IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (FIRST)**
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force	)	No. ACM 40874
Appellant	)	29 October 2025

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **7 January 2026**. The record of trial was docketed with this Court on 9 September 2025. From the date of docketing to the present date, 50 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 29 October 2025.

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Staff Sergeant (E-5) **ANDREW LOPEZ,** United States Air Force, *Appellant.*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME Before Panel No. 1 No. ACM 40874 31 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.

[redacted]

KATE E. LEE, Maj, USAF
Appellate Government Counsel
[redacted]

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 31 October 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
[redacted]

UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM 40874**
Appellee	)	
	)	
v.	)	
	)	**ORDER**
Andrew LOPEZ	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
Appellant	)	**Panel 1**

On 29 October 2025, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 days to submit Appellant's assignments of error. The Government opposed the motion.

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

Accordingly, it is by the court on this 4th day of November, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **7 January 2026**.

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

FOR THE COURT

[redacted]

JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (SECOND)**
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force	)	No. ACM 40874
Appellant	)	22 December 2025

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

Pursuant to Rule 23.3(m)(1), (3)-(4) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **6 February 2026**. The record of trial was docketed with this Court on 9 September 2025. From the date of docketing to the present date, 104 days have elapsed. On the date requested, 150 days will have elapsed.

On 14 March 2025 and 22-24 April 2025,[1] Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Elmendorf-Richardson, Alaska. Trial Tr. 1, 48, 53, 70, 80. Appellant was found guilty in accordance with his pleas and pursuant to a plea agreement, of one charge and two specifications of willful dereliction of duty in violation of Article 92, Uniform Code of Military Justice

[1] On 22 July 2025, there was a post-trial Article 39(a), UCMJ, 10 U.S.C. § 839(a), session to take up a defense post-trial motion for appropriate relief due to illegal post-trial punishment. Post-Trial Tr. 1, 6; *see* App. Exs. XXIV-XXXVI.

(UCMJ), 10 U.S.C. § 892.[2] Trial Tr. 75, 88; Electronic Record of Trial (eROT) Vol 1, *Entry of Judgment* (Aug. 8, 2025); App. Ex. XXI.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for six months (served consecutively), and a bad conduct discharge. Trial Tr. 220; eROT Vol 1, *Entry of Judgment* (Aug. 8, 2025). The convening authority took no action on the findings, deferred the reduction in rank until the date the military judge signed the EOJ, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. eROT Vol 1, *Convening Authority Decision on Action* (May 19, 2025).

The trial transcript is 221 pages long. The post-trial transcript is 139 pages long. The electronic record of trial contains eight Prosecution Exhibits, one Defense Exhibits, and thirty-six Appellate Exhibits. Appellant is not currently confined.

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

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

[2] One charge and two specifications in violation of Article 134, UCMJ, 10 U.S.C. § 934, were also withdrawn and dismissed pursuant to a plea agreement.

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

Respectfully submitted,

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

CERTIFICATE OF FILING AND SERVICE

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

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Staff Sergeant (E-5) **ANDREW LOPEZ,** United States Air Force, *Appellant.*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME Before Panel No. 1 No. ACM 40874 29 December 2025

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

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

KATE E. LEE, Maj, USAF
Appellate Government Counsel
[redacted]

CERTIFICATE OF FILING AND SERVICE

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



KATE E. LEE, Maj, USAF
Appellate Government Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee* v. Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (THIRD)** Before Panel No. 1 No. ACM 40874 27 January 2026

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

Pursuant to Rule 23.3(m)(1), (3)-(4) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **8 March 2026**. The record of trial was docketed with this Court on 9 September 2025. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

On 14 March 2025 and 22-24 April 2025,[1] Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Elmendorf-Richardson, Alaska. Trial Tr. 1, 48, 53, 70, 80. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one charge and two specifications

[1] On 22 July 2025, there was a post-trial Article 39(a), UCMJ, 10 U.S.C. § 839(a), session to take up a defense post-trial motion for appropriate relief due to illegal post-trial punishment. Post-Trial Tr. 1, 6; *see* App. Exs. XXIV-XXXVI.

of willful dereliction of duty in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892.[2] Trial Tr. 75, 88; Electronic Record of Trial (eROT) Vol 1, *Entry of Judgment* (Aug. 8, 2025); App. Ex. XXI.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for six months (served consecutively), and a bad conduct discharge. Trial Tr. 220; eROT Vol 1, *Entry of Judgment* (Aug. 8, 2025). The convening authority took no action on the findings, deferred the reduction in rank until the date the military judge signed the EOJ, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. eROT Vol 1, *Convening Authority Decision on Action* (May 19, 2025).

The trial transcript is 221 pages long. The post-trial transcript is 139 pages long. The electronic record of trial contains eight Prosecution Exhibits, one Defense Exhibits, and thirty-six Appellate Exhibits. Appellant is not currently confined.

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

[2] One charge and two specifications in violation of Article 134, UCMJ, 10 U.S.C. § 934, were also withdrawn and dismissed pursuant to a plea agreement.

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

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

Respectfully submitted,

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 27 January 2026.

