

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (FIRST)
)	
v.	)	Before Panel No. 3
)	
Airman First Class (E-3)	)	No. ACM S32758
ADRIAN C. REESE, JR.)	
United States Air Force	)	6 November 2023
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(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 **12 January 2024**. The record of trial was docketed with this Court on 14 September 2023. From the date of docketing to the present date, 53 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,

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 6 November 2023.

∩

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3),	)	ACM S32758
ADRIAN C. REESE, JR. USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

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

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

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 8 November 2023.

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME
	)	(SECOND)
v.)	
	)	Before Panel No. 3
Airman First Class (E-3))	
ADRIAN C. REESE, JR.	)	No. ACM S32758
United States Air Force)	
<i>Appellant</i>	)	3 January 2024

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **11 February 2024**. The record of trial was docketed with this Court on 14 September 2023. From the date of docketing to the present date, 111 days have elapsed. On the date requested, 150 days will have elapsed.

On 12 May 2023, Appellant pled guilty at a special court-martial at Joint Base Pearl Harbor-Hickam, Hawaii. In accordance with his pleas, the military judge found Appellant guilty of one specification of failure to obey a lawful general regulation by wrongfully using delta-8-tetrahydrocannabinol, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892 (2019), and three specifications of wrongful use of a Schedule I and Schedule II controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a (2019). R. at 165; Entry of Judgment (EOJ), dated 24 June 2023. Appellant elected sentencing by officer members. R. at 166. The panel members sentenced Appellant to two months’ confinement, forfeiture of \$1,278.00 pay per month for two months, reduction to the grade of E-1, a bad conduct discharge, and a reprimand. R. at 536. The convening authority took no action on the findings; he disapproved the

adjudged forfeiture of \$1,278.00 pay per month for two months and he deferred the automatic forfeitures until the date the military judge signed the Entry of Judgment. Convening Authority Decision on Action – *United States v. Airman First Class Adrian C. Reese Jr.*, dated 2 June 2023.

The record of trial is 4 volumes consisting of 5 prosecution exhibits, 13 defense exhibits, and 21 appellate exhibits; the transcript is 538 pages. Appellant is not confined.

Through no fault of Appellant, undersigned counsel has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to a timely appeal and this request for an enlargement of time, and Appellant agrees with this request for an enlargement of time.

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

Respectfully submitted,

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 3 January 2024.

^

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3),	)	ACM S32758
ADRIAN C. REESE, JR. USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

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

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

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 4 January 2024.

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Airman First Class (E-3)

ADRIAN C. REESE, JR.

United States Air Force

Appellant

) **APPELLANT’S MOTION FOR**
) **ENLARGEMENT OF TIME (THIRD)**

) Before Panel No. 3

) No. ACM S32758

) 31 January 2024

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **12 March 2024**. The record of trial was docketed with this Court on 14 September 2023. From the date of docketing to the present date, 139 days have elapsed. On the date requested, 180 days will have elapsed.

On 12 May 2023, Appellant pled guilty at a special court-martial at Joint Base Pearl Harbor-Hickam, Hawaii. In accordance with his pleas, the military judge found Appellant guilty of one specification of failure to obey a lawful general regulation by wrongfully using delta-8-tetrahydrocannabinol, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892 (2019), and three specifications of wrongful use of a Schedule I and Schedule II controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a (2019). R. at 165; Entry of Judgment (EOJ), dated 24 June 2023. Appellant elected sentencing by officer members. R. at 166. The panel members sentenced Appellant to two months’ confinement, forfeiture of \$1,278.00 pay per month for two months, reduction to the grade of E-1, a bad conduct discharge, and a reprimand. R. at 536. The convening authority took no action on the findings; he disapproved the

adjudged forfeiture of \$1,278.00 pay per month for two months and he deferred the automatic forfeitures until the date the military judge signed the Entry of Judgment. Convening Authority Decision on Action – *United States v. Airman First Class Adrian C. Reese Jr.*, dated 2 June 2023.

The record of trial is 4 volumes consisting of 5 prosecution exhibits, 13 defense exhibits, and 21 appellate exhibits; the transcript is 538 pages. Appellant is not confined.

Through no fault of Appellant, undersigned counsel has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to a timely appeal and this request for an enlargement of time, and Appellant agrees with this request for an enlargement of time.

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

Respectfully submitted,

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 31 January 2024.

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3),	)	ACM S32758
ADRIAN C. REESE, JR. USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

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

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

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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 1 February 2024.

