

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

|                              |   |                           |
|------------------------------|---|---------------------------|
| <b>UNITED STATES,</b>        | ) | <b>APPELLANT’S MOTION</b> |
| <i>Appellee,</i>             | ) | <b>FOR ENLARGEMENT</b>    |
|                              | ) | <b>OF TIME (FIRST)</b>    |
| v.                           | ) |                           |
|                              | ) | Before Panel No. 2        |
| Senior Airman (E-4)          | ) |                           |
| <b>ADRIEL J. B. VITALIZ,</b> | ) | No. ACM S32779            |
| United States Air Force,     | ) |                           |
| <i>Appellant.</i>            | ) | 12 June 2024              |

**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 his first enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **20 August 2024**. The record of trial was docketed with this Court on 22 April 2024. From the date of docketing to the present date, 51 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 Air Force Government Trial and Appellate Operations Division on 12 June 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 S32779                |
| ADRIEL J.B. VITALIZ, USAF, | ) |                           |
| <i>Appellant.</i>          | ) | Panel No. 2               |
|                            | ) |                           |

**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 12 June 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 S32779 |
| <i>Appellee</i>      | ) |                |
|                      | ) |                |
| v.                   | ) |                |
|                      | ) | <b>ORDER</b>   |
| Adriel J. B. VITALIZ | ) |                |
| Senior Airman (E-4)  | ) |                |
| U.S. Air Force       | ) |                |
| <i>Appellant</i>     | ) | <b>Panel 2</b> |

On 12 June 2024, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 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 17th day of June, 2024,

**ORDERED:**

Appellant’s Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **20 August 2024**.

Counsel should not rely on any subsequent requests for enlargement of time being granted. Each request will be considered on its merits. Counsel may request, and the court may order *sua sponte*, a status conference to facilitate timely processing of this appeal.

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. Counsel is not required to re-address item (1) in each subsequent motion for enlargement of time.

Appellant's counsel is 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

*[Signature]*  
OLGA STANFORD, Capt, USAF  
Commissioner *[Signature]*

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

|                            |   |                              |
|----------------------------|---|------------------------------|
| <b>UNITED STATES</b>       | ) | <b>MOTION TO WITHDRAW</b>    |
| <i>Appellee</i>            | ) | <b>FROM APPELLATE REVIEW</b> |
|                            | ) | <b>AND ATTACH</b>            |
|                            | ) |                              |
| v.                         | ) | Before Panel No. 2           |
|                            | ) |                              |
| Senior Airman (E-4)        | ) | Case No. ACM S32779          |
| <b>ADRIEL J.B. VITALIZ</b> | ) |                              |
| United States Air Force    | ) |                              |
| <i>Appellant</i>           | ) | 14 August 2024               |

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

Pursuant to Rule 16 of this Honorable Court’s Rules of Practice and Procedure and Rule for Courts-Martial 1115, Appellant, Senior Airman Adriel J.B. Vitaliz, moves to withdraw his case from appellate review.

Appellant has fully consulted with Lieutenant Colonel Allen Abrams, serving as appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant to withdraw from appellate review by force, promises of clemency, or otherwise.

Further, pursuant to Rules 23(b) and 23.3(b) of this Honorable Court’s Rules of Practice and Procedure, Appellant asks this Court to attach the eight-page document appended to this pleading to the record of this proceeding. The document is Appellant’s completed DD Form 2330, *Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals*, to include the entry of judgment referenced on the top line of the form, and is therefore necessary to comply with R.C.M. 1115(d) and Rule 16.1 of this Court’s Rules of Practice and Procedure.

**WHEREFORE**, this Court should grant this motion to withdraw from appellate review and attach the requested document to the record.

Respectfully Submitted,

ALLEN S. ABRAMS, Lt Col, USAF  
Deputy Chief  
Air Force Appellate Defense Division  
1500 West Perimeter Road, Suite 1100  
Joint Base Andrews, MD 20762

Counsel for Appellant



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 August 2024.

ALLEN S. ABRAMS, Lt Col, USAF  
Deputy Chief  
Air Force Appellate Defense Division  
1500 West Perimeter Road, Suite 1100  
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