

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME OUT OF TIME (FIRST)
)	
v.	)	Before Panel No. 1
)	
Airman First Class (E-3)	)	No. ACM 40509
ANTHONY ASHLEY,)	
United States Air Force	)	16 October 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), 23.3(m)(2), and 23.3(m)(7) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time, out of time, to file an Assignment of Error (AOE). Counsel is filing this motion out of time due to filing this motion one day late. As a reservist, counsel was unable to access government computer systems, to include her remote online webmail, where the necessary information for this motion was contained. Counsel will continue to diligently work to ensure timely filings.

Appellant requests an enlargement for a period of 60 days, which will end on **21 December 2023**. The record of trial was docketed with this Court on 23 August 2023. From the date of docketing to the present date, 54 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,

NICOLE MOUAKAR, 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 16 October 2023.

Respectfully submitted,

NICOLE MOUAKAR, 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 OUT OF TIME
)	
Airman First Class (E-3)	)	ACM 40590
ANTHONY ASHLEY, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

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 18 October 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	)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME (SECOND)
)	
v.	)	Before Panel No. 1
)	
Airman First Class (E-3)	)	No. ACM 40509
ANTHONY ASHLEY,)	
United States Air Force	)	14 December 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)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his second enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **20 January 2024**. The record of trial was docketed with this Court on 23 August 2023. From the date of docketing to the present date, 113 days have elapsed. On the date requested, 150 days will have elapsed.

On 27 March 2023, consistent with his pleas, a Military Judge sitting at a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, convicted Appellant of one charge and one specification of sexual assault of a child, in violation of Article 120b, Uniform Code of Military Justice (UCMJ). The Military Judge sentenced Appellant to 2 years confinement, to be discharged from the service with a dishonorable discharge, and to be reduced to the rank of Airman Basic. On 5 April 2023, Appellant requested deferment of the adjudged reduction in grade to Airman Basic until the date of his judgment. The Convening Authority denied the request for deferment. (Entry of Judgment at 1-2).

The record of trial consists of 2 prosecution exhibits, 7 defense exhibits, 10 appellate exhibits and 1 court exhibit. The transcript is 126 pages. Appellant is confined.

Through no fault of Appellant, undersigned counsel has been diligently working on other assigned matters and has yet to start a review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

NICOLE MOUAKAR, 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 Government Trial and Appellate Operations Division on 14 December 2023.

Respectfully submitted,

NICOLE MOUAKAR, 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 OUT OF TIME
)	
Airman First Class (E-3)	)	ACM 40590
ANTHONY ASHLEY, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

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 15 December 2023.

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	)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME (THIRD)
)	
v.	)	Before Panel No. 1
)	
Airman First Class (E-3)	)	No. ACM 40509
ANTHONY ASHLEY,)	
United States Air Force	)	10 January 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 his third enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **19 February 2024**. The record of trial was docketed with this Court on 23 August 2023. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

On 27 March 2023 consistent with his pleas, a Military Judge sitting at a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, convicted Appellant of one charge and one specification of sexual assault of a child, in violation of Article 120b, Uniform Code of Military Justice (UCMJ). The Military Judge sentenced Appellant to 2 years confinement, to be discharged from the service with a dishonorable discharge, and to be reduced to the rank of Airman Basic. On 5 April 2023, Appellant requested deferment of the adjudged reduction in grade to Airman Basic until the date of his judgment. The Convening Authority denied the request for deferment. (Entry of Judgment at 1-2).

The record of trial consists of 2 prosecution exhibits, 7 defense exhibits, 10 appellate exhibits and 1 court exhibits. The transcript is 126 pages. Appellant is confined.

Since the Second Motion for Enlargement of Time, counsel has completed review of the transcript and discussed the case with Appellant. However, counsel has yet to complete review of the record of trial and is still conferring with Appellant. Counsel has advised Appellant of his right to a timely appeal, as well as advised him of the requests for an enlargement of time. Appellant understands his rights and agrees with the request for an enlargement of time. Appellant is also aware that counsel works for the Office of the Federal Defender as a civilian and is assigned as a reservist to the Air Force Appellate Defense Division to handle his appeal.

Through no fault of Appellant, undersigned counsel has been diligently working on Appellant's case in addition to other cases. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding how he would like to proceed with his appeal and file a brief in his case.

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

Respectfully submitted,

NICOLE MOUAKAR, 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 10 January 2024.