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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME
	)	(FOURTH)
v.)	
	)	Before Panel No. 3
Airman First Class (E-3))	
ADRIAN C. REESE, JR.	)	No. ACM S32758
United States Air Force)	
<i>Appellant</i>	)	1 March 2024

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **11 April 2024**. The record of trial was docketed with this Court on 14 September 2023. From the date of docketing to the present date, 169 days have elapsed. On the date requested, 210 days will have elapsed.

On 12 May 2023, Appellant pled guilty at a special court-martial at Joint Base Pearl Harbor-Hickam, Hawaii. In accordance with his pleas, the military judge found Appellant guilty of one specification of failure to obey a lawful general regulation by wrongfully using delta-8-tetrahydrocannabinol, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892 (2019), and three specifications of wrongful use of a Schedule I and Schedule II controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a (2019). R. at 165; Entry of Judgment (EOJ), dated 24 June 2023. Appellant elected sentencing by officer members. R. at 166. The panel members sentenced Appellant to two months’ confinement, forfeiture of \$1,278.00 pay per month for two months, reduction to the grade of E-1, a bad conduct discharge, and a reprimand. R. at 536. The convening authority took no action on the findings; he disapproved the

adjudged forfeiture of \$1,278.00 pay per month for two months and he deferred the automatic forfeitures until the date the military judge signed the Entry of Judgment. Convening Authority Decision on Action – *United States v. Airman First Class Adrian C. Reese Jr.*, dated 2 June 2023.

The record of trial is 4 volumes consisting of 5 prosecution exhibits, 13 defense exhibits, and 21 appellate exhibits; the transcript is 538 pages. Appellant is not confined.

Undersigned counsel currently represents 16 clients and is presently assigned 12 cases pending brief before this Court. This case is counsel's seventh priority case, behind:

1. *United States v. Byrne*, No. ACM 40391. The trial transcript is 945 pages long and the record of trial is comprised of 8 volumes consisting of 5 prosecution exhibits, 6 defense exhibits, 74 appellate exhibits, and 1 court exhibit. Undersigned counsel has reviewed the record of trial. Undersigned counsel filed a motion for withdrawal of appellate defense counsel on 29 February 2024, which is pending action by this Court.
2. *United States v. Davis*, No. ACM 40370. The appellant's petition for grant of review is due to the Court of Appeals for the Armed Forces (CAAF) on 26 March 2024.
3. *United States v. Howard*, No. ACM. 40478. The record of trial is 7 volumes consisting of 13 prosecution exhibits, 5 defense exhibits, and 37 appellate exhibits; the transcript is 913 pages. Undersigned counsel has started reviewing this record.
4. *United States v. Brierly*, No. ACM 40479. The record of trial is 6 volumes consisting of 8 prosecution exhibits, 16 defense exhibits, 24 appellate exhibits, and 1 court exhibit; the transcript is 455 pages. Undersigned counsel has not yet completed her review of this record.

5. *United States v. Williams*, No. ACM 40485. The record of trial is five volumes consisting of 10 prosecution exhibits, three defense exhibits, and five appellate exhibits; the transcript is 116 pages. Undersigned counsel completed her review of this record.
6. *United States v. Cayabyab*, No. ACM 40513. The record of trial is four volumes consisting of five prosecution exhibits, zero defense exhibits, and six appellate exhibits; the transcript is 211 pages. Undersigned counsel has not yet completed her review of this record.

Since Appellant's last request for an enlargement of time, undersigned counsel completed her review of the record of trial for *United States v. Byrne*, No. ACM 40391, conducted legal research for potential issues, and assisted the lead counsel in drafting and editing A1C Byrne's AOE brief prior to being released by the client as military appellate defense counsel. She also filed a reply brief in *United States v. Csiti*, No. ACM 40386, completed a draft supplement to a petition for grant of review for *United States v. Davis*, No. ACM 40370, and completed a review of the record for *United States v. Williams*, No. ACM 40485. Finally, she prepared for, and participated in, four moot oral arguments for her colleagues for *United States v. Stradtman*, USCA Dkt. No. 23-0223/AF, and *United States v. Wells*, USCA Dkt. No. 23-0219/AF.

Through no fault of Appellant, undersigned counsel has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to a timely appeal and this request for an enlargement of time, and Appellant agrees with this request for an enlargement of time.

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

Respectfully submitted,

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 1 March 2024.

∩

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3),	)	ACM S32758
ADRIAN C. REESE, JR. USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

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

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

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 4 March 2024.

