UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM S32846**
Appellee	)	
	)	
v.	)	
	)	**ORDER**
Daniel J. TATE	)	
Airman (E-2)	)	
U.S. Air Force	)	
Appellant	)	**Panel 1**

On 13 March 2026, counsel for Appellant submitted a motion for an Enlargement of Time (First) requesting an additional 60 days to submit Appellant's assignments of error. The Government opposed 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 March, 2026,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **23 May 2026.**

Each request for an enlargement of time 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

[redacted]

JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (FIRST)**
v.	)	Before Panel No. 1
Airman (E-2) **DANIEL J. TATE,** United States Air Force *Appellant*	)	No. ACM S32846 13 March 2026

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 to file his Assignments of Error. Appellant requests an enlargement for a period of sixty days, which will end on **23 May 2026**. The record of trial was docketed with this Court on 23 January 2026. From the date of docketing to the present date, 49 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,

[redacted]

JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

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 March 2026.

[redacted]
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Airman (E-2) **DANIEL J. TATE,** United States Air Force, *Appellant.*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME Before Panel No. 1 No. ACM S32846 17 March 2026

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.

[redacted]

KATE E. LEE, Maj, USAF
Appellate Government Counsel
[redacted]

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 17 March 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee* v. Airman (E-2) **DANIEL J. TATE,** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (SECOND)** Before Panel No. 1 No. ACM S32846 15 May 2026

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 his Assignments of Error (AEO) brief. Appellant requests an enlargement for a period of sixty days, which will end on **22 June 2026**. The record of trial (ROT) was docketed with this Court on 23 January 2026. From the date of docketing to the present date, 112 days have elapsed. On the date requested, 150 days will have elapsed.

On 25 November 2025, a special court-martial composed of a military judge alone convicted Appellant, consistent with his pleas, of one specification of wrongfully possessing some amount of marijuana and one specification of wrongfully using tetrahydrocannabinol-9, both in violation of Article 112a, Uniform Code of Military Justice, 10 U.S.C. § 912a. R. at 66; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for seven days, and to be discharged from the service with a bad conduct discharge. R. at 91.

The convening authority took no action on the findings or sentence and granted Appellant's request to defer reduction in grade until the EOJ. Convening Authority Decision on Action – United States v. Amn Daniel J. Tate, dated 5 December 2026.

Appellant's ROT is 1 volume consisting of four prosecution exhibits, six defense exhibits, and six appellate exhibits; the transcript is ninety-two pages. Appellant is not confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has been unable to complete his review of Appellant's case. This EOT is necessary to allow undersigned counsel to fully review Appellant's ROT and advise Appellant of potential issues. Appellant was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, (3) advised of undersigned counsel's request for an enlargement of time, and (4) expressed neither agreement nor disagreement with the requested enlargement of time.

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

Respectfully submitted,

[redacted]

JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

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 15 May 2026.

[redacted]
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Airman (E-2) **DANIEL J. TATE,** United States Air Force, *Appellant.*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME Before Panel No. 1 No. ACM S32846 18 May 2026

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.

[redacted]

REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, [redacted]

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 May 2026.

[redacted]

REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, [redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (THIRD)**
v.	)	Before Panel No. 1
Airman (E-2) **DANIEL J. TATE,** United States Air Force *Appellant*	)	No. ACM S32846 5 June 2026

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

Pursuant to Rule 23.3(m)(1), (3), and (4) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file his Assignments of Error (AEO) brief. Appellant requests an enlargement for a period of thirty days, which will end on **22 July 2026**. The record of trial (ROT) was docketed with this Court on 23 January 2026. From the date of docketing to the present date, 133 days have elapsed. On the date requested, 180 days will have elapsed.

On 25 November 2025, a special court-martial composed of a military judge alone convicted Appellant, consistent with his pleas, of one specification of wrongfully possessing some amount of marijuana and one specification of wrongfully using tetrahydrocannabinol-9, both in violation of Article 112a, Uniform Code of Military Justice, 10 U.S.C. § 912a. R. at 66; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for seven days, and to be discharged from the service with a bad conduct discharge. R. at 91.

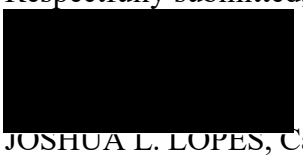
The convening authority took no action on the findings or sentence and granted Appellant's request to defer reduction in grade until the EOJ. Convening Authority Decision on Action – *United States v. Amn Daniel J. Tate*, dated 5 December 2026.

Appellant's ROT is 1 volume consisting of four prosecution exhibits, six defense exhibits, and six appellate exhibits; the transcript is ninety-two pages. Appellant is not confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has been unable to complete his review of Appellant's case. This EOT is necessary to allow undersigned counsel to fully review Appellant's ROT and advise Appellant of potential issues. Appellant was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, (3) advised of undersigned counsel's request for an enlargement of time, and (4) expressed neither agreement nor disagreement with the requested enlargement of time.

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

Respectfully submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

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 5 June 2026.

[redacted]
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Airman (E-2) **DANIEL J. TATE,** United States Air Force, *Appellant.*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME Before Panel No. 1 No. ACM S32846 8 June 2026

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.

[redacted]

REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, [redacted]

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 June 2026.

[redacted]

REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, [redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee* v. Airman (E-2) **DANIEL J. TATE** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (FOURTH)** Before Panel No. 1 No. ACM S32846 7 July 2026

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

Pursuant to Rules 23.3(m)(1), 24.3(a)(1), and 24.3(b) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file his Assignments of Error (AOE) brief. Appellant requests an enlargement for a period of thirty days, which will end on **21 August 2026**. The record of trial (ROT) was docketed with this Court on 23 January 2026. From the date of docketing to the present date, 165 days have elapsed. On the date requested, 210 days will have elapsed.

On 25 November 2025, Appellant was tried by a special court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one specification of wrongfully possessing some amount of marijuana and one specification of wrongfully using tetrahydrocannabinol-9, both in violation of Article 112a, Uniform Code of Military Justice, 10 U.S.C. § 912a. Trial Tr. at 66; Charge Sheet; Entry of Judgment (EoJ); App. Ex. V.

The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for seven days, and to be discharged from the service with a bad conduct discharge. Trial Tr. at 91. The convening authority took no action on the findings or sentence and granted Appellant's

request to defer reduction in grade until the EOJ. Convening Authority Decision on Action – *United States v. Amn Daniel J. Tate*, dated 5 December 2026.

The trial transcript is ninety-two pages. The ROT is 416 pages and contains 4 prosecution exhibits, 6 defense exhibits, and 6 appellate exhibits. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-nine cases; thirty-nine cases are pending before this Court (thirty-two cases are pending initial or reply briefs), four cases are pending before the Court of Appeals for the Armed Forces (CAAF), four cases are pending before the United States Supreme Court (for petition for writ of certiorari), one case is at the trial level, and one is eligible for direct appeal and pending election decision. To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Griffin*, USCA Dkt. No. 26-0162 – The CAAF denied MSgt Griffin's petition for review on 11 May 2026. MSgt Griffin's Petition for Writ of Certiorari is due to the United States Supreme Court on 9 August 2026.