Respectfully submitted,

NICOLE MOUAKAR, 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 40509
ANTHONY ASHLEY, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

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 16 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	)	MOTION FOR ENLARGEMENT OF
<i>Appellee</i>	)	TIME (FOURTH)
)	
v.	)	Before Panel No. 1
)	
Airman First Class (E-3)	)	No. ACM 40509
ANTHONY ASHLEY,)	
United States Air Force	)	12 February 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), (4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fourth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **20 March 2024**. The record of trial was docketed with this Court on 23 August 2023. From the date of docketing to the present date, 173 days have elapsed. On the date requested, 210 days will have elapsed.

On 27 March 2023 consistent with his pleas, a Military Judge sitting at a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, convicted Appellant of one charge and one specification of sexual assault of a child, in violation of Article 120b, Uniform Code of Military Justice (UCMJ). The Military Judge sentenced Appellant to 2 years confinement, to be discharged from the service with a dishonorable discharge, and to be reduced to the rank of Airman Basic. On 5 April 2023, Appellant requested deferment of the adjudged reduction in grade to Airman Basic until the date of his judgment. The Convening Authority denied the request for deferment. (Entry of Judgment at 1-2).

The record of trial consists of 2 prosecution exhibits, 7 defense exhibits, 10 appellate exhibits and 1 court exhibits. The transcript is 126 pages. Appellant is confined.

Since the Third Motion for Enlargement of Time, counsel has completed review of the transcript and discussed the case with Appellant. Counsel has completed review of the record of trial, but requires additional time to confer with Appellant and research potential issues. Counsel has advised Appellant of his right to a timely appeal, as well as advised him of the requests for an enlargement of time. Appellant understands his rights and agrees with the request for an enlargement of time. Appellant is also aware that counsel works for the Office of the Federal Defender as a civilian and is assigned as a reservist to the Air Force Appellate Defense Division to handle his appeal.

Counsel has two assigned cases before the United States Air Force Court of Criminal Appeals, *United States v. Jacob C. Sparks*, No. ACM S32755 and *United States v. Anthony Ashley*, No. ACM 40509. In addition, counsel has twenty-three cases before the United States District Court for the Middle District of Florida, in which she is the sole and primary trial counsel. Lastly, counsel was recently assigned as the Office of the Federal Defender representative to the Reentry Program. The Reentry Program assists former federal prisoners who have been placed on supervised release as part of their sentence and are reentering the community. Currently, there are ten clients in the Reentry Program that counsel is responsible to assist with their integration in the community to successful participation in the program. The following is a list, in the order of priority, of all cases counsel is currently working on.

1. *United States v. Cristian Ponce*, Case No. 6:23-cr-64-RBD-RMN: This case is postured for trial to commence on March 4, 2024. Counsel is in the process of drafting motions in limine, jury instructions, voir dire, and cross examination questions for anticipated government witnesses, as well prepping exhibits and working on other aspect of the case. As background, a Superseding Indictment was filed on August 22, 2023, alleging various

firearm charges and conspiracy to distribute and possess with intent to distribute controlled substances. The government has alleged that in relation to the drug conspiracy, Mr. Ponce is responsible for orchestrating the murder of another individual. Mr. Ponce is facing up to life imprisonment and is currently being held in custody.

2. *United States v. Antoine Johnson*, Case No.6:23-cr-139-CEM-LHP: Mr. Johnson's case involves a single count of possession of a firearm by a convicted felon. The case originated in state court and was federally adopted for prosecution. Mr. Johnson has been in pretrial custody since May 9, 2023. Counsel received additional discovery this week in Mr. Johnson's case and is in the process of reviewing prior to the status conference scheduled for February 15, 2024. Additionally, counsel is finalizing motions in preparation for trial.
3. *United States v. Christian Medina Torres*, Case No. 6:23-cr-179-CEM-DCI: Mr. Medina Torres was indicted on September 13, 2023, for possession with the intent to distribute cocaine. He is facing a minimum mandatory of 10 years to life imprisonment. A change of plea hearing was held on February 6, 2024. The next case related event is scheduled for February 16, 2024, for the Presentencing Interview.
4. *United States v. Jacob Sparks*, No. ACM S32755, Air Force Court of Criminal Appeals Case. Counsel has completed a thorough review of the record of trial, researched all potential issues and conferred with Appellant to finalize the appeal in this case. Counsel anticipates filing a merits brief without a specific assignment of error in the next few days. Appellant is not confined.
5. *United States v. Henry Bernard*, Case No. 6:17-cr-272-CEM-LHP: Mr. Bernard's case is a complex case that involves charges from 2017 for Hobbs Act Robbery with a Firearm. Mr. Bernard has been declared incompetent to proceed and non-restorable by state

authorities for the past five years for similar state charges. On January 4, 2024, Mr. Bernard was ordered to the custody of the Attorney General for a competency evaluation that will last 30 days. Counsel has been working to gather and provided mental health records, evaluations, and any other pertinent information as it relates to competency to the medical facility that is performing the evaluation. A hearing pending the results of the competency evaluation is to be scheduled by the Court.