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (FIFTH)
)	
v.	)	Before Panel No. 3
)	
Airman First Class (E-3)	)	No. ACM S32758
ADRIAN C. REESE, JR.)	
United States Air Force	)	1 April 2024
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(4) and (6) 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 30 days, which will end on **11 May 2024**. The record of trial was docketed with this Court on 14 September 2023. From the date of docketing to the present date, 200 days have elapsed. On the date requested, 240 days will have elapsed.

On 12 May 2023, Appellant pled guilty at a special court-martial at Joint Base Pearl Harbor-Hickam, Hawaii. In accordance with his pleas, the military judge found Appellant guilty of one specification of failure to obey a lawful general regulation by wrongfully using delta-8-tetrahydrocannabinol, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892 (2019), and three specifications of wrongful use of a Schedule I and Schedule II controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a (2019). R. at 165; Entry of Judgment (EOJ), dated 24 June 2023. Appellant elected sentencing by officer members. R. at 166. The panel members sentenced Appellant to two months’ confinement, forfeiture of \$1,278.00 pay per month for two months, reduction to the grade of E-1, a bad conduct discharge, and a reprimand. R. at 536. The convening authority took no action on the findings; he disapproved the

adjudged forfeiture of \$1,278.00 pay per month for two months and he deferred the automatic forfeitures until the date the military judge signed the Entry of Judgment. Convening Authority Decision on Action – *United States v. Airman First Class Adrian C. Reese Jr.*, dated 2 June 2023.

The record of trial is 4 volumes consisting of 5 prosecution exhibits, 13 defense exhibits, and 21 appellate exhibits; the transcript is 538 pages. Appellant is not confined.

Lt Col Jarett Merk, U.S. Air Force Reserve, has been detailed to this case as military appellate counsel. However, Lt Col Merk is currently out of the country and unable to submit his notice of appearance at this time. Lt Col Merk has inactive duty training (IDT) days dedicated for this record of trial and plans to submit a Brief on Behalf of Appellant by the requested deadline (11 May 2024).

Per Rule 23.3(6) of this Court's Rules of Practice and Procedure, undersigned counsel provides the following information. Undersigned counsel currently represents 15 clients and is presently assigned 10 cases pending brief before this Court. This case is undersigned counsel's fourth priority case, behind:

1. *United States v. Howard*, No. ACM. 40478. The record of trial is 7 volumes consisting of 13 prosecution exhibits, 5 defense exhibits, and 37 appellate exhibits; the transcript is 913 pages. Undersigned counsel completed her review of this record.
2. *United States v. Brierly*, No. ACM 40479. The record of trial is 6 volumes consisting of 8 prosecution exhibits, 16 defense exhibits, 24 appellate exhibits, and 1 court exhibit; the transcript is 455 pages. Undersigned counsel has not yet completed her review of this record.
3. *United States v. Cayabyab*, No. ACM 40513. The record of trial is four volumes consisting of five prosecution exhibits, zero defense exhibits, and six appellate exhibits; the transcript is 211 pages. Undersigned counsel has not yet completed her review of this record.

Since Appellant's last request for an enlargement of time, undersigned filed a petition and supplement for grant of review for *United States v. Davis*, No. ACM 40370, filed a Reply Brief in *United States v. Doroteo*, No. ACM 40363, and filed an AOE and Reply Brief in *United States v. Williams*, No. ACM 40485. She also completed a review of the record of trial for *United States v. Howard*, No. ACM. 40478. Finally, undersigned counsel was on leave from 13-22 March 2024.

Through no fault of Appellant, undersigned counsel has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was informed of his right to a timely appeal and this request for an enlargement of time, and Appellant agrees with this request for an enlargement of time.

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

Respectfully submitted,

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 1 April 2024.

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3),	)	ACM S32758
ADRIAN C. REESE, JR. USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

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

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

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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 1 April 2024.

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

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

UNITED STATES	)	No. ACM S32758
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Adrian C. REESE, JR.)	
Airman First Class (E-3))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 3

On 1 April 2024, counsel for Appellant submitted a Motion for Enlargement of Time (Fifth) requesting an additional 30 days to submit Appellant’s assignments of error. The Government opposes the motion.

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

Accordingly, it is by the court on this 2d day of April, 2024,

ORDERED:

Appellant’s Motion for Enlargement of Time (Fifth) is **GRANTED**. Appellant shall file any assignments of error not later than **11 May 2024**.

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



FOR THE COURT

OLGA STANFORD, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES <i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME (SIXTH)
)	
v.	)	Before Panel No. 3
)	
Airman First Class (E-3)	)	No. ACM S32758
ADRIAN C. REESE, JR.)	
United States Air Force	)	3 May 2024
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) and (4) 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 30 days, which will end on **10 June 2024**. The record of trial was docketed with this Court on 14 September 2023. From the date of docketing to the present date, 232 days have elapsed. On the date requested, 270 days will have elapsed.

