

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION
<i>Appellee,</i>	)	FOR ENLARGEMENT
	)	OF TIME (FIRST)
v.)	
	)	Before Panel No. 3
Senior Airman (E-4),)	
BRANDT M. HINDS,	)	No. ACM S32756
United States Air Force,)	
<i>Appellant.</i>	)	20 October 2023

**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 an Assignments of Error brief. Appellant requests an enlargement for a period of 60 days, which will end on **29 December 2023**. The record of trial was docketed with this Court on 31 August 2023. From the date of docketing to the present date, 50 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,

SAMANTHA M. CASTANIEN, Capt, 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 20 October 2023.

SAMANTHA M. CASTANIEN, Capt, 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
)	
Senior Airman (E-4)	)	ACM S32756
BRANDT M. HINDS, 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.

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 24 October 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 WITHDRAWAL OF
<i>Appellee,</i>	)	APPELLATE DEFENSE COUNSEL
)	
v.	)	Before Panel No. 3
)	
Senior Airman (E-4),	)	No. ACM S32756
BRANDT M. HINDS,)	
United States Air Force,	)	12 December 2023
<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. Undersigned counsel is withdrawing to allow a more available appellate defense counsel take over Appellant’s case, as undersigned counsel has seven cases prioritized over Appellant’s, delaying review. Lieutenant Colonel Anthony Ghiotto has been detailed substitute counsel in undersigned counsel’s stead, and he intends to make a notice of appearance in accordance with Rule 12.4. A thorough turnover of the record between counsel has been completed.

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,

SAMANTHA M. CASTANIEN, Capt, 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 December 2023.

SAMANTHA M. CASTANIEN, Capt, 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,	)	APPELLANT’S MOTION
<i>Appellee,</i>	)	FOR ENLARGEMENT
	)	OF TIME (SECOND)
v.)	
	)	Before Panel No. 3
Senior Airman (E-4),)	
BRANDT M. HINDS,	)	No. ACM S32756
United States Air Force,)	
<i>Appellant.</i>	)	13 December 2023

**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 to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **28 January 2024**. The record of trial was docketed with this Court on 31 August 2023. From the date of docketing to the present date, 104 days¹ have elapsed. On the date requested, 150 days will have elapsed.

On 24 April 2023, at a special court-martial convened at MacDill Air Force Base, Florida, a military judge, consistent with Appellant’s pleas, found Appellant guilty of one charge and one specification of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 928b. R. at 7, 41. On the same day, the military judge sentenced Appellant to be discharged from the Air Force with a bad conduct discharge, confined for 60 days, reduced to E-1, to forfeit \$1,917.00 of pay per month for two months, and to be reprimanded. R. at 93-94. The

¹ Undersigned appellate counsel is on leave and without access to email from 18-22 December 2023. As such, this enlargement of time is being filed well in advance to help mitigate any issues arising while she is out of the office.

convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, *Convening Authority Decision on Action* – United States v. SrA Brandt M. Hinds, dated 19 May 2023.

The trial transcript is 94 pages long and the record of trial is comprised of two volumes containing four Prosecution Exhibits, eleven Defense Exhibits, one Court Exhibit, and four Appellate Exhibits. Appellant is not currently confined.

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

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

Respectfully submitted,

SAMANTHA M. CASTANIEN, Capt, 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 13 December 2023.

SAMANTHA M. CASTANIEN, Capt, 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
)	
Senior Airman (E-4)	)	ACM S32756
BRANDT M. HINDS, 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.

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 13 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 LEAVE TO FILE**
) **AND MOTION TO WITHDRAW**
) **MOTION FOR WITHDRAWAL OF**
) **APPELLATE DEFENSE COUNSEL**
)
)
) Before Panel No. 3
)
)
) No. ACM S32756
)
) 12 December 2023

Appellee,

v.

Senior Airman (E-4),
BRANDT M. HINDS,
United States Air Force,
Appellant.

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

Pursuant to Rule 23(d) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel respectfully moves for leave from this Court to file a Motion to Withdraw her Motion for Withdrawal of Appellate Defense Counsel, dated 12 December 2023. Substitute counsel, Lieutenant Colonel Anthony Ghiotto, was admitted to this Court in 2006, but there is no longer a record of his admittance. Until such admittance can be shown, undersigned counsel will remain as Appellant’s detailed military appellate defense counsel.

