UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM 40557 (reh)**
Appellee	)	
	)	
v.	)	
	)	**NOTICE OF**
Wesley J. TITUS	)	**DOCKETING**
Specialist 4 (E-4)	)	
U.S. Space Force	)	
Appellant	)	

The record of trial in the above-styled case was returned to this court by the Military Appellate Records Branch (JAJM).

Accordingly, it is by the court on this 20th day of May, 2026,

ORDERED:

The record of trial in the above-styled matter is referred to Panel 2.

FOR THE COURT

[redacted]

STEPHAN A. WILLIAMS, TSgt, USAF
Court Paralegal

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. 2
Specialist 4 (E-4) **WESLEY J. TITUS** United States Space Force *Appellant*	)	No. ACM 40557 (reh) 8 July 2026

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

Pursuant to Rules 23.3(m), 24.3(a)(1), and 24.3(b)(1) of this Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file his Assignments of Error (AOE) brief. Appellant requests an enlargement for a period of sixty days, which will end on **17 September 2026**. Appellant's case was docketed with this Court on 20 May 2026. From the date of docketing to the present date, 49 days have elapsed. On the date requested, 120 days will have elapsed from the date of docketing.

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 were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 8 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
Specialist 4 (E-4) **WESLEY J. TITUS,** United States Air Force, *Appellant.*	)	No. ACM 40557 (f rev) 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 (SECOND)**
v.	)	
	)	Before Panel No. 2
Specialist 4 (E-4) **WESLEY J. TITUS** United States Space Force	)	No. ACM 40557 (reh)
Appellant	)	8 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)(1) of this 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 sixty days, which will end on **16 November 2026**. Appellant's case was docketed with this Court on 20 May 2026. From the date of docketing to the present date, 111 days have elapsed. On the date requested, 180 days will have elapsed from the date of docketing.

On 7 April 2025, this Court set aside the findings of guilty and the sentence of Appellant's previous court-martial and authorized a rehearing. Entry of Judgment (EOJ). The convening authority ordered a rehearing of the findings and sentence. Rehearing Determination memorandum, dated 11 July 2025.

On 23 January 2026, Appellant was tried by a general court-martial composed of a military judge alone at Schriever Space Force Base, Colorado. Appellant was found guilty, consistent with his pleas and pursuant to a plea agreement, of one charge with one specification of conspiracy to commit larceny and one charge with four specifications of assault

consummated by a battery and in violation of Articles 81 and 128, Uniform Code of Military Justice (UCMJ), 10 U.S.C. §§ 881, 928. Trial Tr. 59; EOJ; App. Ex. XI.

The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit all pay and allowances, to be confined for six months, and to be dishonorably discharged from the service. Trial Tr. 86; EOJ. The convening authority took no action on the findings and "approved the sentence in its entirety." Convening Authority Decision on Action – Rehearing – *United States v. Spc4 Wesley J. Titus*, dated 18 February 2026.

The ROT is three volumes and contains 534 pages consisting of a transcript that is 87 pages, 3 prosecution exhibits, 0 defense exhibits, 12 appellate exhibits, and 1 court exhibit. 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.

13. *United States v. Tate*, ACM S32846 – The e-ROT is 416 pages and contains 4 prosecution exhibits, 6 defense exhibits, 6 appellate exhibits, and the transcript is 91 pages. Amn Tate is not confined.

14. *United States v. Sago*, ACM 40956 – The e-ROT is 1,125 pages and contains 5 prosecution exhibits, 9 defense exhibits, 26 appellate exhibits, and the transcript is 576 pages.

15. *United States v. Collins*, ACM 40962 – The e-ROT is 801 pages and contains 7 prosecution exhibits, 13 defense exhibits, 5 appellate exhibits, and the transcript is 205 pages.

16. *United States v. Gnile*, ACM 40971 – The e-ROT is 1,393 pages and contains 12 prosecution exhibits, 11 defense exhibits, 21 appellate exhibits, and the transcript is 858 pages.

17. *United States v. Pyles*, ACM 40970 – The e-ROT is 761 pages and contains 4 prosecution exhibits, 9 defense exhibits, 7 appellate exhibits, and the transcript is 195 pages.

18. *United States v. Hipp*, ACM S32849 – The e-ROT is 939 pages and contains 3 prosecution exhibits, 5 defense exhibits, 3 appellate exhibits, and the transcript is 212 pages.

19. *United States v. Legarda*, ACM 40984 – The e-ROT is 3,048 pages and contains 13 prosecution exhibits, 10 defense exhibits, 50 appellate exhibits, and the transcript is 603 pages.