6. *United States v. Benjamin Garmon, Jr.*, Case No. 6:24-cr-21-WWB-RMN: Counsel represented Mr. Garmon for his initial appearance on January 22, 2024. He was brought in on a criminal complaint alleging the possession of a firearm by a convicted felon that was used two weeks prior in the murder of a woman who was shot 12 times in front of her children. He was subsequently indicted on January 24, 2024. A detention hearing was held on January 26, 2024. Mr. Garmon remains in pretrial custody. Given the nature of the charges it is anticipated that this case may be superseding as a capital case in which the government would seeking death. Counsel is in the process of reviewing the discovery that was received on February 12, 2024.
7. *United States v. Christian Rodriguez Labour*, Case No. 6:22-mj-1166: Mr. Labour's case involves allegations of conspiracy to commit money laundering. His case has moved from the pre-Indictment stage of the proceedings to an arraignment scheduled for February 21, 2024.
8. *United States v. Richard Mills*, Case No. 6:14-cr-97-ACC-LHP: Mr. Mills case involves violations of supervised release alleging failure to register electronic mail addresses as required by his sex offender registration requirements. The government has advised that they will be filing an indictment alleging new crimes against Mr. Mills, that would expose

Mr. Mills to a minimum mandatory of 10 years up to life. Counsel has reviewed the forensic evidence in this case is in the process of negotiating a plea agreement with the government in this case prior to indictment. Mr. Mills is currently being held in pretrial custody.

9. *United States v. Kevin Thompson*, Case No. 6:24-cr-13-PGB-DCI: Mr. Thompson was indicted on possession and receiving child pornography charges. He is facing a minimum mandatory of five years imprisonment and a maximum term of 20 years imprisonment. Counsel is in the processes of reviewing discovery in this case and advising Mr. Thompson. A status conference is scheduled for February 20, 2024. Mr. Thompson is in pretrial custody.

10. *United States v. Jesus Alejandro Millan Gomez*, Case No. 6:22-cr-178-CEM-RMN: Mr. Millan Gomez was indicted on various counts of wire fraud and aggravated identity. He is facing a sentence of up to 20 years imprisonment for the wire fraud charges and a minimum mandatory of 2 years to be served consecutively to any sentence imposed for the wire fraud on the aggravated identity charge. A 35-page sentencing memorandum was submitted to the Court for consideration of mitigation and a reasonable sentence that is sufficient but not greater than necessary to meet the goals of sentencing. A sentencing hearing was thereafter held on February 7, 2024. However, the Court bifurcated the proceedings for the purpose of addressing self-surrender to the Bureau of Prisons. The next hearing is scheduled on February 22, 2024.

11. *United States v. Anthony Ashley*, No. ACM 40509, Air Force Court of Criminal Appeals Case: Consistent with his pleas, Appellant was convicted of once charge and one specification of sexual assault of a child in violation of Article 120b. The Military Judge

sentenced Appellant to 2 years confinement, discharge from the service with a dishonorable discharge and reduced to the rank of Airman Basic. Counsel has completed review of the transcript and the Record of Trial. Counsel is still conferring with Appellant, who is confined.

12. *United States v. Tramon Jamal Stewart*, Case No. 6:23-cr-232-PGB-RMN: Mr. Stewart's case involves a one count indictment for possession of a firearm by a convicted felon. The government alleges the gun Mr. Stewart possessed was involved in a second-degree attempted murder case Mr. Stewart has pending in state proceedings. A status conference was held on January 16, 2024, in which counsel requested additional time to receive and review discovery, and properly advise Mr. Stewart in this case. The next status conference is scheduled for March 25, 2024.
13. *United States v. Mark Donald Sotnick*, Case No. 6:24-mj-1028: counsel was assigned this case on January 29, 2024. This case came in by criminal complaint alleging enticement and extortion of a minor, production and distribution of child pornography among other charges. The government has Indicted Mr. Sotnick and has until February 26, 2024, to produce the initial discovery in this case. Mr. Sotnick is in pretrial custody.
14. *United States v. Lued Brown*, Case No.6:23-cr-167-WWB-RMN: Mr. Brown's case alleges violations of supervised release that involving new law violations for possession of cocaine in the state. The state court proceedings have concluded. Mr. Brown is scheduled for a Final Revocation Proceeding on February 28, 2024.
15. *United States v. Kyle Jennings*, Case No. 6:14-cr-232-CEM-EJK: Mr. Jennings is facing violations of his supervised release in a petition filed with the court alleging failure to participate in mental health counseling, sex offender treatment, and drug treatment, as well

as urine positives for controlled substances. A hearing on the violations was held on January 9, 2024. Mr. Jennings is scheduled for his sentencing hearing on March 8, 2024. He is currently in pretrial custody.

