

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

UNITED STATES	)	No. ACM _____
<i>Appellee</i>)	
)	
v.)	
	)	NOTICE OF
Logan E. MCDUFFIE	)	DOCKETING
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>)	

On 6 October 2023, this court received a notice of direct appeal from Appellant in the above-styled case, pursuant to Article 66(b)(1)(A), Uniform Code of Military Justice, 10 U.S.C. § 866(b)(1)(A).

As of the date of this notice, the court has not yet received a record of trial in Appellant's case.

Accordingly, it is by the court on this 24th day of October, 2023,

ORDERED:

The case in the above-styled matter is referred to Panel 1.

It is further ordered:

The Government will forward a copy of the record of trial to the court forthwith.



FOR THE COURT

OLGA STANFORD
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
<i>Appellee</i>	)	ENLARGEMENT OF TIME (FIRST)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40564
LOGAN E. MCDUFFIE,)	
United States Air Force	)	15 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)(1), (2), and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a 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 **24 May 2024**. This case was docketed with this Court on 24 October 2023, but the record was not referred to this Court until 25 January 2024. From the date of docketing to the present date, 143 days have elapsed. On the date requested, 213 days will have elapsed.

On 31 January and 13–15 February 2023, a military judge sitting as a general court-martial at Cannon Air Force Base, New Mexico, found Appellant guilty, consistent with his pleas, of one charge with six specifications of wrongful possession and use of controlled substances in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a. R. at 24, 312; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 29 March 2023. The court also acquitted Appellant of three specifications of wrongful possession of controlled substances with intent to distribute. R. at 312; EOJ. The military judge sentenced Appellant to be reduced to the grade of E-1, to forfeit \$1,000 pay per month for two months, and to be confined for two months. R. at 343; EOJ. The convening authority took no action on the findings or the sentence. ROT

Vol. 1, Convening Authority Decision on Action – *United States v. Senior Airman Logan E. McDuffie*, dated 13 March 2023.

The record of trial is four volumes consisting of 17 prosecution exhibits and 13 appellate exhibits; the transcript is 343 pages. Appellant is not currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing 30 clients; 18 clients are pending initial AOE's before this Court. Thirteen matters currently have priority over this case:

- 1) *United States v. Taylor*, ACM 40371 – The record of trial is six volumes consisting of six prosecution exhibits, one court exhibit, 12 defense exhibits, and 36 appellate exhibits; the transcript is 396 pages. Undersigned counsel is preparing to present oral argument as lead counsel in this case on 21 March 2024.
- 2) *United States v. Patterson*, ACM 40426 – The record of trial is 8 volumes consisting of 12 prosecution exhibits, eight defense exhibits, two court exhibits, and 75 appellate exhibits; the transcript is 987 pages. Undersigned counsel has reviewed the record of trial, including sealed materials, in this case and begun drafting the AOE.
- 3) *United States v. Zhong*, ACM 40441 – The record of trial is four volumes consisting of 14 prosecution exhibits, 11 defense exhibits, 12 appellate exhibits, and one court exhibit; the transcript is 482 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 4) *United States v. Kershaw*, ACM 40455 – The record of trial is eight volumes consisting of 11 prosecution exhibits, nine defense exhibits, one court exhibit, and 71 appellate exhibits; the transcript is 703 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

- 5) *United States v. Cadavona*, ACM 40476 – The record of trial is four volumes consisting of 11 prosecution exhibits, two defense exhibits, and 24 appellate exhibits; the transcript is 329 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 6) *United States v. Casillas*, ACM 40499 – The record of trial is 14 volumes consisting of 37 prosecution exhibits, three defense exhibits, one court exhibit, and 170 appellate exhibits; the transcript is 1,957 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 7) *United States v. Hughey*, ACM 40517 – The record of trial is three volumes consisting of five prosecution exhibits and 14 appellate exhibits; the transcript is 101 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 8) *United States v. Petty*, ACM S32759 – The record of trial is three volumes consisting of four prosecution exhibits, seven defense exhibits, and five appellate exhibits; the transcript is 136 pages. Undersigned counsel has not yet begun reviewing the record of trial, but additional counsel has been detailed to assist with this case.
- 9) *United States v. Rodgers*, ACM 40528 – The record of trial is eight volumes consisting of three prosecution exhibits, one defense exhibit, and 39 appellate exhibits; the transcript is 199 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 10) *United States v. Henderson*, ACM 40419 – The record of trial is five volumes consisting of ten prosecution exhibits, 21 defense exhibits, two court exhibits, and 25 appellate exhibits; the transcript is 937 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

- 11) *United States v. Everhart*, ACM S32764 – The record of trial is two volumes consisting of 14 prosecution exhibits, four defense exhibits, and six appellate exhibits; the transcript is 128 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 12) *United States v. Russell*, ACM S32766 – The record of trial is three volumes consisting of three prosecution exhibits, 16 defense exhibits, two court exhibits, and six appellate exhibits; the transcript is 115 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 13) *United States v. Villanueva Gonzalez*, ACM S32763 – The record of trial is a one volume electronic record of trial consisting of nine prosecution exhibits, two defense exhibits, and 11 appellate exhibits; the transcript is 139 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

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

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

Respectfully submitted,

FREDERICK J. JOHNSON, 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 15 March 2024.

Respectfully submitted,

FREDERICK J. JOHNSON, 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
)	
Senior Airman (E-4)	)	No. ACM 40564
LOGAN E. MCDUFFIE, 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 19 March 2024.