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
Appellee,	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
ANDREW LOPEZ,	)	No. ACM 40874
United States Air Force.	)	
Appellant	)	28 January 2026

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

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

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

[redacted]
VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
[redacted]

CERTIFICATE OF FILING AND SERVICE

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

[redacted]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee* v. Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (FOURTH)** Before Panel No. 1 No. ACM 40874 26 February 2026

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **7 April 2026**. The record of trial was docketed with this Court on 9 September 2025. From the date of docketing to the present date, 170 days have elapsed. On the date requested, 210 days will have elapsed.

On 14 March 2025 and 22-24 April 2025,[1] Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Elmendorf-Richardson, Alaska. Tr. 1, 48, 53, 70, 80. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one charge and two specifications

[1] On 22 July 2025, there was a post-trial Article 39(a), UCMJ, 10 U.S.C. § 839(a), session to take up a defense post-trial motion for appropriate relief due to illegal post-trial punishment. Post-Trial Tr. 1, 6; *see* Appellate Exs. XXIV-XXXVI.

of willful dereliction of duty in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892.[2] Tr. 75, 88; Entry of J.; Appellate Ex. XXI.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for six months (served consecutively), and a bad conduct discharge. Tr. 220; Entry of J. The convening authority took no action on the findings, deferred the reduction in rank until the date the military judge signed the Entry of Judgment, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The trial transcript is 221 pages long. The post-trial transcript is 139 pages long. The electronic record of trial contains eight Prosecution Exhibits, one Defense Exhibits, and thirty-six Appellate Exhibits. Appellant is not currently confined.

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

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

[2] One charge and two specifications in violation of Article 134, UCMJ, 10 U.S.C. § 934, were also withdrawn and dismissed pursuant to a plea agreement.

AOEs) and two cases are pending before the Court of Appeals for the Armed Forces. Additionally, undersigned counsel is attending Squadron Officer School from 23 February 2026 to 27 March 2026. To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Rafajko*, ACM 40821 – The record of trial is one electronic volume consisting of six prosecution exhibits, ten defense exhibits, and fifty-two appellate exhibits; the transcript is 303 pages. Undersigned counsel is currently working on a reply, due on 5 March 2026.

2. *United States v. Lucas*, ACM 40702 – The record of trial is five electronic volumes consisting of eleven prosecution exhibits, three defense exhibits, and sixteen appellate exhibits; the transcript is 187 pages. Undersigned counsel has completed review of the record of trial and is actively drafting an assignment of errors brief due by 6 March 2026.

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

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

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

6. *United States v. Gill*, ACM S32822 – The record of trial is three electronic volumes consisting of five prosecution exhibits, nineteen defense exhibits, and eight appellate exhibits; the transcript is 256 pages. Undersigned counsel has not yet completed review of the record of trial; however, a motion for withdrawal is currently pending before this Court.

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

8. *United States v. Stoiber*, ACM 40841 – The record of trial is one 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.

9. *United States v. Kim*, ACM 40819 – The record of trial is one electronic volume consisting of seven prosecution exhibits, fourteen defense exhibits, and seven appellate exhibits; the trial transcript is 170 pages. Undersigned counsel has not yet completed review of the record of trial.

10. *United States v. Barwick*, ACM 40866 – The record of trial is one 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.

11. *United States v. Castle*, ACM S32830 – The record of trial is one 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.

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

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

Respectfully submitted,

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

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 26 February 2026.

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
Appellee,	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5)	)	
ANDREW LOPEZ,	)	No. ACM 40874
United States Air Force.	)	
Appellant	)	2 March 2026

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

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

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

[redacted]
VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
[redacted]

CERTIFICATE OF FILING AND SERVICE

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

[redacted]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (FIFTH)**
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force	)	No. ACM 40874
Appellant	)	27 March 2026

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **7 May 2026**. The record of trial was docketed with this Court on 9 September 2025. From the date of docketing to the present date, 199 days have elapsed. On the date requested, 240 days will have elapsed.

On 14 March 2025 and 22-24 April 2025,[1] Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Elmendorf-Richardson, Alaska. Trial Tr. 1, 48, 53, 70, 80. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one charge and two specifications of willful dereliction of duty in violation of Article 92, Uniform Code of

[1] On 22 July 2025, there was a post-trial Article 39(a), UCMJ, 10 U.S.C. § 839(a), session to take up a defense post-trial motion for appropriate relief due to illegal post-trial punishment. Post-Trial Tr. 1, 6; *see* Appellate Exs. XXIV-XXXVI.

Military Justice (UCMJ), 10 U.S.C. § 892.[2] Trial Tr. 75, 88; Entry of J.; Appellate Ex. XXI.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for six months (served consecutively), and a bad conduct discharge. Trial Tr. 220; Entry of J. The convening authority took no action on the findings, deferred the reduction in rank until the date the military judge signed the Entry of Judgment, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The trial transcript is 221 pages long. The post-trial transcript is 139 pages long. The electronic record of trial contains eight Prosecution Exhibits, one Defense Exhibits, and thirty-six Appellate Exhibits. Appellant is not currently confined.