20. *United States v. Smith*, ACM 40992 – The e-ROT is 752 pages and contains 3 prosecution exhibits, 8 defense exhibits, 15 appellate exhibits, and the transcript is 134 pages.

21. *United States v. Dermody*, ACM 40982 – The e-ROT is 1,188 pages and contains 10 prosecution exhibits, 6 defense exhibits, 39 appellate exhibits, and a transcript that is 358 pages.

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. XI, 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 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 were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 8 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. 2
Specialist 4 (E-4) **WESLEY J. TITUS,** United States Air Force, *Appellant.*	)	No. ACM 40557 (reh) 9 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 9 September 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. 2
Specialist 4 (E-4) **WESLEY J. TITUS** United States Space Force	)	No. ACM 40557 (reh)
Appellant	)	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)(1) of this 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 **16 December 2026**. Appellant's case was docketed with this Court on 20 May 2026. From the date of docketing to the present date, 166 days have elapsed. On the date requested, 210 days will have elapsed from the date of docketing.

On 7 April 2025, this Court set aside the findings of guilty and the sentence of Appellant's previous court-martial and authorized a rehearing. Entry of Judgment (EOJ). The convening authority ordered a rehearing of the findings and sentence. Rehearing Determination memorandum, dated 11 July 2025.

On 23 January 2026, Appellant was tried by a general court-martial composed of a military judge alone at Schriever Space Force Base, Colorado. Appellant was found guilty, consistent with his pleas and pursuant to a plea agreement, of one charge with one specification of conspiracy to commit larceny and one charge with four specifications of assault

consummated by a battery and in violation of Articles 81 and 128, Uniform Code of Military Justice (UCMJ), 10 U.S.C. §§ 881, 928. Trial Tr. 59; EOJ; App. Ex. XI.

The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to forfeit all pay and allowances, to be confined for six months, and to be dishonorably discharged from the service. Trial Tr. 86; EOJ. The convening authority took no action on the findings and "approved the sentence in its entirety." Convening Authority Decision on Action – Rehearing – *United States v. Spc4 Wesley J. Titus*, dated 18 February 2026.

The ROT is three volumes and contains 534 pages consisting of a transcript that is 87 pages, 3 prosecution exhibits, 0 defense exhibits, 12 appellate exhibits, and 1 court exhibit. 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 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 to the Government's Answer to Appellant's Supplemental AOE in *Robinson*, ACM 24044 (f rev); a response to the United States' Motion to Cite Supplemental Authority in *Robinson*, ACM 24044 (f rev); a reply to the Government's Answer to Appellant's Supplemental AOE in *Raines*, ACM 40765; a response to the United States' Motion to Cite Supplemental Authority in *Raines*, ACM 40765; a response to the Government motion for EOT 1 in *Jackson*, S32819; a reply brief in *Jackson*, S32819; a response to the Government motion for EOT 1 in *Hodges*, 40904 (f rev); 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 and completed a petition for grant of review and supplement to petition for grant of review in *Penninga*, Dkt. No. __-____/AF. Failure to meet Article 67(b)'s 60-day petition deadline results in a jurisdictional bar to the Court of Appeals for the Armed Forces' consideration of an appellant's case. *United States v. Rodriguez*, 67 M.J. 110 (C.A.A.F. 2009). Because an appellant has a constitutional right to effective assistance of counsel only on a first-level appeal as of right, *Finley*, 418 U.S. at 555 (1987), missing a Court of Appeals for the Armed Forces petition deadline is essentially irremediable. Therefore, undersigned counsel was required to prioritize the petition in *Penninga* over the present case.

Before the Supreme Court of the United States, undersigned counsel co-authored a Petition for Writ of Certiorari in *United States v. Allen, et. al*. and 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 and attach in *Gerdes*, ACM S32836; and a motion to withdraw from appellate review in *McCay*, ACM 40869. Undersigned counsel has also prepared twenty-four requests for enlargements of time in other cases and attended two status conferences for other cases, which required approximately twenty-four hours of work. Undersigned counsel has also spent

approximately forty-six hours communicating with various clients. Lastly, undersigned counsel spent approximately twenty-four hours completing mandatory trainings to include, the Joint Appellate Advocacy Training, 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.

7. *United States v. Tate*, ACM S32846 – The e-ROT is 416 pages and contains 4 prosecution exhibits, 6 defense exhibits, 6 appellate exhibits, and the transcript is 91 pages. Amn Tate is not confined.

8. *United States v. Sago*, ACM 40956 – The e-ROT is 1,125 pages and contains 5 prosecution exhibits, 9 defense exhibits, 26 appellate exhibits, and the transcript is 576 pages.

9. *United States v. Gnile*, ACM 40971 – The e-ROT is 1,393 pages and contains 12 prosecution exhibits, 11 defense exhibits, 21 appellate exhibits, and the transcript is 858 pages.