WHEREFORE, undersigned counsel respectfully requests that this Honorable Court grant this motion.

Respectfully submitted,

SAMANTHA M. CASTANIEN, Capt, 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 December 2023.

SAMANTHA M. CASTANIEN, Capt, 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>	)	APPELLANT’S MOTION
	)	FOR ENLARGEMENT
	)	OF TIME (THIRD)
v.)	
	)	Before Panel No. 3
Senior Airman (E-4),)	
BRANDT M. HINDS,	)	No. ACM S32756
United States Air Force,)	
<i>Appellant.</i>	)	8 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 to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **27 February 2024**. The record of trial was docketed with this Court on 31 August 2023. From the date of docketing to the present date, 130 days¹ have elapsed. On the date requested, 180 days will have elapsed.

On 24 April 2023, at a special court-martial convened at MacDill Air Force Base, Florida, a military judge, consistent with Appellant’s pleas, found Appellant guilty of one charge and one specification of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 928b. R. at 7, 41. On the same day, the military judge sentenced Appellant to be discharged from the Air Force with a bad conduct discharge, confined for 60 days, reduced to E-1, to forfeit \$1,917.00 of pay per month for two months, and to be reprimanded. R. at 93-94. The

¹ Undersigned appellate counsel is on leave and without access to email from 17-20 January 2024. Due to the upcoming federal holiday and family day, along with her argument at the Court of Appeals for the Armed Forces on 16 January 2024, this enlargement of time is being filed well in advance to prevent and mitigate any issues arising while she is out of the office.

convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, *Convening Authority Decision on Action* – United States v. SrA Brandt M. Hinds, dated 19 May 2023.

The trial transcript is 94 pages long and the record of trial is comprised of two volumes containing four Prosecution Exhibits, eleven Defense Exhibits, one Court Exhibit, and four Appellate Exhibits. Appellant is not currently confined.

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

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

Respectfully submitted,

SAMANTHA M. CASTANIEN, Capt, 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 8 January 2024.

SAMANTHA M. CASTANIEN, Capt, 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
)	
Senior Airman (E-4)	)	ACM S32756
BRANDT M. HINDS, 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 8 January 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
<i>Appellee,</i>	)	FOR ENLARGEMENT
	)	OF TIME (FOURTH)
v.)	
	)	Before Panel No. 3
Senior Airman (E-4),)	
BRANDT M. HINDS,	)	No. ACM S32756
United States Air Force,)	
<i>Appellant.</i>	)	13 February 2024

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **28 March 2024**. The record of trial was docketed with this Court on 31 August 2023. From the date of docketing to the present date, 166 days have elapsed. On the date requested, 210 days will have elapsed.

On 24 April 2023, at a special court-martial convened at MacDill Air Force Base, Florida, a military judge, consistent with Appellant’s pleas, found Appellant guilty of one charge and one specification of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 928b. R. at 7, 41. On the same day, the military judge sentenced Appellant to be discharged from the Air Force with a bad conduct discharge, confined for 60 days, reduced to E-1, to forfeit \$1,917.00 of pay per month for two months, and to be reprimanded. R. at 93-94. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, *Convening Authority Decision on Action* – United States v. SrA Brandt M. Hinds, dated 19 May 2023.

The trial transcript is 94 pages long and the record of trial is comprised of two volumes containing four Prosecution Exhibits, eleven Defense Exhibits, one Court Exhibit, and four Appellate Exhibits. Appellant is not currently confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information. Appellate defense counsel is assigned sixteen cases; thirteen cases are pending AOE's before this Court and three cases are pending before the United States Court of Appeals for the Armed Forces (CAAF). To date, seven cases have priority over the present case:

1. *United States v. Wells*, USCA Dkt. No. 23-0219/AF – Undersigned counsel is currently preparing for oral argument, scheduled for 6 March 2024.