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

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

[2] One charge and two specifications in violation of Article 134, UCMJ, 10 U.S.C. § 934, were also withdrawn and dismissed pursuant to a plea agreement. Appellate Ex. XXI.

assignments of error) and two cases are pending before the Court of Appeals for the Armed Forces. Additionally, undersigned counsel attended Squadron Officer School from 23 February 2026 to 27 March 2026. To date, undersigned counsel has the following cases prioritized over the present case:

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

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

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

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

5. *United States v. Gill*, ACM S32822 – The record of trial is three electronic volumes consisting of five prosecution exhibits, nineteen defense exhibits, and eight appellate exhibits; the transcript is 256 pages. Undersigned counsel has

not yet completed review of the record of trial; however, a motion for withdrawal is currently pending before this Court.

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

7. *United States v. Stoiber*, ACM 40841 – The record of trial is one 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.

8. *United States v. Kim*, ACM 40819 – The record of trial is one electronic volume consisting of seven prosecution exhibits, fourteen defense exhibits, and seven appellate exhibits; the trial transcript is 170 pages. Undersigned counsel has not yet completed review of the record of trial.

9. *United States v. Barwick*, ACM 40866 – The record of trial is one 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.

10. *United States v. Castle*, ACM S32830 – The record of trial is one 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.

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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[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 27 March 2026.

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Staff Sergeant (E-5) **ANDREW LOPEZ,** United States Air Force, *Appellant.*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME Before Panel No. 1 No. ACM 40874 27 March 2026

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

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

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

[redacted]
VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
[redacted]

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 27 March 2026.

[redacted]
VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (SIXTH)**
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force	)	No. ACM 40874
Appellant	)	27 April 2026

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **6 June 2026**. The record of trial was docketed with this Court on 9 September 2025. From the date of docketing to the present date, 230 days have elapsed. On the date requested, 270 days will have elapsed.

On 14 March 2025 and 22-24 April 2025,[1] Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Elmendorf-Richardson, Alaska. Trial Tr. 1, 48, 53, 70, 80. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one charge and two specifications of willful dereliction of duty in violation of Article 92, Uniform Code of

[1] On 22 July 2025, there was a post-trial Article 39(a), UCMJ, 10 U.S.C. § 839(a), session to take up a defense post-trial motion for appropriate relief due to illegal post-trial punishment. Post-Trial Tr. 1, 6; *see* Appellate Exs. XXIV-XXXVI.

Military Justice (UCMJ), 10 U.S.C. § 892.[2] Trial Tr. 75, 88; Entry of J.; Appellate Ex. XXI.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for six months (served consecutively), and a bad conduct discharge. Trial Tr. 220; Entry of J. The convening authority took no action on the findings, deferred the reduction in rank until the date the military judge signed the Entry of Judgment, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The trial transcript is 221 pages long. The post-trial transcript is 139 pages long. The electronic record of trial contains eight Prosecution Exhibits, one Defense Exhibits, and thirty-six Appellate Exhibits. Appellant is not currently confined.

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

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

[2] One charge and two specifications in violation of Article 134, UCMJ, 10 U.S.C. § 934, were also withdrawn and dismissed pursuant to a plea agreement. Appellate Ex. XXI.

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

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

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

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

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

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

6. *United States v. Montgomery*, ACM 40824 – The record of trial is four volumes consisting of six prosecution exhibits, three defense exhibits, and nine

appellate exhibits; the transcript is 246 pages. Undersigned counsel has not yet completed review of the record of trial.

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

8. *United States v. Stoiber*, ACM 40841 – The record of trial is one 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.

9. *United States v. Kim*, ACM 40819 – The record of trial is one electronic volume consisting of seven prosecution exhibits, fourteen defense exhibits, and seven appellate exhibits; the trial transcript is 170 pages. Undersigned counsel has not yet completed review of the record of trial.

10. *United States v. Barwick*, ACM 40866 – The record of trial is one 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.

11. *United States v. Castle*, ACM S32830 – The record of trial is one 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.

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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[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 27 April 2026.

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
Staff Sergeant (E-5) **ANDREW LOPEZ,** United States Air Force, *Appellant.*	)	Before Panel No. 1
	)	No. ACM 40874
	)	28 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.

[redacted]

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

CERTIFICATE OF FILING AND SERVICE

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

[redacted]

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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee* v. Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (SEVENTH)** Before Panel No. 1 No. ACM 40874 26 May 2026

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **6 July 2026**. The record of trial was docketed with this Court on 9 September 2025. From the date of docketing to the present date, 259 days have elapsed. On the date requested, 300 days will have elapsed.

On 14 March 2025 and 22-24 April 2025,[1] Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Elmendorf-Richardson, Alaska. Trial Tr. 1, 48, 53, 70, 80. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one charge and two specifications of willful dereliction of duty in violation of Article 92, Uniform Code of

[1] On 22 July 2025, there was a post-trial Article 39(a), UCMJ, 10 U.S.C. § 839(a), session to take up a defense post-trial motion for appropriate relief due to illegal post-trial punishment. Post-Trial Tr. 1, 6; *see* Appellate Exs. XXIV-XXXVI.