2. *United States v. Johnson*, USCA Dkt. 25-0202/AF – The CAAF delivered its opinion in this case on 26 May 2026. SrA Johnson's Petition for Writ of Certiorari is due to the United States Supreme Court on 24 August 2026. SrA Johnson is not confined.

3. *United States v. Braum*, USCA Dkt. 25-0046/AF – The CAAF delivered its opinion in this case on 8 April 2026. Capt Braum's Petition for Writ of Certiorari is due to the United States Supreme Court on 1 September 2026.

4. *United States v. Signer*, ACM 25021 – The Government's answer to MSgt Signer's AOE brief is currently due on 18 July 2026. MSgt Signer's reply brief, if any, will be due to this Court on 25 July 2026.

5. *United States v. Washington*, ACM 39761 (rem) – The ROT was returned to this Court and docketed on 25 June 2026. This Court ordered that counsel may submit briefs to address two specified issues in light of the CAAF's decision in this case no later than 26 July 2026. Undersigned counsel was detailed to this case on 22 June 2026 and has not completed a review of the record.

6. *United States v. Raines*, ACM 40765 – The Government's answer to MSgt Raines's AOE brief is currently due on 20 July 2026. MSgt Raines' reply brief, if any, will be due to this Court on 27 July 2026.

7. *United States v. Burkhardt-Bauder*, ACM 24011 – The Government's answer to SrA Burkhardt-Bauder's AOE brief is currently due on 22 July 2026. SrA Burkhardt-Bauder's reply brief, if any, will be due to this Court on 29 July 2026.

8. *United States v. Kelly*, ACM 40710 – The Government's answer to TSgt Kelly's AOE brief is due on 13 August 2026. TSgt Kelly's reply brief, if any, will be due to this Court on 20 August 2026.

9. *United States v. Marschalek*, USCA Dkt. No. 26-0221/AF – The Government's brief in support of TJAG's certified issues is due to the CAAF on 24 July 2026. SSgt Marschalek's answer brief will be due to the CAAF on 21 August 2026.

10. *United States v. Marquez*, ACM 40800 – The ROT contains 7 volumes consisting of 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined. Undersigned counsel has fully reviewed SrA Marquez's ROT.

11. *United States v. Bush*, ACM 40783 – The ROT contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined. Undersigned counsel has fully reviewed SrA Bush's ROT.

12. *United States v. Jackson*, ACM S32819 – The ROT is 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,529 pages. A1C Jackson is not confined. Undersigned counsel has fully reviewed A1C Jackson's ROT.

13. *United States v. Cannon*, ACM 40841 – The ROT is 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined. Undersigned counsel has not completed review of A1C Cannon's ROT.

14. *United States v. McCay*, ACM 40869 – The ROT contains 3 prosecution exhibits, 17 defense exhibits, and 6 appellate exhibits; the transcript is 142 pages. SrA McCay is not confined as a result of his court-martial conviction. Undersigned counsel has not completed review of SrA McCay's ROT.

15. *United States v. Gerdes*, ACM S32836 – The ROT is 1 volume consisting of 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits; the transcript is 96 pages. SrA Gerdes is not confined. Undersigned counsel has not completed review of SrA Gerdes' ROT.

16. *United States v. Holst*, ACM 40873 – The ROT is 1 volume consisting of 5 prosecution exhibits, 9 defense exhibits, and 20 appellate exhibits; the transcript is 163 pages. SrA Holst is confined. Undersigned counsel has not completed review of SrA Holst' ROT.

17. *United States v. Matos*, ACM S32840 – The ROT is 1 volume consisting of 13 prosecution exhibits, 2 defense exhibits, and 21 appellate exhibits; the transcript is 260 pages. AB Matos is not confined. Undersigned counsel has not completed review of AB Matos' ROT.

18. *United States v. Hodges*, ACM 40904 – The ROT is 2 volumes consisting of 8 prosecution exhibits, 1 defense exhibit, 8 appellate exhibits, and 1 court exhibit; the transcript is 129 pages. Amn Hodges is confined. Undersigned counsel has not completed review of Amn Hodges's ROT.

19. *United States v. Darrough*, ACM S32842 – The ROT is 910 pages and contains 3 prosecution exhibits, 5 defense exhibits, and 8 appellate exhibits. AB Darrough is not confined. Undersigned counsel has not completed review of AB Darrough's ROT.

20. *United States v. Lipscomb*, ACM 40911 – The ROT is 2,296 pages and contains 27 prosecution exhibits, 10 defense exhibits, and 28 appellate exhibits. SSgt Lipscomb is not confined. Undersigned counsel has not completed review of SSgt Lipscomb's ROT.

21. *United States v. Pottinger*, ACM 40926 – The ROT is 1,075 pages and contains 10 prosecution exhibits, 8 defense exhibits, and 41 appellate exhibits. SrA Pottinger is confined. Undersigned counsel has not completed review of SrA Pottinger's ROT.

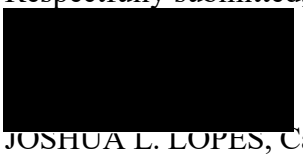
Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant's case due to his work in cases undersigned counsel prioritizes over Appellant's case. Undersigned counsel has reviewed the charge sheet, EoJ, portions of the transcript, and App. Ex. V. An EOT is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

Appellant was advised of his right to speedy appellate review. Appellant has been provided an update of the status of counsel's progress on his case. Appellant was advised of the request for

an EOT. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for an EOT.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested EOT.

Respectfully submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

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 7 July 2026.

[redacted]
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Airman (E-2) **DANIEL J. TATE,** United States Air Force, *Appellant.*	)	No. ACM S32846 9 July 2026

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.

[redacted]
HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel
[redacted]

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 9 July 2026.

[redacted]
HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (FIFTH)**
v.	)	Before Panel No. 1
Airman (E-2) **DANIEL J. TATE** United States Air Force *Appellant*	)	No. ACM S32846 10 August 2026

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

Pursuant to Rules 23.3(m)(1), 24.3(a)(1), and 24.3(b) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file his Assignments of Error (AOE) brief. Appellant requests an enlargement for a period of thirty days, which will end on **20 September 2026**. The record of trial (ROT) was docketed with this Court on 23 January 2026. From the date of docketing to the present date, 199 days have elapsed. On the date requested, 240 days will have elapsed.

On 25 November 2025, Appellant was tried by a special court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one specification of wrongfully possessing some amount of marijuana and one specification of wrongfully using tetrahydrocannabinol-9, both in violation of Article 112a, Uniform Code of Military Justice, 10 U.S.C. § 912a. Trial Tr. at 66; Charge Sheet; Entry of Judgment (EoJ); App. Ex. V.