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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME (SECOND)
)	
v.	)	Before Panel No. 1
)	
Senior Airman (E-4)	)	No. ACM 40564
LOGAN E. MCDUFFIE,)	
United States Air Force	)	14 May 2024
<i>Appellant</i>)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a 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 **23 June 2024**. This case was docketed with this Court on 24 October 2023, but the record was not referred to this Court until 25 January 2024. From the date of docketing to the present date, 203 days have elapsed. On the date requested, 243 days will have elapsed.

On 31 January and 13–15 February 2023, a military judge sitting as a general court-martial at Cannon Air Force Base, New Mexico, found Appellant guilty, consistent with his pleas, of one charge with six specifications of wrongful possession and use of controlled substances in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a. R. at 24, 312; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 29 March 2023. The court also acquitted Appellant of three specifications of wrongful possession of controlled substances with intent to distribute. R. at 312; EOJ. The military judge sentenced Appellant to be reduced to the grade of E-1, to forfeit \$1,000 pay per month for two months, and to be confined for two months. R. at 343; EOJ. The convening authority took no action on the findings or the sentence. ROT

Vol. 1, Convening Authority Decision on Action – *United States v. Senior Airman Logan E. McDuffie*, dated 13 March 2023.

The record of trial is four volumes consisting of 17 prosecution exhibits and 13 appellate exhibits; the transcript is 343 pages. Appellant is not currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing 28 clients; 18 clients are pending initial AOE's before this Court.¹ Eight matters currently have priority over this case:

- 1) *United States v. Ollison*, ACM S32745 – The record of trial is two volumes consisting of three prosecution exhibits, one defense exhibit, and nine appellate exhibits; the transcript is 142 pages. Undersigned counsel has petitioned the CAAF for a grant of review in this case and is drafting the supplement to the petition.
- 2) *United States v. Kershaw*, ACM 40455 – The record of trial is eight volumes consisting of 11 prosecution exhibits, nine defense exhibits, one court exhibit, and 71 appellate exhibits; the transcript is 703 pages. Undersigned counsel has reviewed approximately thirty percent of the record of trial in this case.
- 3) *United States v. Cadavona*, ACM 40476 – The record of trial is four volumes consisting of 11 prosecution exhibits, two defense exhibits, and 24 appellate exhibits; the

¹ Since the filing of Appellant's last request for an enlargement of time, counsel prepared for and presented oral argument to this Court as lead counsel and prepared and filed a brief on a specified issue in *U.S. v. Taylor*, ACM 40371; completed his review of the eight-volume record of trial and prepared and filed a 30-page AOE in *U.S. v. Patterson*, ACM 40426; completed his review of the four-volume record of trial and prepared and filed a 25-page AOE in *U.S. v. Zhong*, ACM 40441; prepared and filed a motion to dismiss in *In re R.R.*, Misc. Dkt. No. 2024-02; prepared and filed a petition for grant of review with the Court of Appeals for the Armed Forces (CAAF) and began drafting the supplement to the petition in *U.S. v. Ollison*, ACM S32745, USCA Dkt. No. 24-0150/AF; and participated in practice oral argument sessions for two additional cases. Additionally, counsel was out of town on temporary duty (TDY) on _____ and _____ and was on leave on _____.

- transcript is 329 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 4) *United States v. Driskill*, ACM 39889 (rem) – The record of trial is 14 volumes consisting of 17 prosecution exhibits, four defense exhibits, and 169 appellate exhibits; the transcript is 2062 pages. Undersigned counsel will need to conduct additional review of the record of trial to prepare a brief on remand in this case.
 - 5) *United States v. Casillas*, ACM 40499 – The record of trial is 14 volumes consisting of 37 prosecution exhibits, three defense exhibits, one court exhibit, and 170 appellate exhibits; the transcript is 1,957 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
 - 6) *United States v. Hughey*, ACM 40517 – The record of trial is three volumes consisting of five prosecution exhibits and 14 appellate exhibits; the transcript is 101 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
 - 7) *United States v. Rodgers*, ACM 40528 – The record of trial is eight volumes consisting of three prosecution exhibits, one defense exhibit, and 39 appellate exhibits; the transcript is 199 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
 - 8) *United States v. Henderson*, ACM 40419 – The record of trial is five volumes consisting of ten prosecution exhibits, 21 defense exhibits, two court exhibits, and 25 appellate exhibits; the transcript is 937 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

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

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

Respectfully submitted,

FREDERICK J. JOHNSON, 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 May 2024.

Respectfully submitted,

FREDERICK J. JOHNSON, 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
)	
Senior Airman (E-4)	)	No. ACM 40564
LOGAN E. MCDUFFIE, 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.

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 15 May 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 40564
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Logan E. MCDUFFIE)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 14 May 2024, counsel for Appellant submitted a Motion for Enlargement of Time (Second) requesting an additional 30 days to submit Appellant’s assignments of error. The Government opposes the motion.

Appellant’s counsel accurately states the court docketed the case on 24 October 2023 and notes the verbatim record was not referred to the court until 25 January 2024. We note from the date of sentencing, 15 February 2023, until docketing, 24 October 2023, 252 days passed. This, plus the number of days passed since docketing, if this court approves this second enlargement of time, means 495 days will pass since sentencing for Appellant.

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 17th day of May, 2024,

ORDERED:

Appellant’s Motion for Enlargement of Time (Second) is **GRANTED**. Appellant shall file any assignments of error not later than **23 June 2024**.

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



FOR THE COURT

FLEMING E. KEEFE, Capt, USAF
Deputy Clerk of the Court

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 24 June 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