Military Justice (UCMJ), 10 U.S.C. § 892.[2] Trial Tr. 75, 88; Entry of J.; Appellate Ex. XXI.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for six months (served consecutively), and a bad conduct discharge. Trial Tr. 220; Entry of J. The convening authority took no action on the findings, deferred the reduction in rank until the date the military judge signed the Entry of Judgment, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The trial transcript is 221 pages long. The post-trial transcript is 139 pages long. The electronic record of trial contains eight Prosecution Exhibits, one Defense Exhibits, and thirty-six Appellate Exhibits. Appellant is not currently confined.

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

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

[2] One charge and two specifications in violation of Article 134, UCMJ, 10 U.S.C. § 934, were also withdrawn and dismissed pursuant to a plea agreement. Appellate Ex. XXI.

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

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

2. *United States v. Montgomery*, ACM 40824 – The record of trial is four volumes consisting of six prosecution exhibits, three defense exhibits, and nine appellate exhibits; the transcript is 246 pages. A motion for withdrawal of appellate defense counsel is currently pending before the Court.

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

4. *United States v. Stoiber*, ACM 40841 – The record of trial is one 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.

5. *United States v. Barwick*, ACM 40866 – The record of trial is one 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.

6. *United States v. Castle*, ACM S32830 – The record of trial is one 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.

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

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

Respectfully submitted,

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

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 26 May 2026.

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Staff Sergeant (E-5) **ANDREW LOPEZ,** United States Air Force, *Appellant.*	))))))))))	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME Before Panel No. 1 No. ACM 40874 28 May 2026

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

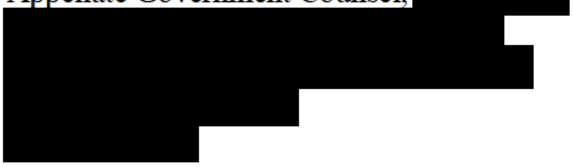
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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

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



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel,



CERTIFICATE OF FILING AND SERVICE

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

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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee* v. Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (EIGHTH)** Before Panel No. 1 No. ACM 40874 23 June 2026

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **5 August 2026**. The record of trial was docketed with this Court on 9 September 2025. From the date of docketing to the present date, 287 days have elapsed. On the date requested, 330 days will have elapsed.

On 14 March 2025 and 22-24 April 2025,[1] Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Elmendorf-Richardson, Alaska. Trial Tr. 1, 48, 53, 70, 80. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one charge and two specifications of willful dereliction of duty in violation of Article 92, Uniform Code of

[1] On 22 July 2025, there was a post-trial Article 39(a), UCMJ, 10 U.S.C. § 839(a), session to take up a defense post-trial motion for appropriate relief due to illegal post-trial punishment. Post-Trial Tr. 1, 6; *see* Appellate Exs. XXIV-XXXVI.

Military Justice (UCMJ), 10 U.S.C. § 892.[2] Trial Tr. 75, 88; Entry of J.; Appellate Ex. XXI.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for six months (served consecutively), and a bad conduct discharge. Trial Tr. 220; Entry of J. The convening authority took no action on the findings, deferred the reduction in rank until the date the military judge signed the Entry of Judgment, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The trial transcript is 221 pages long. The post-trial transcript is 139 pages long. The electronic record of trial contains eight Prosecution Exhibits, one Defense Exhibits, and thirty-six Appellate Exhibits. Appellant is not currently confined.

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

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

[2] One charge and two specifications in violation of Article 134, UCMJ, 10 U.S.C. § 934, were also withdrawn and dismissed pursuant to a plea agreement. Appellate Ex. XXI.

assignments of error), nine cases pending before the Court of Appeals for the Armed Forces (three cases pending decision), and three cases pending before the United States Supreme Court (for petition for writ of certiorari). To date, undersigned counsel has the following cases prioritized over the present case:

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

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

4. *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.

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

6. *United States v. Stoiber*, ACM 40841 – The record of trial is one 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.

7. *United States v. Barwick*, ACM 40866 – The record of trial is one 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.

8. *United States v. Castle*, ACM S32830 – The record of trial is one 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.

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

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

Respectfully submitted,

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

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 23 June 2026.

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5) **ANDREW LOPEZ,** United States Air Force, *Appellant.*	)	No. ACM 40874
	)	24 June 2026

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process. If Appellant's new delay request is granted, the defense delay in this case will be 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 will have consumed almost two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 7 months combined for the United States and this Court to perform their separate statutory responsibilities.

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

[redacted]

HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel

[redacted]

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 24 June 2026.

[redacted]
HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (NINTH)**
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force	)	No. ACM 40874
Appellant	)	20 July 2026

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

Pursuant to Rules 23.3(m), 24.3(a)(1), and 24.3(b) of this Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **4 September 2026**. The record of trial was docketed with this Court on 9 September 2025. From the date of docketing to the present date, 314 days have elapsed. On the date requested, 360 days will have elapsed.

On 14 March 2025 and 22-24 April 2025,[1] Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Elmendorf-Richardson, Alaska. Trial Tr. 1, 48, 53, 70, 80. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one charge and two specifications of willful dereliction of duty in violation of Article 92, Uniform Code of

[1] On 22 July 2025, there was a post-trial Article 39(a), UCMJ, 10 U.S.C. § 839(a), session to take up a defense post-trial motion for appropriate relief due to illegal post-trial punishment. Post-Trial Tr. 1, 6; *see* Appellate Exs. XXIV-XXXVI.

