

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FIRST)
)	
v.	)	Before Panel No. 1
)	
Captain (O-3),	)	No. ACM 40516
TONY A.T.S. BUDD,)	
United States Air Force,	)	31 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)(2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **6 January 2024**. The record of trial was docketed with this Court on 8 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,

MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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 31 October 2023.

Respectfully submitted,

MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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
)	
Captain (O-3)	)	ACM 40516
TONY A.T.S. BUDD, 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.

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 November 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 (SECOND)
)	
v.	)	Before Panel No. 1
)	
Captain (O-3),	)	No. ACM 40516
TONY A.T.S. BUDD,)	
United States Air Force,	)	22 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)(2) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his second enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **5 February 2024**. The record of trial was docketed with this Court on 8 September 2023. From the date of docketing to the present date, 105 days have elapsed. On the date requested, 150 days will have elapsed.

On 9 June 2023, Appellant was tried by a general court-martial at Shaw Air Force Base, South Carolina. Consistent with his pleas, the military judge convicted Appellant of one charge and specification of larceny in violation of Article 121, Uniform Code of Military Justice (UCMJ); one charge and specification of conduct unbecoming of an officer in violation of Article 133, UCMJ; and one charge and specification of attempt in violation of Article 80, UCMJ. R. at 68. The military judge sentenced Appellant to 150 days confinement, to pay a fine of \$4,941.09, and dismissal. R. at 110. The convening authority took no action on the findings or sentence adjudged by the court-martial. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action – *United States v. Captain Tony A.T.S. Budd*, dated 29 June 2023.

The record of trial consists of two volumes. The transcript is 110 pages. There are four prosecution exhibits, 32 defense exhibits, and three appellate exhibits. Appellant is not currently in confinement. Undersigned counsel has not yet completed an initial review of the ROT.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his 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,

MICHAEL J. BRUZYK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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 2023.

Respectfully submitted,

MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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
)	
Captain (O-3)	)	ACM 40516
TONY A.T.S. BUDD, 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.

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 27 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
)	
Captain (O-3),	)	No. ACM 40516
TONY A.T.S. BUDD,)	
United States Air Force,	)	29 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)(2) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his third enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **6 March 2024**. The record of trial was docketed with this Court on 8 September 2023. From the date of docketing to the present date, 143 days have elapsed. On the date requested, 180 days will have elapsed.

On 9 June 2023, Appellant was tried by a general court-martial at Shaw Air Force Base, South Carolina. Consistent with his pleas, the military judge convicted Appellant of one charge and specification of larceny in violation of Article 121, Uniform Code of Military Justice (UCMJ); one charge and specification of conduct unbecoming of an officer in violation of Article 133, UCMJ; and one charge and specification of attempt in violation of Article 80, UCMJ. R. at 68. The military judge sentenced Appellant to 150 days confinement, to pay a fine of \$4,941.09, and dismissal. R. at 110. The convening authority took no action on the findings or sentence adjudged by the court-martial. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action – *United States v. Captain Tony A.T.S. Budd*, dated 29 June 2023.

The record of trial consists of two volumes. The transcript is 110 pages. There are four prosecution exhibits, 32 defense exhibits, and three appellate exhibits. Appellant is not currently in confinement. Undersigned counsel has not yet completed an initial review of the ROT.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his 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,

MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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 January 2024.

Respectfully submitted,

MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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
)	
Captain (O-3)	)	ACM 40516
TONY A.T.S. BUDD, 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 31 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
)	
Captain (O-3),	)	No. ACM 40516
TONY A.T.S. BUDD,)	
United States Air Force,	)	27 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)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fourth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **5 April 2024**. The record of trial was docketed with this Court on 8 September 2023. From the date of docketing to the present date, 172 days have elapsed. On the date requested, 210 days will have elapsed. Undersigned counsel originally filed for a fourth enlargement of time in this case on 26 February 2024. However, counsel respectfully withdraws that motion and files this one instead in order to provide additional important details relevant to the request.

