. 1112(b)(1) and 1112(d)(2)–(3), **not later than 19 January 2026.**

(*Show Cause Order*, dated 31 December 2025.)

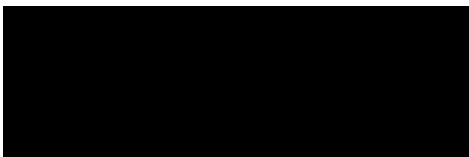
Standard of Review

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). Whether an omission from a record of trial is “substantial” is a question of law reviewed *de novo*. United States v. Stoffer, 53 M.J. 26, 27 (C.A.A.F. 2000). Proper completion of post-trial processing is a question of law subject to *de novo* review. United States v. Sheffield, 60 M.J. 591, 593 (A.F. Ct. Crim. App. 22 Jul. 2004).

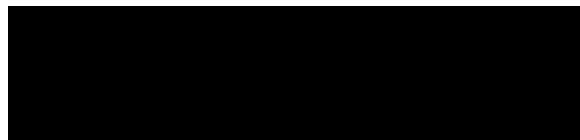
Law and Argument

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. A record of trial must include, among other materials, “[a] substantially verbatim recording of the court-martial proceedings except sessions closed for deliberations and voting.” R.C.M. 1112(b)(1). A substantial omission renders a record incomplete and raises a presumption of prejudice that the government must rebut. United States v. Henry, 53 M.J. 108, 111 (citing United States v. McCullah, 11 M.J. 234, 237 (C.M.A. 1981)). Courts approach the question of what constitutes a substantial omission on a case-by-case basis. United States v. Abrams, 53 M.J. 361, 363 (C.A.A.F. 1999). In determining whether an omission is substantial, the courts assess whether the omission impacts “an appellant’s substantial rights at trial.” United States v. Hill, No. ACM 38648, 2015 CCA LEXIS 308, at *10 (A.F. Ct. Crim. App. July 29, 2015). The United States agrees that the audio file identified by this Court is not in compliance with DAFMAN 51-203 in the record of trial, and remand is appropriate in this case.

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



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, Government

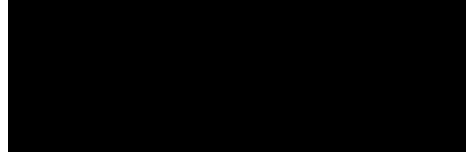


MARY ELLEN PAYNE
Associate Chief, Government
Trial and Appellate Operations Division



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Appellate Defense Division on 20 January 2026.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, <i>Appellee,</i>	)	UNITED STATES' RESPONSE TO COMPLIANCE ORDER
	)	
	)	
v.	)	Before Panel 1
	)	
Staff Sergeant (E-5)	)	No. ACM 40782
HUNTER A. SMITH	)	
United States Air Force	)	9 February 2026
<i>Appellant.</i>	)	

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

On 31 December 2026, this Court notified the parties that the sealed audio disc file for the closed sessions in the above captioned case could not be opened. The audio disc file was a .trm file type, which is not in compliance with the Department of the Air Force Manual 51-203, *Records of Trial*, para. 2.2.4.2, dated 21 April 2021.

On 27 January 2026, this Court ordered the following:

The record of trial in Appellant's case is **RETURNED** to the Chief Trial Judge, Air Force Trial Judiciary, for correction under R.C.M. 1112(d) to account for the above-described defect, and any other portion of the record that is determined to be missing or defective hereafter, after consultation with the parties. *See* R.C.M. 1112(d)(2)–(3). Thereafter, the record of trial will be returned to this court for completion of its appellate review under Article 66(d), Uniform Code of Military Justice, 10 U.S.C. § 866(d).

It is further ordered:

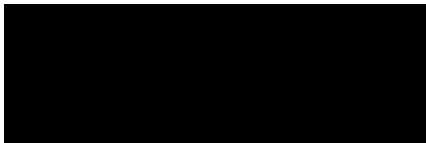
The record of trial will be returned to the court not later than **11 February 2026**. If the record cannot be returned to the court by that date, the Government will inform the court in writing not later than **9 February 2026** of the status of the Government's compliance with this order.

On 30 January 2026, undersigned appellate government counsel reached out to the base legal office to ensure work had begun on the remanded ROT. On 2 February 2026, an assistant

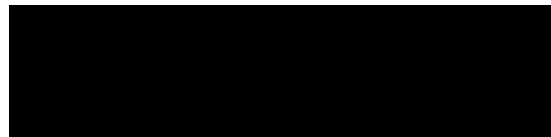
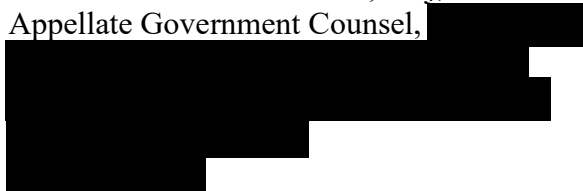
staff judge advocate reached out to undersigned counsel to discuss the remand. On 6 February 2026, the base legal office shipped the corrected audio disc file via certified mail with the United States Postal Service to the Military Justice Law and Policy Division (JAJM). The shipment arrived in New York City, New York, on 9 February 2026.

In accordance with this Court's order, undersigned appellate government counsel provides this status of compliance update in the event that JAJM does not receive the corrected audio disc file by 11 February 2026. The Government anticipates that, should the shipment not be delivered to JAJM by 11 February 2026, JAJM will receive it within the week.

WHEREFORE, the United States respectfully requests that this Court accept this response to its compliance order.



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 to the Appellate Defense Division on 9 February 2026.

[REDACTED]

aj, USAF

Appellate Government Counsel

[REDACTED]