Military Justice (UCMJ), 10 U.S.C. § 892.[2] Trial Tr. 75, 88; Entry of J.; Appellate Ex. XXI.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for six months (served consecutively), and a bad conduct discharge. Trial Tr. 220; Entry of J. The convening authority took no action on the findings, deferred the reduction in rank until the date the military judge signed the Entry of Judgment, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The electronic record of trial is 1,362 pages long and contains a 360-page transcript, eight prosecution exhibits, one defense exhibit, and thirty-six appellate exhibits. Appellant is not currently confined.

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

[2] One charge and two specifications in violation of Article 134, UCMJ, 10 U.S.C. § 934, were also withdrawn and dismissed pursuant to a plea agreement. Appellate Ex. XXI.

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

5. *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.

6. *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.

7. *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.

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

9. *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.

10. *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.

11. *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.

12. *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.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant's case. Undersigned counsel has completed a review of the Entry of Judgment. Undersigned counsel has not yet identified any assignments of error, begun drafting the assignments of error brief, nor can accurately estimate when the assignments of error brief may be filed due to the aforementioned prioritized cases. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[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 20 July 2026.

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5) **ANDREW LOPEZ,** United States Air Force, *Appellant.*	)	No. ACM 40874
	)	22 July 2026

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 360 days in length. Appellant's nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 6 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed his review of the record of trial at this late stage of the appellate process.

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

[redacted]

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

CERTIFICATE OF FILING AND SERVICE

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

[redacted]

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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (TENTH)**
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force	)	No. ACM 40874
Appellant	)	24 August 2026

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

Pursuant to Rules 23.3(m), 24.3(a)(1), and 24.3(b) of this Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **4 October 2026**. The record of trial was docketed with this Court on 9 September 2025. From the date of docketing to the present date, 349 days have elapsed. On the date requested, 390 days will have elapsed.

On 14 March 2025 and 22-24 April 2025,[1] Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Elmendorf-Richardson, Alaska. Trial Tr. 1, 48, 53, 70, 80. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one charge and two specifications of willful dereliction of duty in violation of Article 92, Uniform Code of

[1] On 22 July 2025, there was a post-trial Article 39(a), UCMJ, 10 U.S.C. § 839(a), session to take up a defense post-trial motion for appropriate relief due to illegal post-trial punishment. Post-Trial Tr. 1, 6; *see* Appellate Exs. XXIV-XXXVI.

Military Justice (UCMJ), 10 U.S.C. § 892.[2] Trial Tr. 75, 88; Entry of J.; Appellate Ex. XXI.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for six months (served consecutively), and a bad conduct discharge. Trial Tr. 220; Entry of J. The convening authority took no action on the findings, deferred the reduction in rank until the date the military judge signed the Entry of Judgment, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The electronic record of trial is 1,362 pages long and contains a 360-page transcript, eight prosecution exhibits, one defense exhibit, and thirty-six appellate exhibits. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-three cases; thirty-one cases are pending before this Court (twenty-five cases are pending assignments of error; two cases are pending government answer;[3] and five cases are pending this Court's decision[4]); seven cases are pending before the Court of Appeals

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[2] One charge and two specifications in violation of Article 134, UCMJ, 10 U.S.C. § 934, were also withdrawn and dismissed pursuant to a plea agreement. Appellate Ex. XXI.
[3] *United States v. Stewart*, ACM 40798 (Government answer due Aug. 31, 2026); *United States v. Marcoux*, ACM 40708 (f rev) (Government answer due Sep. 10, 2026).
[4] *In re Ledford*, Misc. Dkt. No. 2025-13 (docketed with Panel 2 on Nov. 5, 2025; reply brief filed on Dec. 12, 2025; undersigned counsel represents this appellant in *United States v. Ledford*, ACM 40832); *United States v. Lucas*, ACM 40702 (docketed with Panel 1 on Oct. 28, 2024; reply brief filed on May 26, 2026); *United States v. Zaengle*, ACM 40915 (docketed with Panel 2 on Jan. 23, 2026; reply brief filed on June 29,

for the Armed Forces (four cases are pending decision on grant; two cases are pending decision[5]); and five cases are pending before the United States Supreme Court (for petition for writ of certiorari). To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Harrington*, ACM 39825 (reh) – The appellant's petition to the Court of Appeals for the Armed Forces is due on 24 August 2026, pending a motion to file the supplement separately.

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

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

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

5. *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.

2026); *United States v. Lowery*, ACM 40781 (docketed with Panel 2 on Jan. 24, 2025; reply brief filed on Jul. 1, 2026); *United States v. Talley*, ACM 40828 (f rev) (docketed with Panel 1 on Aug. 17, 2026).

[5] *United States v. Menard*, No. 25-0173/AF, 86 M.J. 242 (C.A.A.F. 2025) (oral argument held on Feb. 10, 2026); *United States v. Armour*, No. 26-0116/AF, __ M.J. __, 2026 CAAF LEXIS 218 (oral argument held on Apr. 28, 2026).