2. *United States v. Baumgartner*, No. ACM 40413 – The trial transcript is 797 pages long and the record of trial contains seven volumes consisting of six Prosecution Exhibits, 17 Defense Exhibits, 44 Appellate Exhibits, and one Court Exhibit. Appellant is currently confined. Counsel has completed her review of the transcript, and she outlined one issue for the appellate advocacy training she attended from . Counsel is currently reviewing the remaining parts of the record to draft the AOE.

3. *United States v. Folts*, No. ACM 40322 – The trial transcript is 2,141 pages long and the record of trial contains eight volumes consisting of ten Prosecution Exhibits, 40 Defense Exhibits, 66 Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined. Civilian appellate defense counsel has begun drafting the AOE while undersigned counsel completes her pending priorities before reviewing the record.

4. *United States v. Braum*, No. ACM 40434 – Civilian appellate defense counsel filed this appellant's AOE on 10 February 2024. This appellant has provided limited consent to disclose a confidential communication with counsel wherein he has conditionally waived military appellate

counsel's review of the record so as to exercise his right to speedy appellate review. Depending on timing and this appellant's request, undersigned counsel will likely review the reply brief before it is filed.

5. *United States v. Dominguez-Garcia*, No. ACM S32694 (f rev) – The trial transcript is 362 pages long and the record of trial is four volumes consisting of nine Prosecution Exhibits, two Defense Exhibits, and six Appellate Exhibits. Appellant is not currently in confinement. Undersigned counsel has reviewed the rehearing-related documents, which has triggered the need to review the transcript for a new AOE. Undersigned counsel was not this appellant's original military appellate defense counsel.

6. *United States v. Clark*, No. ACM 40461 – The trial transcript is 1,060 pages long and the record of trial is 11 volumes consisting of 19 Prosecution Exhibits, 26 Defense Exhibits, 59 Appellate Exhibits, and one court exhibit. Appellant is currently confined. Counsel has not yet completed her review of the record of trial.

7. *United States v. Giles*, No. ACM 40482 – The trial transcript is 791 pages long and the record of trial is comprised of seven volumes containing seven Prosecution Exhibits, 14 Defense Exhibits, and 49 Appellate Exhibits. Appellant is not currently confined. Counsel has not yet completed her review of Appellant's record.

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

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

Respectfully submitted,

SAMANTHA M. CASTANIEN, Capt, 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 13 February 2024.

SAMANTHA M. CASTANIEN, Capt, 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
)	
Senior Airman (E-4)	)	ACM S32756
BRANDT M. HINDS, 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 13 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
<i>Appellee,</i>	)	FOR ENLARGEMENT
	)	OF TIME (FIFTH)
v.)	
	)	Before Panel No. 3
Senior Airman (E-4),)	
BRANDT M. HINDS,	)	No. ACM S32756
United States Air Force,)	
<i>Appellant.</i>	)	15 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 (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **27 April 2024**. The record of trial was docketed with this Court on 31 August 2023. From the date of docketing to the present date, 197 days have elapsed. On the date requested, 240 days will have elapsed.

On 24 April 2023, at a special court-martial convened at MacDill Air Force Base, Florida, a military judge, consistent with Appellant’s pleas, found Appellant guilty of one charge and one specification of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 928b. R. at 7, 41. On the same day, the military judge sentenced Appellant to be discharged from the Air Force with a bad conduct discharge, confined for 60 days, reduced to E-1, to forfeit \$1,917.00 of pay per month for two months, and to be reprimanded. R. at 93-94. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, *Convening Authority Decision on Action* – United States v. SrA Brandt M. Hinds, dated 19 May 2023.

The trial transcript is 94 pages long and the record of trial is comprised of two volumes containing four Prosecution Exhibits, eleven Defense Exhibits, one Court Exhibit, and four Appellate Exhibits. Appellant is not currently confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information. Appellate defense counsel is assigned seventeen cases; fourteen cases are pending AOE's before this Court and three cases are pending before the United States Court of Appeals for the Armed Forces (CAAF). To date, six cases have priority over the present case:

1. *United States v. Baumgartner*, No. ACM 40413 – The trial transcript is 797 pages long and the record of trial contains seven volumes consisting of six Prosecution Exhibits, 17 Defense Exhibits, 44 Appellate Exhibits, and one Court Exhibit. Appellant is currently confined. Undersigned counsel has reviewed all the exhibits, pre-trial and post-trial processing, and is currently reviewing the remaining parts of the record while drafting the AOE. She has identified several assignments of error, to include legal and factual sufficiency for both charges.