The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for seven days, and to be discharged from the service with a bad conduct discharge. Trial Tr. at 91. The convening authority took no action on the findings or sentence and granted Appellant's

request to defer reduction in grade until the EOJ. Convening Authority Decision on Action – *United States v. Amn Daniel J. Tate*, dated 5 December 2026.

The trial transcript is ninety-two pages. The ROT is 416 pages and contains 4 prosecution exhibits, 6 defense exhibits, and 6 appellate exhibits. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-seven cases; thirty-nine cases are pending before this Court (four cases are pending reply briefs, seven cases are pending decision, and twenty-eight cases are pending initial brief), three cases are pending before the Court of Appeals for the Armed Forces (CAAF), four cases are pending before the United States Supreme Court, and one case is at the trial level. To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Griffin*, USCA Dkt. No. 26-0162 – The CAAF denied MSgt Griffin's petition for review on 11 May 2026. MSgt Griffin's Petition for Writ of Certiorari is due to the United States Supreme Court on 8 October 2026.

2. *United States v. Johnson*, USCA Dkt. 25-0202/AF – The CAAF delivered its opinion in this case on 26 May 2026. SrA Johnson's Petition for Writ of Certiorari is due to the United States Supreme Court on 24 August 2026.

3. *United States v. Braum*, USCA Dkt. 25-0046/AF – The CAAF delivered its opinion in this case on 8 April 2026. Capt Braum's Petition for Writ of Certiorari is due to the United States Supreme Court on 1 September 2026.

4. *United States v. Signer*, ACM 25021 – The Government filed its answer to MSgt Signer's AOE brief on 27 July 2026. MSgt Signer's reply brief is due to this Court on 14 August 2026.

5. *United States v. Raines*, ACM 40765 – The Government filed its answer to MSgt Raines's AOE brief on 20 July 2026. MSgt Raines's reply brief is due to this Court on 10 August 2026.

6. *United States v. Burkhardt-Bauder*, ACM 24011 – The Government filed its answer to SrA Burkhardt-Bauder's AOE brief on 22 July 2026. SrA Burkhardt-Bauder's reply brief is due to this Court on 17 August 2026.

7. *United States v. Kelly*, ACM 40710 – The Government's answer to TSgt Kelly's AOE brief is due on 13 August 2026. TSgt Kelly's reply brief, if any, will be due to this Court on 20 August 2026.

8. *United States v. Marschalek*, USCA Dkt. No. 26-0221/AF – The Government's brief in support of TJAG's certified issues was filed on 24 July 2026. SSgt Marschalek's answer is due to the CAAF on 4 September 2026.

9. *United States v. Marquez*, ACM 40800 – The ROT contains 7 volumes consisting of 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined. Undersigned counsel has fully reviewed SrA Marquez's ROT and has begun drafting an AOE brief.

10. *United States v. Bush*, ACM 40783 – The ROT contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined. Undersigned counsel has fully reviewed SrA Bush's ROT and has begun drafting an AOE brief.

11. *United States v. Jackson*, ACM S32819 – The ROT is 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript

is 1,529 pages. A1C Jackson is not confined. Undersigned counsel has fully reviewed A1C Jackson's ROT.

12. *United States v. Cannon*, ACM 40841 – The ROT is 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined. Undersigned counsel has not completed review of A1C Cannon's ROT.

13. *United States v. McCay*, ACM 40869 – The ROT contains 3 prosecution exhibits, 17 defense exhibits, and 6 appellate exhibits; the transcript is 142 pages. SrA McCay is not confined as a result of his court-martial conviction. Undersigned counsel has not completed review of SrA McCay's ROT.

14. *United States v. Gerdes*, ACM S32836 – The ROT is 1 volume consisting of 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits; the transcript is 96 pages. SrA Gerdes is not confined. Undersigned counsel has not completed review of SrA Gerdes' ROT.

15. *United States v. Matos*, ACM S32840 – The ROT is 1 volume consisting of 13 prosecution exhibits, 2 defense exhibits, and 21 appellate exhibits; the transcript is 260 pages. AB Matos is not confined. Undersigned counsel has not completed review of AB Matos' ROT.

16. *United States v. Hodges*, ACM 40904 – The ROT is 2 volumes consisting of 8 prosecution exhibits, 1 defense exhibit, 8 appellate exhibits, and 1 court exhibit; the transcript is 129 pages. Amn Hodges is confined. Undersigned counsel has not completed review of Amn Hodges's ROT.

17. *United States v. Lipscomb*, ACM 40911 – The ROT is 2,296 pages and contains 27 prosecution exhibits, 10 defense exhibits, and 28 appellate exhibits. SSgt Lipscomb is not confined. Undersigned counsel has not completed review of SSgt Lipscomb's ROT.

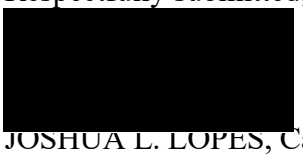
18. *United States v. Pottinger*, ACM 40926 – The ROT is 1,075 pages and contains 10 prosecution exhibits, 8 defense exhibits, and 41 appellate exhibits. SrA Pottinger is confined. Undersigned counsel has not completed review of SrA Pottinger's ROT.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant's case due to his work in cases undersigned counsel prioritizes over Appellant's case. Undersigned counsel has reviewed the charge sheet, EoJ, portions of the transcript, and App. Ex. V. Undersigned counsel cannot, in good faith, accurately estimate when an AOE brief may be filed on Appellant's behalf due to the aforementioned prioritized cases. Undersigned counsel anticipates completing briefing and filing for the top eight cases in his priority list by 30 September 2026. An EOT is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

Appellant has provided limited consent to disclose the following information required by this Court: Appellant was advised of his right to speedy appellate review; Appellant was advised of counsel's progress on his case; Appellant was advised of the request for this enlargement of time; Appellant agrees to necessary requests for EOTs, to include this request.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested EOT.

Respectfully submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

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 10 August 2026.

[redacted]
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Airman (E-2) **DANIEL J. TATE,** United States Air Force, *Appellant.*	)	No. ACM S32846 12 August 2026

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.

[redacted]
REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel
[redacted]

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 August 2026.

[redacted]

REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (SIXTH)**
v.	)	Before Panel No. 1
Airman (E-2) **Daniel J. TATE** United States Air Force *Appellant*	)	No. ACM S32846 9 September 2026

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

Pursuant to Rules 23.3(m)(1), 24.3(a)(1), and 24.3(b) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file his Assignments of Error (AOE) brief. Appellant requests an enlargement for a period of thirty days, which will end on **20 October 2026**. The record of trial (ROT) was docketed with this Court on 23 January 2026. From the date of docketing to the present date, 229 days have elapsed. On the date requested, 270 days will have elapsed.

On 25 November 2025, Appellant was tried by a special court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one specification of wrongfully possessing some amount of marijuana and one specification of wrongfully using tetrahydrocannabinol-9, both in violation of Article 112a, Uniform Code of Military Justice, 10 U.S.C. § 912a. Trial Tr. at 66; Charge Sheet; Entry of Judgment (EoJ); App. Ex. V.