6. *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.

7. *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.

8. *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.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant's case. Undersigned counsel has completed a review of the Entry of Judgment. Undersigned counsel has not yet identified any assignments of error or begun drafting the assignments of error brief; however, counsel estimates the assignments of error brief may be filed by the end of January 2027. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

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

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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[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 24 August 2026.

[redacted]

JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5) **ANDREW LOPEZ,** United States Air Force, *Appellant.*	)	No. ACM 40874
	)	25 August 2026

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 390 days in length. Appellant's over a year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed more than half of the 18-month standard for this Court to issue a decision, which only leaves about 6 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed his review of the record of trial at this late stage of the appellate process.

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

[redacted]

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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 25 August 2026.

[redacted]

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

UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM 40874**
Appellee	)	
	)	
v.	)	
	)	**ORDER**
Andrew LOPEZ	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
Appellant	)	**Panel 1**

On 9 September 2025, Appellant's case was docketed with this court, and on 29 October 2025, Appellant's counsel entered his notice of appearance through the filing of the first motion for enlargement of time in this case. The current deadline for Appellant to file his assignments of error brief is 4 September 2026.

On 24 August 2026, counsel for Appellant submitted a Motion for Enlargement of Time (EOT) (Tenth), requesting an additional 30 days until 4 October 2026 to submit Appellant's assignments of error.

The Government opposed the motion, noting that Appellant's requested enlargement of time will result in 390 days of defense delay and contending that such delay should be reserved for "extraordinary circumstances."

This court is concerned by the amount of delay that continues to accrue in this case.

Accordingly, it is by the court on this 26th day of August, 2026,

ORDERED:

Appellant's Motion for Enlargement of Time (Tenth) is **GRANTED**. Appellant shall file any assignments of error not later than **4 October 2026**.

It is further ordered:

Given the number of enlargements of time granted thus far, Appellant's counsel is advised that additional enlargements of time will be disfavored by this court absent exceptional circumstances demonstrating good cause.

FOR THE COURT

[redacted]

AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**NOTICE OF APPEARANCE**
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force	)	No. ACM 40874
Appellant	)	10 September 2026

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

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

Respectfully submitted,

[redacted]

LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
[redacted]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 10 September 2026.

[redacted]

LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**MOTION FOR WITHDRAWAL OF APPELLATE DEFENSE COUNSEL**
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force	)	No. ACM 40874
Appellant	)	10 September 2026

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

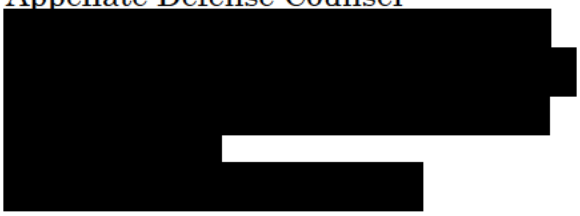
Pursuant to Rule 12(b) of the Joint Rules of Appellate Procedure for Courts of Criminal Appeals and Rules 12.2 and 23.3(h) of this Court's Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. Undersigned counsel is withdrawing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

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

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

Respectfully submitted,



JOHN M. FREDERICKS, Capt, USAF
Appellate Defense Counsel


CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 10 September 2026.

[redacted]

LUKE D. WILSON, Lt Col, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**APPELLANT'S CONSENT MOTION TO REVIEW SEALED MATERIAL**
v.	)	Before Panel No. 1
Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force *Appellant*	)	No. ACM 40874 23 September 2026

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

Pursuant to Rules 3.1, 23.1(b), and 23.3(f) of this Honorable Court's Rules of Practice and Procedure, undersigned counsel hereby moves this Court to permit appellate counsel for the Appellant and the Government to examine the following sealed materials in Appellant's record of trial (ROT): Pros. Ex. 4 (1 sealed discs containing 29 files depicting contraband).

Facts

On 14 March 2025 and 22-24 April 2025,[1] Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Elmendorf-Richardson, Alaska. Trial Tr. 1, 48, 53, 70, 80. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one charge and two specifications of willful dereliction of duty in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892.2 Trial Tr. 75, 88; Entry of J.; Appellate Ex. XXI.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for six months (served consecutively), and a bad conduct discharge. Trial Tr. 220; Entry of J. The convening authority took no action on the findings, deferred the reduction in rank

[1] On 22 July 2025, there was a post-trial Article 39(a), UCMJ, 10 U.S.C. § 839(a), session to take up a defense post-trial motion for appropriate relief due to illegal post-trial punishment. Post-Trial Tr. 1, 6; see Appellate Exs. XXIV-XXXVI.

until the date the military judge signed the Entry of Judgment, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever occurred sooner. Convening Authority Decision on Action.

During the proceedings, the military judge ordered Pros. Ex. 4 sealed because it contained contraband materials. Trial Tr. 92.

Law

Pursuant to Rule for Court Martial (R.C.M.) 1113(b)(3)(B)(i), "materials presented or reviewed at trial and sealed . . . may be examined by appellate counsel upon a colorable showing to the reviewing or appellate authority that examination is reasonably necessary to a proper fulfillment of the appellate counsel's responsibilities[.]"