On 12 May 2023, Appellant pled guilty at a special court-martial at Joint Base Pearl Harbor-Hickam, Hawaii. In accordance with his pleas, the military judge found Appellant guilty of one specification of failure to obey a lawful general regulation by wrongfully using delta-8-tetrahydrocannabinol, in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892 (2019), and three specifications of wrongful use of a Schedule I and Schedule II controlled substance, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a (2019). R. at 165; Entry of Judgment (EOJ), dated 24 June 2023. Appellant elected sentencing by officer members. R. at 166. The panel members sentenced Appellant to two months’ confinement, forfeiture of \$1,278.00 pay per month for two months, reduction to the grade of E-1, a bad conduct discharge, and a reprimand. R. at 536. The convening authority took no action on the findings; he disapproved the

adjudged forfeiture of \$1,278.00 pay per month for two months and he deferred the automatic forfeitures until the date the military judge signed the Entry of Judgment. Convening Authority Decision on Action – *United States v. Airman First Class Adrian C. Reese Jr.*, dated 2 June 2023.

The record of trial is 4 volumes consisting of 5 prosecution exhibits, 13 defense exhibits, and 21 appellate exhibits; the transcript is 538 pages. Appellant is not confined.

Undersigned counsel is a reservist but was unable to use Individual Duty Training (IDT) during April due to both illness and civilian commitments. Counsel has IDT days scheduled during May to review Appellant's case and submit briefing on his behalf. This is the only Air Force case counsel is handling and will be counsel's only priority during his scheduled IDT days.

Appellant has been advised of this request and his right to a timely appeal. Appellant agrees with the requested enlargement.

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

JARETT MERK, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 3 May 2024.

JARETT MERK, Lt Col, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3),	)	ACM S32758
ADRIAN C. REESE, JR. USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

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

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

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

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 6 May 2024.

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR WITHDRAWAL OF
<i>Appellee,</i>	)	APPELLATE DEFENSE COUNSEL
)	
v.	)	Before Panel No. 3
)	
Airman First Class (E-3)	)	No. ACM S32758
ADRIAN C. REESE, JR.)	
United States Air Force,	)	9 May 2024
<i>Appellant.</i>)	

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

Pursuant to Rules 12(b), 12.4, and 23.3(h) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. Lt Col Jarett Merk has been detailed substitute counsel in undersigned counsel’s stead and made his notice of appearance on 3 May 2024. A thorough turnover of the record between counsel has been completed. Maj Crouch is expected to be out of the office on convalescent and parental leave for approximately five months beginning June 2024 and her continued representation of Appellant would only delay his appellate review.

Appellant has been advised of this motion to withdraw as counsel and consents to undersigned counsel’s withdrawal. A copy of this motion will be delivered to Appellant following its filing.

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

Respectfully submitted.

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

CERTIFICATE OF FILING AND SERVICE

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

Respectfully submitted.

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	
<i>Appellee,</i>	)	Merits Brief
)	
v.	)	Before Panel
)	
Airman First Class (E-3),	)	No. ACM S32758
Adrian C. Reese Jr.)	
United States Air Force,	)	7 June 2024
<i>Appellant.</i>)	

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

Submission of Case Without Specific Assignments of Error

The undersigned appellate defense counsel attests he has, on behalf of Airman First Class (A1C) Adrian C. Reese Jr., Appellant, carefully examined the record of trial in this case. Appellant does not admit the findings and sentence are correct in law and fact, but submits the case to this Honorable Court on its merits with no specific assignments of error.¹

Respectfully submitted,

JARETT MERK, Maj, USAFR
1500 Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762

¹ Appellant has conformed this merits brief to the format in Appendix B of this Honorable Court’s Rules of Practice and Procedure. Appellant understands this Court will exercise its independent “awesome, plenary, [and] *de novo* power” to review the entire record of this proceeding for factual and legal sufficiency, and for sentence propriety, and to “substitute its judgment” for that of the court below, as is provided for and required by Article 66(d), UCMJ, 10 U.S.C. §866(d) (2019). *United States v. Cole*, 31 M.J. 270, 272 (C.M.A. 1990); *United States v. Chin*, 75 M.J. 220 (C.A.A.F. 2016).

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 7 June 2024.

Respectfully submitted,

JAKE L I MEKK, Maj, USAFR
1500 Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762