The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for seven days, and to be discharged from the service with a bad conduct discharge. Trial Tr. at 91. The convening authority took no action on the findings or sentence and granted Appellant's

request to defer reduction in grade until the EOJ. Convening Authority Decision on Action – *United States v. Amn Daniel J. Tate*, dated 5 December 2026.

The trial transcript is ninety-two pages. The ROT is 416 pages and contains 4 prosecution exhibits, 6 defense exhibits, and 6 appellate exhibits. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-four cases; thirty-four cases are pending before this Court (twenty-three cases are pending initial briefs, two cases are pending Government answers, and nine cases are pending decision), five cases pending before the Court of Appeals for the Armed Forces (CAAF) (one case is pending oral argument, two cases are pending petitions, and two cases are pending decision), four cases are pending before the United States Supreme Court, and two case are at the trial level. To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Griffin*, USCA Dkt. No. 26-0162 – MSgt Griffin's Petition for Writ of Certiorari is due to the United States Supreme Court on 8 October 2026. Undersigned counsel anticipates needing to submit MSgt Griffin's petition for printing no later than 17 September 2026.

2. *United States v. Braum*, USCA Dkt. 25-0046/AF – Capt Braum's Petition for Writ of Certiorari is due to the United States Supreme Court on 31 October 2026. Undersigned counsel anticipates needing to submit Capt Braum's petition for printing no later than 10 October 2026.

3. *United States v. Augustin*, USCA Dkt. 26-0160/AF – SrA Augustin's Petition for Writ of Certiorari is due to the United States Supreme Court on 31 October 2026. Undersigned counsel anticipates needing to submit SrA Augustin's petition for printing no later than 10 October 2026.

4. *United States v. Marquez*, ACM 40800 – SrA Marquez has received fifteen EOTs. His ROT is 2,986 pages and contains 7 volumes consisting of 5 prosecution exhibits, 4 defense

exhibits, 43 appellate exhibits, 3 court exhibits, and a transcript that is 833 pages. SrA Marquez is confined. Undersigned counsel has fully reviewed SrA Marquez's ROT and has begun drafting an AOE brief on his behalf.

5. *United States v. Penninga*, ACM 40714 – This Court delivered its opinion in this case on 22 July 2026. Maj Penninga's petition to the CAAF is due on 20 September 2026.

6. *United States v. Bush*, ACM 40783 – The ROT is 2,857 pages and contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, 45 appellate exhibits and a transcript that is 1,782 pages. SrA Bush is confined. Undersigned counsel has fully reviewed SrA Bush's ROT and has begun drafting an AOE brief on his behalf.

7. *United States v. Cannon*, ACM 40841 – The ROT is 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined. Undersigned counsel has not completed review of A1C Cannon's ROT.

8. *United States v. McCay*, ACM 40869 – The ROT contains 3 prosecution exhibits, 17 defense exhibits, and 6 appellate exhibits; the transcript is 142 pages. SrA McCay is not confined as a result of his court-martial conviction. Undersigned counsel has not completed review of SrA McCay's ROT.

9. *United States v. Gerdes*, ACM S32836 – The ROT is 1 volume consisting of 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits; the transcript is 96 pages. SrA Gerdes is not confined. Undersigned counsel has completed review of SrA Gerdes' ROT.

10. *United States v. Matos*, ACM S32840 – The ROT is 1 volume consisting of 13 prosecution exhibits, 2 defense exhibits, and 21 appellate exhibits; the transcript is 260 pages. AB Matos is not confined. Undersigned counsel has not completed review of AB Matos' ROT.

11. *United States v. Lipscomb*, ACM 40911 – The ROT is 2,296 pages and contains 27 prosecution exhibits, 10 defense exhibits, and 28 appellate exhibits. SSgt Lipscomb is not confined. Undersigned counsel has not completed review of SSgt Lipscomb's ROT.

12. *United States v. Pottinger*, ACM 40926 – The e-ROT is 1,075 pages and contains 10 prosecution exhibits, 8 defense exhibits, 41 appellate exhibits, and the transcript is 446 pages. SrA Pottinger is confined.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant's case. The delay in reviewing Appellant's case is attributable to undersigned counsel's workload and duties in higher priority cases, and has not been caused by Appellant. Undersigned counsel has reviewed the charge sheet, EOJ, App. Ex. V, and portions of the transcript.

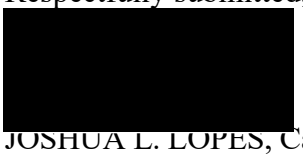
Undersigned counsel anticipates completing filing in the first nine cases in his priority list by January 2027. Undersigned counsel is anticipated to begin Military Parental Leave in January 2027. The Air Force Appellate Defense Division leadership team is aware of undersigned counsel's anticipated absence in January 2027 and plans to detail alternate counsel who will be able to review Appellant's case before undersigned counsel would be able to after his return from parental leave. Accordingly, undersigned counsel is presently unable to provide an estimate of when an AOE will be filed on Appellant's behalf. An EOT is necessary for Appellant to receive advice from an appellate defense counsel who has fully reviewed Appellant's case.

Appellant has provided limited consent to disclose the following information required by this Court: Appellant was advised of his right to speedy appellate review; Appellant was advised of counsel's progress on his case; Appellant was advised of the request for this enlargement of time;

Appellant agrees to necessary requests for EOTs that are attributable to undersigned counsel's other assigned duties, to include this request.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested EOT.

Respectfully submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

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 9 September 2026.

[redacted]
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Airman (E-2) **DANIEL J. TATE,** United States Air Force, *Appellant.*	)	No. ACM S32846 10 September 2026

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.

[redacted]
REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel
[redacted]

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 10 September 2026.

[redacted]

REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee* v. Airman (E-2) **Daniel J. TATE** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (SEVENTH)** Before Panel No. 1 No. ACM S32846 5 October 2026

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

Pursuant to Rules 23.3(m)(1), 24.3(a)(1), and 24.3(b) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file his Assignments of Error (AOE) brief. Appellant requests an enlargement for a period of thirty days, which will end on **19 November 2026**. The record of trial (ROT) was docketed with this Court on 23 January 2026. From the date of docketing to the present date, 255 days have elapsed. On the date requested, 300 days will have elapsed.

On 25 November 2025, Appellant was tried by a special court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one specification of wrongfully possessing some amount of marijuana and one specification of wrongfully using tetrahydrocannabinol-9, both in violation of Article 112a, Uniform Code of Military Justice, 10 U.S.C. § 912a. Trial Tr. at 66; Charge Sheet; Entry of Judgment (EoJ); App. Ex. V.

The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for seven days, and to be discharged from the service with a bad conduct discharge. Trial Tr. at 91. The convening authority took no action on the findings or sentence and granted Appellant's

request to defer reduction in grade until the EOJ. Convening Authority Decision on Action – *United States v. Amn Daniel J. Tate*, dated 5 December 2026.