On 9 June 2023, Appellant was tried by a general court-martial at Shaw Air Force Base, South Carolina. Consistent with his pleas, the military judge convicted Appellant of one charge and specification of larceny in violation of Article 121, Uniform Code of Military Justice (UCMJ); one charge and specification of conduct unbecoming of an officer in violation of Article 133, UCMJ; and one charge and specification of attempt in violation of Article 80, UCMJ. R. at 68. The military judge sentenced Appellant to 150 days confinement, to pay a fine of \$4,941.09, and dismissal. R. at 110. The convening authority took no action on the findings or sentence adjudged

by the court-martial. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action – *United States v. Captain Tony A.T.S. Budd*, dated 29 June 2023.

The record of trial consists of two volumes. The transcript is 110 pages. There are four prosecution exhibits, 32 defense exhibits, and three appellate exhibits. Appellant is not currently in confinement. Undersigned counsel has not yet completed an initial review of the ROT.

Counsel is currently assigned 14 cases; 9 cases are pending initial AOE's before this Court.

Of those cases, the following three are :

- 1) *United States v. Scott*, ACM 40411 – The record of trial is 11 volumes consisting of 14 prosecution exhibits, 14 defense exhibits, 1 court exhibit, and 55 appellate exhibits; the transcript is 1599 pages. Undersigned counsel has nearly completed the assignment of errors for submission to this Court. This case is on its eleventh enlargement of time.
- 2) *United States v. Schneider*, ACM 40403 – The record of trial is four volumes consisting of three prosecution exhibits, 26 defense exhibit, and eight appellate exhibits; the transcript is 369 pages. Undersigned counsel has completed review of the record of trial. This case is on its eleventh enlargement of time.
- 3) *United States v. Cassaberry-Folks*, ACM 40444 - The record of trial consists of seven volumes. The transcript is 375 pages. There are four Prosecution Exhibits, three Defense Exhibits, one Court Exhibit and 11 Appellate Exhibits. Undersigned counsel has begun, but not yet completed review of the record of trial. This case is on its eighth enlargement of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his 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,

MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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 27 February 2024.

Respectfully submitted,

MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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
)	
Captain (O-3)	)	ACM 40516
TONY A.T.S. BUDD, 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 27 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
)	
Captain (O-3),	)	No. ACM 40516
TONY A.T.S. BUDD,)	
United States Air Force,	)	27 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)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fifth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **5 May 2024**. The record of trial was docketed with this Court on 8 September 2023. From the date of docketing to the present date, 201 days have elapsed. On the date requested, 240 days will have elapsed.

On 9 June 2023, Appellant was tried by a general court-martial at Shaw Air Force Base, South Carolina. Consistent with his pleas, the military judge convicted Appellant of one charge and specification of larceny in violation of Article 121, Uniform Code of Military Justice (UCMJ); one charge and specification of conduct unbecoming of an officer in violation of Article 133, UCMJ; and one charge and specification of attempt in violation of Article 80, UCMJ. R. at 68. The military judge sentenced Appellant to 150 days confinement, to pay a fine of \$4,941.09, and dismissal. R. at 110. The convening authority took no action on the findings or sentence adjudged by the court-martial. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action – *United States v. Captain Tony A.T.S. Budd*, dated 29 June 2023.

The record of trial consists of two volumes. The transcript is 110 pages. There are four prosecution exhibits, 32 defense exhibits, and three appellate exhibits. Appellant is not currently in confinement. Undersigned counsel has not yet completed an initial review of the ROT.