2. *United States v. Folts*, No. ACM 40322 – The trial transcript is 2,141 pages long and the record of trial contains eight volumes consisting of ten Prosecution Exhibits, 40 Defense Exhibits, 66 Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined. Civilian appellate defense counsel, who was also trial defense counsel, has begun drafting the AOE while undersigned counsel completes her pending priority before reviewing the record independently to ensure this appellant's rights on appeal are protected.

3. *United States v. Braum*, No. ACM 40434 – Civilian appellate defense counsel filed this appellant's AOE on 12 February 2024. This appellant has provided limited consent to disclose a confidential communication with counsel wherein he has conditionally waived military appellate counsel's review of the record so as to exercise his right to speedy appellate review. Depending on

timing and this appellant's request, undersigned counsel will likely review the reply brief before it is filed.

4. *United States v. Dominguez-Garcia*, No. ACM S32694 (f rev) – The trial transcript is 362 pages long and the record of trial is four volumes consisting of nine Prosecution Exhibits, two Defense Exhibits, and six Appellate Exhibits. Appellant is not currently in confinement. Undersigned counsel has reviewed the rehearing-related documents, which has triggered the need to review the transcript for the possibility of a new AOE. Undersigned counsel was not this appellant's original military appellate defense counsel.

5. *United States v. Clark*, No. ACM 40461 – The trial transcript is 1,060 pages long and the record of trial is 11 volumes consisting of 19 Prosecution Exhibits, 26 Defense Exhibits, 59 Appellate Exhibits, and one court exhibit. Appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

6. *United States v. Giles*, No. ACM 40482 – The trial transcript is 791 pages long and the record of trial is comprised of seven volumes containing seven Prosecution Exhibits, 14 Defense Exhibits, and 49 Appellate Exhibits. Appellant is not currently confined. Counsel has not yet completed her review of Appellant's record.

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

Appellant was advised of his right to a timely appeal and of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

Respectfully submitted,

SAMANTHA M. CASTANIEN, Capt, 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 Air Force Government Trial and Appellate Operations Division on 15 March 2024.

SAMANTHA M. CASTANIEN, Capt, 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
)	
Senior Airman (E-4)	)	No. ACM S32756
BRANDT M. HINDS, 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.

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 18 March 2024.

THOMAS J. ALFORD, Lt Col, USAFR
Appellate Government Counsel
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 S32756
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Brandt M. HINDS)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 3

On 15 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 19th 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 **27 April 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,) **NOTICE OF APPEARANCE**
Appellee,)
) Before Panel No. 3
v.)
) No. ACM S32756
Senior Airman (E-4),)
BRANDT M. HINDS,) 1 April 2024
United States Air Force,)
Appellant.)

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

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

Respectfully submitted,

ANTHONY J. GHIOTTO, 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 were sent via electronic mail to the Court and served on the Appellate Government Division on 1 April 2024.

ANTHONY J. GHIOTTO, 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,	)	MOTION FOR WITHDRAWAL OF
<i>Appellee,</i>	)	APPELLATE DEFENSE COUNSEL
)	
v.	)	Before Panel No. 3
)	
Senior Airman (E-4)	)	No. ACM S32756
BRANDT M. HINDS,)	
United States Air Force,	)	26 March 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. Undersigned counsel is withdrawing to allow a more available appellate defense counsel take over Appellant’s case, as undersigned counsel has six cases prioritized over Appellant’s, delaying review. Lieutenant Colonel Anthony Ghiotto has been detailed substitute counsel in undersigned counsel’s stead, and he intends to make a notice of appearance in accordance with Rule 12.4. A thorough turnover of the record between counsel has been completed.

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,

SAMANTHA M. CASTANIEN, Capt, 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 Air Force Government Trial and Appellate Operations Division on 26 March 2024.