The trial transcript is ninety-two pages. The ROT is 416 pages and contains 4 prosecution exhibits, 6 defense exhibits, and 6 appellate exhibits. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty cases:

Air Force Court of Criminal Appeals			
Cases Pending Initial AOE Brief	Cases Pending Answers	Cases Pending Reply Brief	Cases Pending Decision
21	2	0	9

Court of Appeals for the Armed Forces (CAAF)						
Cases Pending Petition for Grant of Review	Cases Pending Decision on Petition for Grant of Review	Cases Pending Grant Brief	Cases Pending Answer to Grant Brief	Cases Pending Reply	Cases Pending Oral Argument	Cases Pending Decision
1	1	0	0	0	1	1

Supreme Court of the United States (SCOTUS)						
Cases Pending Petition for Writ of Certiorari	Cases Pending Decision on Petition for Writ of Certiorari	Cases Pending Grant Brief	Cases Pending Answer to Grant Brief	Cases Pending Reply	Cases Pending Oral Argument	Cases Pending Decision
2	2	0	0	0	0	0

To date, undersigned counsel prioritizes the following cases over the present case:

1. *United States v. Marquez*, ACM 40800 – SrA Marquez has received sixteen EOTs. Undersigned counsel is currently finalizing the initial AOE brief on behalf of SrA Marquez, which is due to this Court on 23 October 2026. SrA Marquez is confined.

2. *United States v. Braum*, USCA Dkt. No. 25-0046/AF – Capt Braum's Petition for Writ of Certiorari is due to the SCOTUS on 31 October 2026. Capt Braum has already received an extension of time to file his petition from the Chief Justice of the Supreme Court. Undersigned counsel has completed the initial draft of the petition and is finalizing the draft for submission to the printer by 10 October 2026.
3. *United States v. Marschalek*, USCA Dkt. No. 26-0221/AF – Undersigned counsel is anticipated to deliver oral argument before CAAF for this case on 28 October 2026.
4. *United States v. Bush*, ACM 40783 – SrA Bush has received nine EOTs and anticipates filing a tenth motion for EOT contemporaneous with this filing. The ROT is 2,857 pages and contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, 45 appellate exhibits and a transcript that is 1,782 pages. Undersigned counsel has fully reviewed SrA Bush's ROT and has begun drafting an AOE brief on his behalf. SrA Bush is confined.
5. *United States v. Hennessy*, ACM 40439 – This Court delivered its opinion in this case on 25 August 2026. A1C Hennessy's petition for grant of review to the CAAF is due on 24 October 2026.
6. *United States v. Cannon*, ACM 40841 – The e-ROT is 1,288 pages and contains 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, 1 court exhibit, and a transcript that is 848 pages. A1C Cannon is confined. A1C Cannon has retained civilian appellate counsel to serve as his lead appellate defense counsel.
7. *United States v. McCay,* ACM 40869 – The e-ROT is 1,049 pages and contains 3 prosecution exhibits, 17 defense exhibits, 6 appellate exhibits, and a transcript that

is 142 pages. SrA McCay is not confined as the result of his court-martial conviction.

8. *United States v. Matos*, ACM S32840 – The e-ROT is 1,571 pages and contains 13 prosecution exhibits, 2 defense exhibits, 21 appellate exhibits, and the transcript is 260 pages. AB Matos is not confined.
9. *United States v. Lipscomb*, ACM 40911 – The e-ROT is 2,296 pages and contains 27 prosecution exhibits, 10 defense exhibits, 28 appellate exhibits, and the transcript is 576 pages. SSgt Lipscomb is not confined.
10. *United States v. Pottinger*, ACM 40926 – The e-ROT is 1,075 pages and contains 10 prosecution exhibits, 8 defense exhibits, 41 appellate exhibits, and the transcript is 446 pages. SrA Pottinger is confined.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant's case. The delay in reviewing Appellant's case is attributable to undersigned counsel's workload and duties in higher priority cases, and has not been caused by Appellant. Undersigned counsel has reviewed the charge sheet, EOJ, App. Ex. V, and portions of the transcript.

Undersigned counsel anticipates completing filing in the first nine cases in his priority list by January 2027. Undersigned counsel is anticipated to begin Military Parental Leave in January 2027. The Air Force Appellate Defense Division leadership team is aware of undersigned counsel's anticipated absence in January 2027 and plans to detail alternate counsel who will be able to review Appellant's case before undersigned counsel would be able to after his return from parental leave. Accordingly, undersigned counsel is presently unable to provide an estimate of

when an AOE will be filed on Appellant's behalf. An EOT is necessary for Appellant to receive advice from an appellate defense counsel who has fully reviewed Appellant's case.

Appellant has provided limited consent to disclose the following information required by this Court: Appellant was advised of his right to speedy appellate review; Appellant was advised of counsel's progress on his case; Appellant was advised counsel's request for an EOT; Appellant acquiesces to counsel's requests for EOTs that are due to counsel's workload and necessary for counsel to fully review his case.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested EOT.

Respectfully submitted,

JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel

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 5 October 2026.

[redacted]
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Airman (E-2) **DANIEL J. TATE,** United States Air Force, *Appellant.*	)	No. ACM S32846 6 October 2026

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.

[redacted]
REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel
[redacted]

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 6 October 2026.

[redacted]
REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel
[redacted]

UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM S32846**
Appellee	)	
	)	
v.	)	
	)	**ORDER**
Daniel J. TATE	)	
Airman (E-2))		
U.S. Air Force	)	
Appellant	)	**Panel 1**

On 2 November 2026, counsel for Appellant moved this court for an enlargement of time (EOT) (Eighth), requesting an additional 30 days until 19 December 2026 to submit Appellant's assignments of error brief. Appellant's counsel informed the court that "Appellant has been advised of his right to speedy appellate review and of extensions of time," but the motion does not state whether Appellant agrees with the requested EOT.

The Government generally opposed the motion.

Pursuant to Rule 24.3(b)(2), motions for EOT shall inform this court "whether the appellant was informed of the requested enlargement, and agrees with the requested enlargement . . . ." A.F. Ct. Crim. App. R. 24.3(b)(2). As is, the motion fails to appropriately specify whether Appellant "agrees with the requested enlargement," as required by this court's rules.

Accordingly, it is by the court on this 5th day of November, 2026,

ORDERED:

Appellant's Motion for Enlargement of Time (Eighth) is **DENIED**. Appellant shall file any assignments of error not later than **19 November 2026**.

FOR THE COURT

[redacted]

JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee* v. Airman (E-2) **DANIEL J. TATE** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (EIGHTH)** Before Panel No. 1 No. ACM S32846 2 November 2026

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

Pursuant to Rules 23.3(m)(1), 24.3(a)(1), and 24.3(b) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file his Assignments of Error (AOE) brief. Appellant requests an enlargement for a period of thirty days, which will end on **19 December 2026**. The record of trial (ROT) was docketed with this Court on 23 January 2026. From the date of docketing to the present date, 283 days have elapsed. On the date requested, 330 days will have elapsed.