16. *United States v. Daniel Martinez Zamora*, Case No. 6:23-cr-11-CEM-DCI: Mr. Zamora's sentencing hearing was held on January 30, 2024. After argument from both the Government and defense counsel as to an appropriate sentence, the Court continued the hearing to a second day of sentencing currently scheduled for March 11, 2024. Mr. Zamora's case involves theft of government funds and is facing up to 10 years imprisonment. Counsel submitted a sentencing memorandum for the court's consideration along with a lengthy appendix, totaling over 160 pages, prior to the sentencing hearing held on January 30, 2024. Counsel anticipates this case will be closed shortly after March 11, 2024.

17. *United States v. Shawndell Johnson*, Case No. 6:23-cr-231-WWB-EJK: Counsel was assigned Mr. Johnson's case on December 28, 2023. Mr. Johnson is indicted on five counts alleging distribution of a controlled substances, possession of a firearm by a convicted felon and possession of a firearm in furtherance of a drug trafficking crime. Mr. Johnson is facing a mandatory minimum of ten years to life on the drug charges, as well as a minimum of five years imprisonment to life on one of the firearm charges. For all other charges, Mr. Johnson faces a maximum of twenty years imprisonment. Mr. Johnson is currently scheduled for a status conference on March 12, 2024, and a trial term in April 2024. Counsel is diligently reviewing discovery Mr. Johnson and advising him on his case. Mr. Johnson is being held in pretrial custody.

18. *United States v. Antonio Olivas Gonzalez*, Case No. 6:14-cr-95-WWB-EJK: In 2014, Mr. Gonzalez was sentenced to 97 months imprisonment followed by a lifetime of imprisonment for possession of child pornography. After his release from imprisonment, he started his term of supervised release. On August 31, 2023, a Superseding Petition was filed alleging various violations of his supervised release. A hearing on the violations is scheduled for March 13, 2024.
19. *United States v. Sirrico Lewis*, Case No. 6:13-cr-311-RBD-DCI: Mr. Lewis' case involves violations of supervised release for failure to register as a sex offender, positive urinalysis for drug use and failure to participate in drug treatment. A contested hearing previously scheduled for January 2024 was rescheduled for March 26, 2024.
20. *United States v. Taneika Lashawn Dewdney*, Case No. 6:23-cr-147-PGB-RMN: Ms. Dewdney was indicted for possession of control substances (methamphetamine and fentanyl) with the intent to distribute charges. She is facing a minimum mandatory of 10 years imprisonment, and a maximum sentence of life for her offense. She is in pretrial custody. A change of plea was conducted on January 24, 2024. A sentencing hearing is scheduled for April 17, 2024. Ms. Dewdney is in pretrial custody.
21. *United States v. Michael Barrington Douglas*, Case No. 6:23-cr-122-GAP-DCI: On January 17, 2024, Mr. Douglas pled guilty via a plea agreement. He is currently in confinement and experiencing health problems. Counsel has been diligently communicating with the United States Marshals Service regarding his health concerns to ensure he receives adequate medical care at the local facility he is confined. Mr. Douglas is scheduled for a sentencing hearing on May 2, 2024.