Undersigned counsel is currently assigned 14 cases; 12 cases are pending initial AOE's before this Court. Of those, the following three cases are undersigned counsel's highest priorities:

- 1) *United States v. Schneider*, ACM 40403 - The record of trial consists of three prosecution exhibits, 26 defense exhibits, and eight appellate exhibits; the transcript is 369 pages. Appellant is not currently confined. Undersigned counsel has completed reviewing the record of trial and is currently drafting an assignment of errors due for submission on 9 April 2024. This case is on its 12th and final enlargement of time.
- 2) *United States v. Cassaberry-Folks*, ACM 40444 - The record of trial consists of seven volumes. The transcript is 375 pages. There are four Prosecution Exhibits, three Defense Exhibits, one Court Exhibit and 11 Appellate Exhibits. Undersigned counsel has begun, but not yet completed review of the record of trial. This case is on its ninth enlargement of time.
- 3) *United States v. Bates*, ACM S32752 – The record of trial consists of two volumes. The transcript is 176 pages. There are 11 Prosecution Exhibits, ten Defense Exhibits, and five Appellate Exhibits. Undersigned counsel has completed an initial review of the record of trial. This case is on its ninth enlargement of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Undersigned counsel's primary focus is on completion of the assignment of error for *United States v. Schneider*. This will occupy the majority of counsel's time until completion, after which counsel has two other cases with high numbered enlargements of time which need resolution. 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,

MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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 27 March 2024.

Respectfully submitted,

MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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
)	
Captain (O-3)	)	ACM 40516
TONY A.T.S. BUDD, 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.

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 29 March 2024.

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 40516
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Tony A.T.S. BUDD)	
Captain (O-3))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 27 March 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 29th day of March, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (Fifth) is **GRANTED**. Appellant shall file any assignments of error not later than **5 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, 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,	)	MOTION FOR ENLARGEMENT OF TIME (SIXTH)
<i>Appellee,</i>)	
)	
v.	)	Before Panel No. 1
)	
Captain (O-3),	)	No. ACM 40516
TONY A.T.S. BUDD,)	
United States Air Force,	)	26 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)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his sixth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **4 June 2024**. The record of trial was docketed with this Court on 8 September 2023. From the date of docketing to the present date, 231 days have elapsed. On the date requested, 270 days will have elapsed.

On 9 June 2023, Appellant was tried by a general court-martial at Shaw Air Force Base, South Carolina. Consistent with his pleas, the military judge convicted Appellant of one charge and specification of larceny in violation of Article 121, Uniform Code of Military Justice (UCMJ); one charge and specification of conduct unbecoming of an officer in violation of Article 133, UCMJ; and one charge and specification of attempt in violation of Article 80, UCMJ. R. at 68. The military judge sentenced Appellant to 150 days confinement, to pay a fine of \$4,941.09, and dismissal. R. at 110. The convening authority took no action on the findings or sentence adjudged by the court-martial. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action – *United States v. Captain Tony A.T.S. Budd*, dated 29 June 2023.

The record of trial consists of two volumes. The transcript is 110 pages. There are four prosecution exhibits, 32 defense exhibits, and three appellate exhibits. Appellant is not currently in confinement. Undersigned counsel has not yet completed an initial review of the ROT. Appellant has been advised of his right to timely appeal and of this request for an enlargement of time. Appellant agrees to the request.

Undersigned counsel is currently assigned 19 cases; 15 cases are pending initial AOE's before this Court. Of those, the following three cases are undersigned counsel's highest priorities:

- 1) *United States v. Bates*, ACM S32752 – The record of trial consists of two volumes. The transcript is 176 pages. There are 11 Prosecution Exhibits, ten Defense Exhibits, and five Appellate Exhibits. Undersigned counsel has completed drafting a four-issue assignment of errors and submitted it for leadership review. This case is on its eleventh and final enlargement of time.
- 2) *United States v. Cassaberry-Folks*, ACM 40444 - The record of trial consists of seven volumes. The transcript is 375 pages. There are four Prosecution Exhibits, three Defense Exhibits, one Court Exhibit and 11 Appellate Exhibits. Undersigned counsel has completed initial review of the record of trial and identified five issues for an AOE. This case is on its tenth enlargement of time and due for submission on 6 May 2024.
- 3) *United States v. Hilton*, ACM 40500 - The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. Undersigned counsel has not yet completed an initial review of the ROT. This case is on its seventh enlargement of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Undersigned counsel's highest priority is submission of an assignment of errors in *United States v. Bates*. Following that, counsel is working

diligently to complete work on an assignment of errors in *United States v. Cassaberry-Folks*. 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,

MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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 26 April 2024.