On 25 November 2025, Appellant was tried by a special court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one specification of wrongfully possessing some amount of marijuana and one specification of wrongfully using tetrahydrocannabinol-9, both in violation of Article 112a, Uniform Code of Military Justice, 10 U.S.C. § 912a. Trial Tr. at 66; Charge Sheet; Entry of Judgment (EoJ); App. Ex. V.

The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for seven days, and to be discharged from the service with a bad conduct discharge. Trial Tr. at 91. The convening authority took no action on the findings or sentence and granted Appellant's

request to defer reduction in grade until the EOJ. Convening Authority Decision on Action – *United States v. Amn Daniel J. Tate*, dated 5 December 2026.

The trial transcript is ninety-two pages. The ROT is 416 pages and contains 4 prosecution exhibits, 6 defense exhibits, and 6 appellate exhibits. Appellant is not confined.

I. Requirements for Good Cause and Work Completed Since Last EOT

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following good cause supporting this motion. The undersigned counsel's workload has been too onerous to allow sufficient professional attention to complete this case and provide effective representation to Appellant by the current due date. Currently, the undersigned counsel is currently assigned thirty-six cases:

Air Force Court of Criminal Appeals			
Cases Pending Initial AOE Brief	Cases Pending Answers	Cases Pending Reply Brief	Cases Pending Decision
21	2	0	9

Court of Appeals for the Armed Forces (CAAF)						
Cases Pending Petition for Grant of Review	Cases Pending Decision on Petition for Grant of Review	Cases Pending Grant Brief	Cases Pending Answer to Grant Brief	Cases Pending Reply	Cases Pending Oral Argument	Cases Pending Decision
1	1	0	0	0	1	1

Supreme Court of the United States (SCOTUS)						
Cases Pending Petition for Writ of Certiorari	Cases Pending Decision on Petition for Writ of Certiorari	Cases Pending Grant Brief	Cases Pending Answer to Grant Brief	Cases Pending Reply	Cases Pending Oral Argument	Cases Pending Decision
2	2	0	0	0	0	0

Further, since the last EOT, undersigned counsel completed the following substantive work before this Court: a reply brief in *Jackson*, S32819; a reply brief in *Hodges*, 40904 (f rev); and a motion to compel production in *Marquez*, ACM 40800.

Before the Court of Appeals for the Armed Forces, undersigned counsel prepared for oral argument that was delivered on 28 October 2026 in *Marschalek*, Dkt. No. 26-0221/AF.

Before the Supreme Court of the United States, undersigned counsel co-authored a Petition for Writ of Certiorari in *United States v. Braum*. Any application for an extension of the filing deadline for a certiorari petition seeking review of a decision of the Court of Appeals for the Armed Forces must be submitted to the Chief Justice of the United States for consideration. S. Ct. R. 22.3. Such applications are disfavored. *Id.*, R. 13.5. The Supreme Court will not even accept for consideration an application for a second extension, as the Air Force Appellate Defense Division recently learned in the case of *Navarro Aguirre v. United States*, No. 25A1291, https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/25a1291.html ("Application of Leo Navarro Aguirre for a further extension of time not accepted for filing. (July 29, 2026)"). The filing of a petition for writ of certiorari is highly resource intensive. Such petitions must be printed in booklets. The printing process—which involves the Defense Logistics Agency obtaining a contract with a civilian printer and a subsequent review of a proof of the certiorari petition before printing—adds considerable time and effort to the filing's preparation. Moreover, because an appellant has a constitutional right to effective assistance of counsel only on a first-level appeal as of right, *Pennsylvania v. Finley*, 418 U.S. 551, 555 (1987), missing a Supreme Court certiorari filing deadline is essentially irremediable. Appellate defense counsel must, therefore, prioritize certiorari petitions above almost all other filings.

In addition to substantive filings, undersigned counsel filed a motion to withdraw from appellate review in *McCay*, ACM 40869. Undersigned counsel has also prepared fifteen requests for enlargements of time in other cases and attended two status conferences for other cases, which required approximately fifteen hours of work. Undersigned counsel has also spent approximately twenty-one hours communicating with various clients. Lastly, undersigned counsel spent approximately five hours completing mandatory trainings to include, Military Continuing Legal Education Training, Sexual Assault Prevention and Response First Responder Training, and annual Total Force Awareness Trainings.

II. Case Prioritization

To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Marquez*, ACM 40800 – SrA Marquez has received seventeen EOTs. Undersigned military counsel has completed the AOE brief but has not received the documents underlying the motion to compel production that are necessary to file the AOE brief.

2. *United States v. Bush*, ACM No. 40783 – The ROT is 2,857 pages and contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, 45 appellate exhibits and a transcript that is 1,782 pages. SrA Bush is confined. Undersigned military counsel has fully reviewed SrA Bush's ROT and has begun drafting an AOE brief on his behalf.

3. *United States v. Cannon*, ACM 40841 – The e-ROT is 1,288 pages and contains 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, 1 court exhibit, and a transcript that is 848 pages. A1C Cannon is not confined. A1C Cannon has retained civilian appellate counsel to serve as his lead appellate defense counsel.

4. *United States v. Mato*s, ACM S32840 – The e-ROT is 1,571 pages and contains 13 prosecution exhibits, 2 defense exhibits, 21 appellate exhibits, and the transcript is 260 pages. AB

Matos is not confined.

5. *United States v. Lipscomb*, ACM 40911 – The e-ROT is 2,296 pages and contains 27 prosecution exhibits, 10 defense exhibits, 28 appellate exhibits, and the transcript is 576 pages. SSgt Lipscomb is not confined.

6. *United States v. Pottinge*r, ACM 40926 – The e-ROT is 1,075 pages and contains 10 prosecution exhibits, 8 defense exhibits, 41 appellate exhibits, and the transcript is 446 pages. SrA Pottinger is confined.

III. Case Progress

Undersigned counsel has not completed reviewing Appellant's record. Undersigned counsel has reviewed the charge sheet, EOJ, App. Ex. V, and portions of the transcript. Undersigned counsel has not identified potential AOEs. Undersigned counsel has not begun drafting the AOE brief. Undersigned counsel estimates the AOE brief will not be filed in 2026 considering undersigned counsel's caseload and higher priorities. Undersigned counsel is anticipated to begin Military Parental Leave in January 2027. The Air Force Appellate Defense Division leadership team is aware of undersigned counsel's anticipated absence and plans to detail alternate counsel. Accordingly, undersigned counsel is personally unable to provide a more specific estimate of when an AOE brief will be filed on Appellant's behalf.