22. *United States v. Carlos Ferrer*, Case No. 6:22-cr-116-WWB-EJK: Mr. Ferrer pled guilty to charges of bank fraud on September 13, 2023. He faces a maximum sentence of thirty years' imprisonment. The trial previously scheduled for January 2024, in which Mr. Ferrer was scheduled to testify as a government witness has been resolved. Sentencing is currently scheduled for May 14, 2024. Most recently, counsel filed a motion with the Court to allow Mr. Ferrer to travel prior to sentencing.
23. *United States v. Jonathan Maroney*, Case No. 6-22-mj-1614: Mr. Maroney's case involves allegations of a \$17 million dollar Ponzi scheme, with over 150 victims. He has a companion SEC civil case. He is in the pre-Indictment stage of the proceedings and the discovery process is massive and currently on-going. Counsel is continuing to review and organizing the discovery, as well as consult with a forensic accounting expert in this case.
24. *United States v. Lonnie Robinson*, Case No. 6:06-cr-179-GAP-RMN: Mr. Robinson is facing violations of supervised release involving new criminal charges at the state level which alleged distribution of controlled substances resulting in death. Mr. Robinson is currently in state custody and undersigned counsel is currently responsible for filing month status reports in federal court.
25. *United States v. Tarance Ariz Baker, Jr.*, Case No. 6:20-cr-162-PGB-LHP: Mr. Baker is a newly assigned case counsel received on February 6, 2024. Mr. Baker was brought to federal court pursuant to a petition alleging violation of supervised release for committing a new law violation for possession of a firearm. Counsel is in the process of receiving discovery from the Government in this case.

In addition to the cases noted above, Counsel is responsible for the following cases in the Reentry Program, however all the cases above take priority to this program.

1. *United States v. Michael Bellini*: 2:16-cr-143
2. *United States v. Bobby Houston Bridges*: 6:22-cr-130-CEM-DCI
3. *United States v. Jorge Cedeno-Rosado*: 6:23-cr-130-RBD-RMN
4. *United States v. John James Ericson*: 2:12-cr-418-APG-VCF
5. *United States v. Rickey Durell Hudson*: 1:15-20279-JAL
6. *United States v. Christopher Irizarry*: 6:21-cr-66-WWB-EJK
7. *United States v. Allen Knight*: 6:22-cr-180
8. *United States v. Carlos Marin-Vega*: 6:09-cr-123-JA-DAB
9. *United States v. Victor Manuel Ortiz*: 4:04-cr-114-A
10. *United States v. Keiyana Unique Wiltz*: 6:21-cr-1834

Through no fault of Appellant, undersigned counsel has been diligently working on Appellant's case in addition to other cases. Accordingly, an enlargement of time is necessary to allow undersigned counsel to research case law and fully review all of potential issues in Appellant's case, as well as advise Appellant regarding how he would like to proceed with his appeal.

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

Respectfully submitted,

NICOLE MOUAKAR, 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 12 February 2024.

Respectfully submitted,

NICOLE MOUAKAR, 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 40509
ANTHONY ASHLEY, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

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 13 February 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 ENLARGEMENT OF
<i>Appellee</i>	)	TIME (FIFTH)
)	
v.	)	Before Panel No. 1
)	
Airman First Class (E-3)	)	No. ACM 40509
ANTHONY ASHLEY,)	
United States Air Force	)	11 March 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), (4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fifth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **19 April 2024**. The record of trial was docketed with this Court on 23 August 2023. From the date of docketing to the present date, 201 days have elapsed. On the date requested, 240 days will have elapsed.

On 27 March 2023 consistent with his pleas, a Military Judge sitting at a general court-martial at Joint Base McGuire-Dix-Lakehurst, New Jersey, convicted Appellant of one charge and one specification of sexual assault of a child, in violation of Article 120b, Uniform Code of Military Justice (UCMJ). The Military Judge sentenced Appellant to 2 years confinement, to be discharged from the service with a dishonorable discharge, and to be reduced to the rank of Airman Basic. On 5 April 2023, Appellant requested deferment of the adjudged reduction in grade to Airman Basic until the date of his judgment. The Convening Authority denied the request for deferment. (Entry of Judgment at 1-2).

The record of trial consists of 2 prosecution exhibits, 7 defense exhibits, 10 appellate exhibits and 1 court exhibits. The transcript is 126 pages. Appellant is confined.

Since the Fourth Motion for Enlargement of Time, counsel has completed review of the record of trial, and discussed the case with Appellant. Counsel has conferred with Appellant on potential issues but requires additional time to decide whether to file a brief. Counsel has advised Appellant of his right to a timely appeal, as well as advised him of the requests for an enlargement of time. Appellant understands his rights and agrees with the request for an enlargement of time. Appellant is also aware that counsel works for the Office of the Federal Defender as a civilian and is assigned as a reservist to the Air Force Appellate Defense Division to handle his appeal.

Counsel has two assigned cases before the United States Air Force Court of Criminal Appeals, *United States v. Jacob C. Sparks*, No. ACM S32755 and *United States v. Anthony Ashley*, No. ACM 40509. In addition, counsel has twenty-six cases before the United States District Court for the Middle District of Florida, in which she is the sole and primary trial counsel. Lastly, counsel was recently assigned as the Office of the Federal Defender representative to the Reentry Program. The Reentry Program assists former federal prisoners who have been placed on supervised release as part of their sentence and are reentering the community. Currently, there are ten clients in the Reentry Program that counsel is responsible to assist with their integration in the community to successful participation in the program. The following is a list, in the order of priority, of all cases counsel is currently working on.