10. *United States v. Pyles*, ACM 40970 – The e-ROT is 761 pages and contains 4 prosecution exhibits, 9 defense exhibits, 7 appellate exhibits, and the transcript is 195 pages.

11. *United States v. Hipp*, ACM S32849 – The e-ROT is 939 pages and contains 3 prosecution exhibits, 5 defense exhibits, 3 appellate exhibits, and the transcript is 212 pages.

12. *United States v. Legarda*, ACM 40984 – The e-ROT is 3,048 pages and contains 13 prosecution exhibits, 10 defense exhibits, 50 appellate exhibits, and the transcript is 603 pages.

13. *United States v. Smith*, ACM 40992 – The e-ROT is 752 pages and contains 3 prosecution exhibits, 8 defense exhibits, 15 appellate exhibits, and the transcript is 134 pages.

14. *United States v. Dermody*, ACM 40982 – The e-ROT is 1,188 pages and contains 10 prosecution exhibits, 6 defense exhibits, 39 appellate exhibits, and a transcript that is 358 pages.

III. Case Progress

Undersigned counsel has not completed reviewing Appellant's record. Undersigned counsel has reviewed the charge sheet, EOJ, App. Ex. XI, 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.

IV. Client Disclosures and Case Law

Appellant has provided limited consent to disclose the following information required by this Court's rules. Appellant has been advised of his right to speedy appellate review and of extensions of time. Appellant invokes his right to speedy appellate review which is "entitled to strong evidentiary weight." *United States v. Moreno*, 63 M.J. 129, 138 (C.A.A.F. 2006) (quoting *Barker v. Wingo*, 407 U.S. 514, 531 (1972)).

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). The Appellant invokes his right to effective representation.

The Appellant acquiesces to this delay only to afford undersigned counsel the necessary time to give this case the professional attention required, which has not been possible because of

other prioritized workload.[1] Appellant does not waive his right to speedy appellate review or his right to competent appellate counsel. Rather, he expressly invokes both rights.[2]

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."

V. 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

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[1] *Moreno*, 63 M.J. at 138 (recognizing "the paradox of requiring Moreno to complain about appellate delay either to his appellate counsel who sought multiple enlargements of time because of other case commitments or to the appellate court that granted the enlargements on a routine basis.")

[2] *Evitts v. Lucey*, 469 U.S. 387, 399-400 (1985) "(A system of appeal as of right is established precisely to assure that only those who are validly convicted have their freedom drastically curtailed. A State may not extinguish this right because another right of the appellant—the right to effective assistance of counsel—has been violated."). Similarly, the United States may not extinguish an appellant's right to timely post-trial review because it has under-resourced the entity it established to provide effective assistance of counsel upon such an appeal.

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 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 were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations 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' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Specialist 4 (E-4) **WESLEY J. TITUS,** United States Air Force, *Appellant.*	)	No. ACM 40557 (reh) 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 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 4 November 2026.

[redacted]

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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee* v. Specialist (E-4) **Wesley J. Titus** United States Air Force *Appellant*	)	**APPELLANT'S MOTION TO WITHDRAW FROM APPELLATE REVIEW AND ATTACH** Before Panel No. 2 No. ACM 40557 6 November 2026

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

Pursuant to Rule 16 of this Court's Rules of Practice and Procedure and Rule for Courts-Martial (R.C.M.) 1115, Appellant moves to withdraw their case from appellate review. Appellant has fully consulted with Capt Jefferson Abbey their appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promises of clemency, or otherwise, to withdraw their case from appellate review.

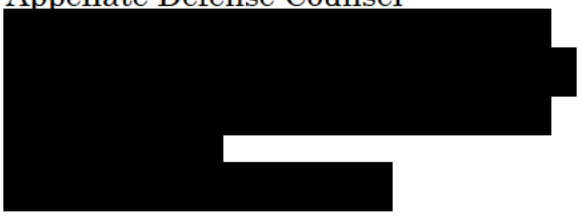
Further, pursuant to Rules 23(b) and 23.3(b) of this Court's Rules of Practice and Procedure, undersigned counsel asks this Court to attach the two-page document appended to this pleading to the record of this proceeding. The appended document, Appellant's completed DD Form 2330, Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals, is necessary to comply with R.C.M. 1115(d) and Rule 16.1 of this Court's Rules of Practice and Procedure.

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

Respectfully submitted,



JEFFERSON W. ABBEY, Capt, USAF
Appellate Defense Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 6 November 2026.

[redacted]
JEFFERSON W. ABBEY, Capt, USAF
Appellate Defense Counsel
[redacted]