Appellant has been advised of his right to speedy appellate review and of extensions of time. In addition to having a right to speedy appellate review, an appellant also "has the right to effective representation by counsel through the entire period of review following trial, including representation before the Court of Criminal Appeals." *Diaz v. JAG of the Navy*, 59 M.J. 34, 37 (C.A.A.F. 2003). Appellant does not bear any fault or responsibility for the delay, nor does Appellant personally desire a delay for reasons other than to ensure effective appellate

representation. Rather, it has not been reasonably possible for undersigned counsel to give Appellant or this case the professional attention required because of undersigned counsel's workload. Neither the Appellant nor Appellant's counsel is thus accountable for this delay, as the CAAF instructed in *Moreno*, 63 M.J. at 135, that "[w]hile appellate defense counsel's caseload is the underlying cause of much of this period of delay, responsibility for this portion of the delay and burden placed upon appellate defense counsel initially rests with the Government."

IV. Conclusion

While this Motion seeks a summary grant for the requested EOT, should this Honorable Court wish to take further action to address the lengthy delay in the case, the Appellant suggests as an alternative that the Government be ordered to show cause as to what the Government has done to carry its burden with respect to this post trial delay. As *Moreno* established, the Government is responsible for far more than passively observing post-trial delays and simply objecting to their existence. The Government has the affirmative duty to adequately staff the appellate defense division to ensure delays such as this one do not occur, and such corrective action by this Court should be focused on the party with whom this responsibility lies.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested EOT.

Respectfully submitted,

[redacted]
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

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 2 November 2026.

[redacted]
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Airman (E-2) **DANIEL J. TATE,** United States Air Force, *Appellant.*	)	No. ACM S32846 4 November 2026

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 to file an Assignment of Error in this case.

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 330 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 over half 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 a review of the record of trial at this late stage of the appellate process. Finally, Appellant has not stated whether he agrees with the requested enlargement in this case as required by A.F. Ct. Crim. App. R. 24.3(b)(2). *See* United States v. Moreno, 63 M.J. 129, 138 (C.A.A.F. 2006) ("There is no evidence in this case that the numerous requests for delay filed by appellate

defense counsel benefitted Moreno or that Moreno was consulted about and agreed to these delays.").

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

[redacted]
CATHERINE D. MUMFORD, Maj, USAF
Appellate Government Counsel
[redacted]

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 4 November 2026.

[redacted]
CATHERINE D. MUMFORD, Maj, USAF
Appellate Government Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee* v. Airman (E-2) **DANIEL J. TATE** United States Air Force *Appellant*	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (EIGHTH)** Before Panel No. 1 No. ACM S32846 5 November 2026

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

Pursuant to Rules 23.3(m)(1), 24.3(a)(1), and 24.3(b) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file his Assignments of Error (AOE) brief. Appellant requests an enlargement for a period of thirty days, which will end on **19 December 2026**. The record of trial (ROT) was docketed with this Court on 23 January 2026. From the date of docketing to the present date, 286 days have elapsed. On the date requested, 330 days will have elapsed.

On 25 November 2025, Appellant was tried by a special court-martial composed of a military judge alone at Seymour Johnson Air Force Base, North Carolina. Appellant was found guilty, in accordance with his pleas and pursuant to a plea agreement, of one specification of wrongfully possessing some amount of marijuana and one specification of wrongfully using tetrahydrocannabinol-9, both in violation of Article 112a, Uniform Code of Military Justice, 10 U.S.C. § 912a. Trial Tr. at 66; Charge Sheet; Entry of Judgment (EoJ); App. Ex. V.

The military judge sentenced Appellant to be reduced to the grade of E-1, to be confined for seven days, and to be discharged from the service with a bad conduct discharge. Trial Tr. at 91. The convening authority took no action on the findings or sentence and granted Appellant's

request to defer reduction in grade until the EOJ. Convening Authority Decision on Action – *United States v. Amn Daniel J. Tate*, dated 5 December 2026.

The trial transcript is ninety-two pages. The ROT is 416 pages and contains 4 prosecution exhibits, 6 defense exhibits, and 6 appellate exhibits. Appellant is not confined.

I. Requirements for Good Cause and Work Completed Since Last EOT

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following good cause supporting this motion. The undersigned counsel's workload has been too onerous to allow sufficient professional attention to complete this case and provide effective representation to Appellant by the current due date. Currently, the undersigned counsel is currently assigned thirty-six cases:

Air Force Court of Criminal Appeals			
Cases Pending Initial AOE Brief	Cases Pending Answers	Cases Pending Reply Brief	Cases Pending Decision
20	0	0	10

Court of Appeals for the Armed Forces (CAAF)						
Cases Pending Petition for Grant of Review	Cases Pending Decision on Petition for Grant of Review	Cases Pending Grant Brief	Cases Pending Answer to Grant Brief	Cases Pending Reply	Cases Pending Oral Argument	Cases Pending Decision
0	1	0	0	0	0	2

Supreme Court of the United States (SCOTUS)						
Cases Pending Petition for Writ of Certiorari	Cases Pending Decision on Petition for Writ of Certiorari	Cases Pending Grant Brief	Cases Pending Answer to Grant Brief	Cases Pending Reply	Cases Pending Oral Argument	Cases Pending Decision
0	3	0	0	0	0	0

Further, since the last EOT, undersigned counsel completed the following substantive work before this Court: a reply brief in *Jackson*, S32819; a reply brief in *Hodges*, 40904 (f rev); and a motion to compel production in *Marquez*, ACM 40800.

Before the Court of Appeals for the Armed Forces, undersigned counsel prepared for oral argument that was delivered on 28 October 2026 in *Marschalek*, Dkt. No. 26-0221/AF.

Before the Supreme Court of the United States, undersigned counsel co-authored a Petition for Writ of Certiorari in *United States v. Braum*. Any application for an extension of the filing deadline for a certiorari petition seeking review of a decision of the Court of Appeals for the Armed Forces must be submitted to the Chief Justice of the United States for consideration. S. Ct. R. 22.3. Such applications are disfavored. *Id.*, R. 13.5. The Supreme Court will not even accept for consideration an application for a second extension, as the Air Force Appellate Defense Division recently learned in the case of *Navarro Aguirre v. United States*, No. 25A1291, https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/25a1291.html ("Application of Leo Navarro Aguirre for a further extension of time not accepted for filing. (July 29, 2026)"). The filing of a petition for writ of certiorari is highly resource intensive. Such petitions must be printed in booklets. The printing process—which involves the Defense Logistics Agency obtaining a contract with a civilian printer and a subsequent review of a proof of the certiorari petition before printing—adds considerable time and effort to the filing's preparation. Moreover, because an appellant has a constitutional right to effective assistance of counsel only on a first-level appeal as of right, *Pennsylvania v. Finley*, 418 U.S. 551, 555 (1987), missing a Supreme Court certiorari filing deadline is essentially irremediable. Appellate defense counsel must, therefore, prioritize certiorari petitions above almost all other filings.