1. *United States v. Daniel Martinez Zamora*, Case No. 6:23-cr-11-CEM-DCI: Mr. Zamora's sentencing hearing was held on January 30, 2024. After argument from both the Government and defense counsel as to an appropriate sentence, the Court continued the hearing to a second day of sentencing scheduled for today, March 11, 2024.
2. *United States v. Henry Bernard*, Case No. 6:17-cr-272-CEM-LHP: Mr. Bernard's case is a complex case that involves charges from 2017 for Hobbs Act Robbery with a Firearm.

Mr. Bernard has been declared incompetent to proceed and non-restorable by state authorities for the past five years for similar state charges. On January 4, 2024, Mr. Bernard was ordered to the custody of the Attorney General for a competency evaluation. On March 2, 2024, a report was received stating Mr. Bernard is incompetent to proceed. A hearing is scheduled for March 12, 2024, to determine whether restoration efforts are appropriate in this case.

3. *United States v. Augusto Reyes-Gonzalez*, Case No. 6:24-cr-30-WWB-RMN: Mr. Reyes-Gonzalez was indicted in February 2024, for conspiracy to distribute and possess controlled substances. Due to the quantity of the controlled substances involved, he is facing a minimum mandatory of 10 years to life if convicted. Mr. Reyes Gonzalez is one of three defendants charged in the indictment. A status conference hearing is scheduled for March 12, 2024. The discovery process in this case has just begun and is on-going. Mr. Reyes Gonzalez is held in pretrial custody.
4. *United States v. Shawndell Johnson*, Case No. 6:23-cr-231-WWB-EJK: Mr. Johnson is indicted on five counts alleging distribution of a controlled substances, possession of a firearm by a convicted felon and possession of a firearm in furtherance of a drug trafficking crime. Mr. Johnson is facing a mandatory minimum of ten years to life on the drug charges, as well as a minimum of five years imprisonment to life on one of the firearm charges. For all other charges, Mr. Johnson faces a maximum of twenty years imprisonment. Mr. Johnson is currently scheduled for a status conference on March 12, 2024, and a trial term in April 2024. Counsel is diligently reviewing discovery with Mr. Johnson and advising him on his case. Mr. Johnson is being held in pretrial custody.

5. *United States v. Kyle Jennings*, Case No. 6:14-cr-232-CEM-EJK: Mr. Jennings is facing violations of his supervised release in a petition filed with the court alleging failure to participate in mental health counseling, sex offender treatment, and drug treatment, as well as urine positives for controlled substances. A hearing on the violations was held on January 9, 2024. Mr. Jennings is scheduled for his sentencing hearing on March 13, 2024. He is currently in pretrial custody.
6. *United States v. Audulio Gonzalez-Sanchez*: Case No. 6:20-cr-82-RBD-EJK: Mr. Gonzalez-Sanchez was recently arrested on March 7, 2024. Counsel was assigned his case the same day. Mr. Gonzalez-Sanchez faces charges of illegal re-entry from 2020. A change of plea is scheduled in this case on March 14, 2024.
7. *United States v. Sirrico Lewis*, Case No. 6:13-cr-311-RBD-DCI: Mr. Lewis' case involves violations of supervised release for failure to register as a sex offender, positive urinalysis for drug use and failure to participate in drug treatment. A contested hearing is scheduled for March 26, 2024.
8. *United States v. Anthony Ashley*, No. ACM 40509, Air Force Court of Criminal Appeals Case: Consistent with his pleas, Appellant was convicted of once charge and one specification of sexual assault of a child in violation of Article 120b. The Military Judge sentenced Appellant to 2 years confinement, discharge from the service with a dishonorable discharge and reduced to the rank of Airman Basic. Counsel has completed review of the Record of Trial and researched any potential issues. Counsel is still conferring with Appellant, who is confined.
9. *United States v. Antoine Johnson*, Case No.6:23-cr-139-CEM-LHP: Mr. Johnson's case involves a single count of possession of a firearm by a convicted felon. The case originated

in state court and was federally adopted for prosecution. Mr. Johnson has been in pretrial custody since May 9, 2023. Mr. Johnson is scheduled for trial to commence in the April 2024 trial term.