> Although Courts of Criminal Appeals have a broad mandate to review the record unconstrained by an appellant's assignments of error, that broad mandate does not reduce the importance of adequate representation. As we said in *United States v. Ortiz*, 24 M.J. 323, 325 (C.M.A. 1987), independent review is not the same as competent appellate representation.

United States v. May, 47 M.J. 478, 481 (C.A.A.F. 1998).

Air Force regulations governing professional duties and conduct of appellate defense counsel impose upon counsel, *inter alia*, a duty to provide "competent representation,"[2] perform "reasonable diligence,"[3] and to "give a client his or her best professional evaluation of the questions that might be presented on appeal…[to] consider all issues that might affect the validity of the judgment of conviction and sentence…[to] advise on the probable outcome of a challenge to the conviction or sentence...[and to] endeavor to persuade the client to abandon a wholly

[2] Air Force Instruction (AFI) 51-110, *Professional Responsibility Program*, Attachment 2: Air Force Rules of Professional Conduct, Rule 1.1 (11 Dec. 2018).
[3] *Id*. at Rule 1.3.

frivolous appeal or to eliminate contentions lacking in substance."[4]

This Court may grant relief "on the basis of the entire record" of trial. Article 66, UCMJ, 10 U.S.C. § 866. Appellate defense counsel detailed by the Judge Advocate General shall represent accused servicemembers before this Court. Article 70, UCMJ, 10 U.S.C. § 870.

Analysis

The parties "presented" and "reviewed" the sealed material at trial. It is reasonably necessary for Appellant's counsel to review this sealed exhibit for counsel to competently conduct a professional evaluation of Appellant's case and to uncover all issues which might afford him relief. Because examination of the material in question is reasonably necessary to the fulfillment of counsel's Article 70, UCMJ, duties, and because the contents of the Motions were made available to the parties at trial, Appellant has provided the "colorable showing" required by R.C.M. 1113(b)(3)(B)(i) to permit his counsel's examination of the sealed material and has shown good cause to grant this motion.

The Government consents to both parties viewing the sealed material detailed above.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant this consent motion and permit appellate counsel for the Appellant and the Government to examine the aforementioned sealed material.

Respectfully submitted,

[redacted]

ALISTER G. J. RIVIERE, Capt, USAF
Appellate Defense Counsel
[redacted]

[4] AFI 51-110, Attachment 7: Air Force Standards for Criminal Justice, Standard 4-8.3(b).

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 23 September 2026.

Respectfully submitted,

[redacted], Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (ELEVENTH)**
v.	)	
	)	Before Panel No. 1
Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force	)	No. ACM 40874
Appellant	)	22 September 2026

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

MOTION AND SUMMARY OF ARGUMENT

Pursuant to Rules 23.3(m), 24.3(a)(1), and 24.3(b) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **3 November 2026**. The record of trial was docketed with this Court on 9 September 2025. From the date of docketing to the present date, 378 days have elapsed. On the date requested, 420 days will have elapsed.

On 14 March 2025 and 22-24 April 2025,[1] Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Elmendorf-Richardson, Alaska. Trial Tr. 1, 48, 53, 70, 80. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one charge and two specifications of willful dereliction of duty in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892.2 Trial Tr. 75, 88; Entry of J.; Appellate Ex. XXI.

[1] On 22 July 2025, there was a post-trial Article 39(a), UCMJ, 10 U.S.C. § 839(a), session to take up a defense post-trial motion for appropriate relief due to illegal post-trial punishment. Post-Trial Tr. 1, 6; see Appellate Exs. XXIV-XXXVI.

The military judge sentenced Appellant to a reprimand, reduction in pay grade to E-1, confinement for six months (served consecutively), and a bad conduct discharge. Trial Tr. 220; Entry of J. The convening authority took no action on the findings, deferred the reduction in rank until the date the military judge signed the Entry of Judgment, and waived automatic forfeitures for a period of six months, or release from confinement, or expiration of term of service, whichever is sooner. Convening Authority Decision on Action.

The electronic record of trial is 1,362 pages long and contains a 360-page transcript, eight prosecution exhibits, one defense exhibit, and thirty-six appellate exhibits. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), and this Honorable Court's Order regarding Appellant's tenth enlargement of time, undersigned counsel provides the following information to show good cause and exceptional circumstances:

Undersigned counsel is currently detailed to thirteen pending cases. All of them, including this one, are pending before this Court and all are pending initial AOE briefs. This case is undersigned counsel's second in order of priority before this Court. Counsel's first priority case is listed below.

1. *United States v. Marin*, No. ACM 40847 – This case has had twelve enlargements of time. The electronic record of trial contains 2,287 pages, 16 prosecution exhibits, 16 defense exhibits, and 51 appellate exhibits. The transcript is 788 pages long. This appellant is not confined. Undersigned counsel has substantively reviewed the record of trial and will file the initial AOE brief by 1 October 2026. Undersigned counsel was detailed to this case on 24 August 2026, has prioritized the case, and has not sought any enlargements of time on behalf of this appellant.