In addition to substantive filings, undersigned counsel filed a motion to withdraw from appellate review in *McCay*, ACM 40869. Undersigned counsel has also prepared fifteen requests for enlargements of time in other cases and attended two status conferences for other cases, which required approximately fifteen hours of work. Undersigned counsel has also spent approximately twenty-one hours communicating with various clients. Lastly, undersigned counsel spent approximately five hours completing mandatory trainings to include, Military Continuing Legal Education Training, Sexual Assault Prevention and Response First Responder Training, and annual Total Force Awareness Trainings.

II. Case Prioritization

To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Marquez*, ACM 40800 – SrA Marquez has received seventeen EOTs. Undersigned military counsel has completed the AOE brief but has not received the documents underlying the motion to compel production that are necessary to file the AOE brief.

2. *United States v. Bush*, ACM No. 40783 – The ROT is 2,857 pages and contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, 45 appellate exhibits and a transcript that is 1,782 pages. SrA Bush is confined. Undersigned military counsel has fully reviewed SrA Bush's ROT and has begun drafting an AOE brief on his behalf.

3. *United States v. Cannon*, ACM 40841 – The e-ROT is 1,288 pages and contains 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, 1 court exhibit, and a transcript that is 848 pages. A1C Cannon is not confined. A1C Cannon has retained civilian appellate counsel to serve as his lead appellate defense counsel.

4. *United States v. Mato*s, ACM S32840 – The e-ROT is 1,571 pages and contains 13 prosecution exhibits, 2 defense exhibits, 21 appellate exhibits, and the transcript is 260 pages. AB

Matos is not confined.

5. *United States v. Lipscomb*, ACM 40911 – The e-ROT is 2,296 pages and contains 27 prosecution exhibits, 10 defense exhibits, 28 appellate exhibits, and the transcript is 576 pages. SSgt Lipscomb is not confined.

6. *United States v. Pottinge*r, ACM 40926 – The e-ROT is 1,075 pages and contains 10 prosecution exhibits, 8 defense exhibits, 41 appellate exhibits, and the transcript is 446 pages. SrA Pottinger is confined.

III. Case Progress

Undersigned counsel has not completed reviewing Appellant's record. Undersigned counsel has reviewed the charge sheet, EOJ, App. Ex. V, and portions of the transcript. Undersigned counsel has not identified potential AOEs. Undersigned counsel has not begun drafting the AOE brief. Undersigned counsel estimates the AOE brief will not be filed in 2026 considering undersigned counsel's caseload and higher priorities. Undersigned counsel is anticipated to begin Military Parental Leave in January 2027. The Air Force Appellate Defense Division leadership team is aware of undersigned counsel's anticipated absence and plans to detail alternate counsel. Accordingly, undersigned counsel is personally unable to provide a more specific estimate of when an AOE brief will be filed on Appellant's behalf.

Appellant has been advised of his right to speedy appellate review and of extensions of time. Appellant has not agreed to the requested enlargement of time. In addition to having a right to speedy appellate review, an appellant also "has the right to effective representation by counsel through the entire period of review following trial, including representation before the Court of Criminal Appeals." *Diaz v. JAG of the Navy*, 59 M.J. 34, 37 (C.A.A.F. 2003). Appellant does not bear any fault or responsibility for the delay. Rather, it has not been reasonably possible for

undersigned counsel to give Appellant or this case the professional attention required because of undersigned counsel's workload. Neither the Appellant nor Appellant's counsel is thus accountable for this delay, as the CAAF instructed in *Moreno*, 63 M.J. at 135, that "[w]hile appellate defense counsel's caseload is the underlying cause of much of this period of delay, responsibility for this portion of the delay and burden placed upon appellate defense counsel initially rests with the Government."

IV. Conclusion

While this Motion seeks a summary grant for the requested EOT, should this Honorable Court wish to take further action to address the lengthy delay in the case, the Appellant suggests as an alternative that the Government be ordered to show cause as to what the Government has done to carry its burden with respect to this post trial delay. As *Moreno* established, the Government is responsible for far more than passively observing post-trial delays and simply objecting to their existence. The Government has the affirmative duty to adequately staff the appellate defense division to ensure delays such as this one do not occur, and such corrective action by this Court should be focused on the party with whom this responsibility lies.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested EOT.

Respectfully submitted,

[redacted]

JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

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 5 November 2026.

[redacted]
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Airman (E-2) **DANIEL J. TATE,** United States Air Force, *Appellant.*	)	No. ACM S32846 9 November 2026

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 to file an Assignment of Error in this case.

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 330 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 over half 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 a review of the record of trial at this late stage of the appellate process. Finally, Appellant has not stated whether he agrees with the requested enlargement in this case as required by A.F. Ct. Crim. App. R. 24.3(b)(2). *See* United States v. Moreno, 63 M.J. 129, 138 (C.A.A.F. 2006) ("There is no evidence in this case that the numerous requests for delay filed by appellate

defense counsel benefitted Moreno or that Moreno was consulted about and agreed to these delays.").

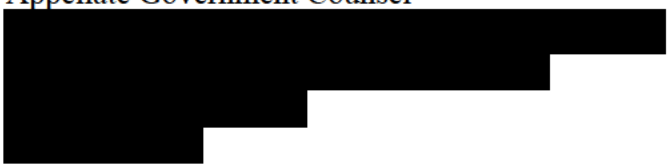
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

[redacted]
CATHERINE D. MUMFORD, Maj, USAF
Appellate Government Counsel
[redacted]

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 9 November 2026.



CATHERINE D. MUMFORD, Maj, USAF
Appellate Government Counsel


IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee,*	)	**MOTION TO WITHDRAW FROM APPELLATE REVIEW AND ATTACH**
v.	)	Before Panel No. 1
Airman (E-2) **Daniel J. TATE,** United States Air Force *Appellant*.	)	No. ACM S32846 10 November 2026

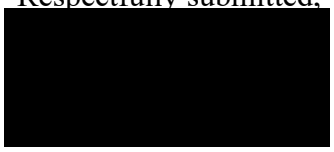
TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 16 of the Joint Rules of Appellate Practice for Courts of Criminal Appeals (JRAP) and Rule for Courts-Martial (R.C.M.) 1115, *Manual for Courts-Martial*, *United States* (2024 ed.), Appellant, Airman Daniel J. Tate, moves to withdraw his case from appellate review. Appellant has consulted fully with Capt Joshua L. Lopes, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promise of clemency, or otherwise, to withdraw his case from appellate review.

Further, pursuant to Rule 23(b) of the JRAP and Rule 23.3(b) of this Court's Rules of Practice and Procedure, undersigned counsel asks this Court to attach the document appended to this motion to the record of this proceeding. The appended 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. The appended document is necessary to comply with R.C.M. 1115(d) and Rule 16.1 of this Court's Rules of Practice and Procedure. Appellant reviewed the appended document with undersigned counsel after fully discussing his case and electronically signed and emailed the document to undersigned counsel for attachment to the record.

WHEREFORE, Appellant respectfully requests that this Court grant this motion to withdraw from appellate review and attach matters to the record.

Respectfully submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]

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 10 November 2026.



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel
[redacted]