10. *United States v. Tramon Jamal Stewart*, Case No. 6:23-cr-232-PGB-RMN: Mr. Stewart's case involves a one count indictment for possession of a firearm by a convicted felon. The government alleges the gun Mr. Stewart possessed was involved in a second-degree attempted murder case Mr. Stewart has pending in state proceedings. A status conference is scheduled for March 25, 2024. Counsel is still in the process of reviewing discovery with the client and advising Mr. Stewart in this case.
11. *United States v. Lued Brown*, Case No. 6:23-cr-167-WWB-RMN: Mr. Brown's case alleges violations of supervised release that involving new law violations for possession of cocaine in the state. The state court proceedings have concluded. A final revocation hearing was held on February 28, 2024. A sentencing hearing is now scheduled for April 16, 2024.
12. *United States v. Taneika Lashawn Dewdney*, Case No. 6:23-cr-147-PGB-RMN: Ms. Dewdney was indicted for possession of control substances (methamphetamine and fentanyl) with the intent to distribute charges. She is facing a minimum mandatory of 10 years imprisonment, and a maximum sentence of life for her offense. She is in pretrial custody. A change of plea was conducted on January 24, 2024. A sentencing hearing is scheduled for April 17, 2024. Ms. Dewdney is in pretrial custody.
13. *United States v. Michael Barrington Douglas*, Case No. 6:23-cr-122-GAP-DCI: On January 17, 2024, Mr. Douglas pled guilty via a plea agreement. He is currently in confinement and experiencing health problems. Counsel has been diligently communicating with the United States Marshals Service regarding his health concerns to

ensure he receives adequate medical care at the local facility he is confined. Mr. Douglas is scheduled for a sentencing hearing on May 2, 2024.

14. *United States v. Christian Medina Torres*, Case No. 6:23-cr-179-CEM-DCI: Mr. Medina Torres was indicted on September 13, 2023, for possession with the intent to distribute cocaine. He is facing a minimum mandatory of 10 years to life imprisonment. A change of plea hearing was held on February 6, 2024. A sentencing hearing is scheduled for May 7, 2024. Mr. Medina Torres is out of custody.
15. *United States v. Cristian Ponce*, Case No. 6:23-cr-64-RBD-RMN: Mr. Ponce entered a change of plea to his charges and is awaiting sentencing. A sentencing hearing is scheduled for May 14, 2024. Mr. Ponce is facing up to life imprisonment and is currently being held in custody.
16. *United States v. Antonio Olivas Gonzalez*, Case No. 6:14-cr-95-WWB-EJK: In 2014, Mr. Gonzalez was sentenced to 97 months imprisonment followed by a lifetime of imprisonment for possession of child pornography. After his release from imprisonment, he started his term of supervised release. On August 31, 2023, a Superseding Petition was filed alleging various violations of his supervised release. A hearing on the violations is scheduled for May 14, 2024.
17. *United States v. Carlos Ferrer*, Case No. 6:22-cr-116-WWB-EJK: Mr. Ferrer pled guilty to charges of bank fraud on September 13, 2023. He faces a maximum sentence of thirty years' imprisonment. The trial previously scheduled for January 2024, in which Mr. Ferrer was scheduled to testify as a government witness has been resolved. Sentencing is currently scheduled for May 14, 2024.

18. *United States v. Kevin Thompson*, Case No. 6:24-cr-13-PGB-DCI: Mr. Thompson was indicted on possession and receiving child pornography charges. He is facing a minimum mandatory of five years imprisonment and a maximum term of 20 years imprisonment. Counsel has reviewed the discovery in this case and advising Mr. Thompson. A status conference is scheduled for May 20, 2024. Mr. Thompson is in pretrial custody.
19. *United States v. Christian Rodriguez Labour*, Case No. 6:24-cr-27-CEM-EJK: Mr. Labour's case involves allegations of conspiracy to commit money laundering. A change of plea pursuant to a plea agreement was held in this case. Mr. Labour is scheduled for sentencing on May 22, 2024.
20. *United States v. Benjamin Garmon, Jr.*, Case No. 6:24-cr-21-WWB-RMN: Counsel represented Mr. Garmon for his initial appearance on January 22, 2024. He was brought in on a criminal complaint alleging the possession of a firearm by a convicted felon that was used two weeks prior in the murder of a woman who was shot 12 times in front of her children. He was subsequently indicted on January 24, 2024. A detention hearing was held on January 26, 2024. Mr. Garmon remains in pretrial custody. Counsel is actively and diligently reviewing discovery in this case.
21. *United States v. Richard Mills*, Case No. 6:14-cr-97-ACC-LHP: Mr. Mills case involves violations of supervised release alleging failure to register electronic mail addresses as required by his sex offender registration requirements. The government has advised that they will be filing an indictment alleging new crimes against Mr. Mills, that would expose Mr. Mills to a minimum mandatory of 10 years up to life. Counsel has reviewed the forensic evidence in this case and has negotiating a plea agreement with the government in

this case prior to indictment. Mr. Mills is currently being held in pretrial custody. Counsel is in the process of review the plea agreement with Mr. Mills.