Respectfully submitted,

MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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 (SIXTH)
)	
	)	Before Panel No. 1
Captain (O-3))	
TONY A.T.S. BUDD,	)	ACM 40516
United States Air Force)	
<i>Appellant.</i>	)	30 April 2024

**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 (Sixth) 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 30 April 2024.

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 (SEVENTH)
)	
v.	)	Before Panel No. 1
)	
Captain (O-3),	)	No. ACM 40516
TONY A.T.S. BUDD,)	
United States Air Force,	)	21 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)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his seventh enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **4 July 2024**. The record of trial was docketed with this Court on 8 September 2023. From the date of docketing to the present date, 256 days have elapsed. On the date requested, 300 days will have elapsed.

On 9 June 2023, Appellant was tried by a general court-martial at Shaw Air Force Base, South Carolina. Consistent with his pleas, the military judge convicted Appellant of one charge and specification of larceny in violation of Article 121, Uniform Code of Military Justice (UCMJ); one charge and specification of conduct unbecoming of an officer in violation of Article 133, UCMJ; and one charge and specification of attempt in violation of Article 80, UCMJ. R. at 68. The military judge sentenced Appellant to 150 days confinement, to pay a fine of \$4,941.09, and dismissal. R. at 110. The convening authority took no action on the findings or sentence adjudged by the court-martial. Record of Trial (ROT), Vol. 1, Convening Authority Decision on Action – *United States v. Captain Tony A.T.S. Budd*, dated 29 June 2023.

The record of trial consists of two volumes. The transcript is 110 pages. There are four prosecution exhibits, 32 defense exhibits, and three appellate exhibits. Appellant is not currently in confinement. Undersigned counsel has not yet completed an initial review of the ROT. Appellant has been advised of his right to a timely appeal, as well as the request for an enlargement of time. Appellant has agreed to the request for an enlargement of time.

Undersigned counsel is currently assigned 20 cases; 14 cases are pending initial AOE's before this Court. Of those, the following cases are counsel's highest priorities:

- 1) *In re A.G.*, Misc. Dkt. 2024-05 – This is a petition for extraordinary relief filed by an individual claiming Article 6b, UCMJ, status. A response from the real party in interest is due to this Court on 28 May 2024.
- 2) *United States v. Cassaberry-Folks*, ACM 40444 – The record of trial consists of seven volumes. The transcript is 375 pages. There are four Prosecution Exhibits, three Defense Exhibits, one Court Exhibit and 11 Appellate Exhibits. Undersigned counsel is working towards completion of a final drafted assignment of errors. This case is on its eleventh and final enlargement of time and due for submission on 31 May 2024.
- 3) *United States v. Hilton* – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its seventh enlargement of time. Undersigned counsel has not yet completed an initial review of the record of trial.
- 4) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 1134 page transcript. This case is on its fifth

enlargement of time. Undersigned counsel has not yet completed an initial review of the record of trial.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Undersigned counsel is hard at work completing briefs for both *In re AG* and *United States v. Cassaberry-Folks*, which are both due this Court within days of each other. Additionally, undersigned counsel is taking leave from

. 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,

MICHAEL J. BRUZYK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

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 21 May 2024.

Respectfully submitted,

MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
)	
Captain (O-3)	)	ACM 40516
TONY A.T.S. BUDD, 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 opposition to Appellant's Motion for Enlargement of Time.

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.

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 22 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,	)	MERITS BRIEF
<i>Appellee,</i>)	
)	
v.	)	Before Panel No. 1
)	
Captain (O-3),	)	No. ACM 40516
TONY A.T.S. BUDD,)	
United States Air Force,	)	8 July 2024
<i>Appellant.</i>)	

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

The undersigned appellate defense counsel attests he has on behalf of Captain Tony A.T.S. Budd, 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.

Respectfully submitted,

JARETT MERK, Lt Col, USAFR
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 8 July 2024.

Respectfully submitted,

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