Undersigned counsel was detailed to Appellant's case today, 22 September 2026, and has

not completed a substantial review of the case due to his recent detailing and work in the case undersigned counsel prioritizes over Appellant's case. Undersigned counsel has begun review of the record of trial including the Entry of J., Convening Authority Decision on Action, exhibit index, and plea agreement. No AOEs have yet been identified at this stage. Undersigned counsel has not begun drafting the initial AOE brief. Undersigned counsel will prioritize this case as soon as he files his initial AOE brief in *United States v. Marin*, No. ACM 40847 (AOE filing due 1 October 2026). Undersigned counsel acknowledges the Court's concerns with delays in this case expressed in its Order for the tenth enlargement of time and will do everything in his power to avoid requesting additional enlargements of time. An enlargement of time at this stage is necessary to allow counsel to fully review Appellant's case, advise him regarding potential errors, and draft and file the identified AOEs. Undersigned counsel is the attorney best positioned to prioritize Appellant's at the Appellate Defense Division.

Appellant provided limited consent for undersigned counsel to disclose the following confidential communication. Appellant was informed of his right to speedy appellate review and of this request for an enlargement of time. He asserts his right to speedy appellate review but, recognizing that undersigned counsel is working on another case that was docketed with this Honorable Court before his was, he agrees with this request for an enlargement of time.

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

Respectfully submitted,

[redacted]

ALISTER G. J. RIVIERE, Capt, USAF
Appellate Defense Counsel

[redacted]

CERTIFICATE OF FILING AND SERVICE

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

[redacted]
ALISTER G. J. RIVIERE, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Staff Sergeant (E-5) **ANDREW LOPEZ,** United States Air Force, *Appellant.*	)))))))))	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME Before Panel No. 1 No. ACM 40874 23 September 2026

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 420 days in length. Appellant's over a year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 5 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed his review of the record of trial at this late stage of the appellate process.

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

[redacted]

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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 23 September 2026.

[redacted]

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

UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM 40874**
Appellee	)	
	)	
v.	)	
	)	**ORDER**
Andrew LOPEZ	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
Appellant	)	**Panel 1**

On 22 September 2026, counsel for Appellant submitted a Motion for Enlargement of Time (EOT) (Eleventh), requesting an additional 30 days until 3 November 2026 to submit Appellant's assignments of error (AOE) brief. In demonstrating good cause for this motion, Appellant's newly detailed appellate defense counsel identified that he was detailed to this case on 22 September 2026, the same date of this motion, so he reasonably had not had sufficient time to conduct a substantial review of the case. Appellant's counsel asserted that he will file an AOE brief in the only case prioritized over Appellant's case by 1 October 2026. Counsel will then turn his attention to Appellant's case and, if this motion is granted, will have 33 days to complete Appellant's AOE brief.

The Government opposed the motion, noting that Appellant's requested enlargement of time will result in 420 days of defense delay and contending that such delay should be reserved for "extraordinary circumstances."

This court continues to be concerned by the amount of delay that has accrued in this case, but acknowledges that Appellant's counsel has outlined a reasonable plan to submit Appellant's AOE brief by 3 November 2026; thereby, resulting in this being the last motion for an EOT in this case.

Accordingly, it is by the court on this 24th day of September, 2026,

ORDERED:

Appellant's Motion for Enlargement of Time (Eleventh) is **GRANTED**. Appellant shall file any assignments of error not later than **3 November 2026**.

It is further ordered:

Given the number of enlargements of time granted thus far and the articulated plan outlined by Appellant's counsel to complete an AOE brief in this case, the court will not grant another enlargement of time beyond 3 November 2026.

FOR THE COURT

[redacted]

AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM 40874**
Appellee	)	
	)	
v.	)	
	)	**ORDER**
Andrew LOPEZ	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
Appellant	)	**Panel 1**

On 23 September 2026, counsel for Appellant submitted a Consent Motion to Examine Sealed Material. Specifically, Appellant requests counsel for both parties be permitted to examine Prosecution Exhibit 4.

The materials listed above were viewed by trial counsel and trial defense counsel at trial.

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 consent, and this court's Rules of Practice and Procedure. The court finds Appellant's counsel has made a colorable showing that review of the requested sealed materials is necessary to fulfill counsel's responsibilities.

Accordingly, it is by the court on this 28th day of September, 2026,

ORDERED:

Appellant's Consent Motion to Examine Sealed Material is **GRANTED**.

Appellate defense counsel and appellate government counsel may view **Prosecution Exhibit 4**.

To view the sealed materials, 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.

FOR THE COURT

[redacted]

AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee* v. Staff Sergeant (E-5) **ANDREW LOPEZ** United States Air Force *Appellant*	)	**APPELLANT'S MOTION TO WITHDRAW FROM APPELLATE REVIEW AND ATTACH** Before Panel No. 1 No. ACM 40874 3 November 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 Alister Riviere, 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]

ALISTER G. J. RIVIERE, Capt, USAF
Appellate Defense Counsel
[redacted]

CERTIFICATE OF FILING AND SERVICE

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

[redacted]

ALISTER G. J. RIVIERE, Capt, USAF
Appellate Defense Counsel
[redacted]