SAMANTHA M. CASTANIEN, Capt, 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,	) APPELLANT’S MOTION
<i>Appellee,</i>	) FOR ENLARGEMENT
	) OF TIME (SIXTH)
v.)
	) Before Panel No. 3
Senior Airman (E-4),)
BRANDT M. HINDS,	) No. ACM S32756
United States Air Force,)
<i>Appellant.</i>	) 17 April 2024

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **27 May 2024**. The record of trial was docketed with this Court on 31 August 2023. From the date of docketing to the present date, 230 days have elapsed. On the date requested, 270 days will have elapsed. Counsel is withdrawing the motion of the same filed today, due to an error in the calculation of days and to provide further justification pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6).

On 24 April 2023, at a special court-martial convened at MacDill Air Force Base, Florida, a military judge, consistent with Appellant’s pleas, found Appellant guilty of one charge and one specification of domestic violence in violation of Article 128b, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 928b. R. at 7, 41. On the same day, the military judge sentenced Appellant to be discharged from the Air Force with a bad conduct discharge, confined for 60 days, reduced to E-1, to forfeit \$1,917.00 of pay per month for two months, and to be reprimanded. R. at 93-94. The convening authority took no action on the findings or sentence. Record of Trial, Vol. 1, *Convening Authority Decision on Action* – United States v. SrA Brandt M. Hinds, dated 19 May 2023.

The trial transcript is 94 pages long and the record of trial is comprised of two volumes containing four Prosecution Exhibits, eleven Defense Exhibits, one Court Exhibit, and four Appellate Exhibits. Appellant is not currently confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information.

On 4 April 2024, this Court granted the prior appellate defense counsel's request to withdraw as counsel from this case. Similarly, on 1 April 2024, the undersigned appellate defense counsel gave this Court notice of his appearance.

Counsel is a reservist. In his civilian capacity, he is a professor at the

. Counsel has not been on orders since his notice of appearance and has significant civilian work responsibilities currently.

Additionally, counsel is assigned one additional case. This case has priority over the present case.

1. *United States v. Riley*, ACM 40498. *United States v. Riley* is already on his sixth enlargement of time to file Assignments of Error. Because of the increased time that *Riley* has been pending, it remains a priority over this case.

Therefore, through no fault of Appellant, undersigned counsel has not been unable to complete his review of Appellant's case following the 1 April 2024 appointment. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

Appellant was advised of his right to a timely appeal and of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

Respectfully submitted.

ANTHONY J. GHIOTTO, 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 Air Force Government Trial and Appellate Operations Division on 17 April 2024.

ANTHONY J. GHIOTTO, 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
)	
Senior Airman (E-4)	)	ACM S32756
BRANDT M. HINDS, 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 18 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 S32756
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Brandt M. HINDS)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 3

On 17 April 2024, counsel for Appellant submitted a Motion for Enlargement of Time (Sixth) 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 18th day of April, 2024,

ORDERED:

Appellant’s Motion for Enlargement of Time (Sixth) is **GRANTED**. Appellant shall file any assignments of error not later than **27 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 provided an update of the status of counsel’s progress on Appellant’s case, (3) whether Appellant was advised of the request for an enlargement of time, and (4) whether Appellant agrees with the request for an enlargement of time.

Appellant’s counsel should not rely on subsequent requests for enlargement of time being granted; each request will be considered on its merits. Appellant’s counsel are advised that any requests for future enlargements of time may necessitate a status conference prior to the court taking action on any forthcoming request. Further, Appellant’s counsel are further advised that any future

requests for enlargements of time that, if granted, would expire more than 360 days after docketing, will not be granted *absent exceptional circumstances*.



FOR THE COURT

OLGA STANFORD, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MERITS BRIEF
<i>Appellee,</i>)	
	)	Before Panel No. 3
v.)	
	)	No. ACM S32756
Senior Airman (E-4),)	
BRANDT M. HINDS,	)	8 May 2024
United States Air Force,)	
<i>Appellant.</i>)	

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

Submission of Case Without Specific Assignment of Error

The undersigned appellate defense counsel attests that he, on behalf of 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 assignment of errors during this stage of appellate processing.

Respectfully submitted

ANTHONY J. GHIOTTO, 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 Air Force Government Trial and Appellate Operations Division on 8 May 2024.

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