22. *United States v. Mark Donald Sotnick*, Case No. 6:24-cr-31-PGB-RMN: counsel was assigned this case on January 29, 2024. This case came in by criminal complaint alleging enticement and extortion of a minor, production and distribution of child pornography among other charges. The government has Indicted Mr. Sotnick. There is massive forensic discovery in this case that requires review at law enforcement offices. The initial discovery was produced two weeks ago and is on-going. Mr. Sotnick is in pretrial custody.
23. *United States v. Jesus Gonzalez-Rivera*, Case No. 6:23-mj-2378: this is a target letter case. Counsel was appointed to represent Mr. Gonzalez-Rivera pre-indictment. Mr. Gonzalez-Rivera is out of custody. There are currently no hearings scheduled for this case.
24. *United States v. Tarance Ariz Baker, Jr.*, Case No. 6:20-cr-162-PGB-LHP: Mr. Baker is a newly assigned case counsel received on February 6, 2024. Mr. Baker was brought to federal court pursuant to a petition alleging violation of supervised release for committing a new law violation for possession of a firearm. Counsel is in the process of receiving discovery from the Government in this case.
25. *United States v. Jonathan Maroney*, Case No. 6-22-mj-1614: Mr. Maroney's case involves allegations of a \$17 million dollar Ponzi scheme, with over 150 victims. He has a companion SEC civil case. He is in the pre-Indictment stage of the proceedings and the discovery process is massive and currently on-going. Counsel is continuing to review and organizing the discovery, as well as consult with a forensic accounting expert in this case.
26. *United States v. Lonnie Robinson*, Case No. 6:06-cr-179-GAP-RMN: Mr. Robinson is facing violations of supervised release involving new criminal charges at the state level

which alleged distribution of controlled substances resulting in death. Mr. Robinson is currently in state custody and undersigned counsel is currently responsible for filing month status reports in federal court.

27. *United States v. Sheldon Shaun Hibbert*, Case No. 6:23-cr-93-GAP-EJK: Mr. Hibbert is facing violations of his supervised release. His violations stem from state charges that are currently pending. Mr. Hibbert is out of custody. Counsel is responsible for filing status reports with the Court.

28. *United States v. Jacob Sparks*, No. ACM S32755, Air Force Court of Criminal Appeals Case. Counsel submitted a merits brief without a specific assignment of error on February 26, 2024. On March 11, 2024, this Honorable Court affirmed the findings and sentence.

In addition to the cases noted above, Counsel is responsible for the following cases in the Reentry Program, however all the cases above take priority to this program.

1. *United States v. Michael Bellini*: 2:16-cr-143
2. *United States v. Bobby Houston Bridges*: 6:22-cr-130-CEM-DCI
3. *United States v. Jorge Cedeno-Rosado*: 6:23-cr-130-RBD-RMN
4. *United States v. John James Ericson*: 2:12-cr-418-APG-VCF
5. *United States v. Rickey Durell Hudson*: 1:15-20279-JAL
6. *United States v. Christopher Irizarry*: 6:21-cr-66-WWB-EJK
7. *United States v. Allen Knight*: 6:22-cr-180
8. *United States v. Carlos Marin-Vega*: 6:09-cr-123-JA-DAB
9. *United States v. Victor Manuel Ortiz*: 4:04-cr-114-A
10. *United States v. Keiyana Unique Wiltz*: 6:21-cr-1834

Through no fault of Appellant, undersigned counsel has been diligently working on Appellant's case in addition to other cases. Accordingly, an enlargement of time is necessary to allow undersigned counsel to research case law and fully review all of potential issues in Appellant's case, as well as advise Appellant regarding how he would like to proceed with his appeal.

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

Respectfully submitted,

NICOLE MOUAKAR, Maj, USAF
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 11 March 2024.

Respectfully submitted,

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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Airman First Class (E-3)	)	ACM 40509
ANTHONY ASHLEY, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

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

THOMAS J. ALFORD, Lt Col, USAFR
Appellate Government Counsel
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 12 March 2024.

THOMAS J. ALFORD, Lt Col, USAFR
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