

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

UNITED STATES)	No. ACM S32777
<i>Appellee</i>)	
)	
v.)	
)	ORDER
Jordan M. BROWN)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>)	Panel 2

On 4 June 2024, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure. Accordingly, it is by the court on this 6th day of June, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **14 August 2024**.

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

Appellant's counsel is advised that any subsequent motions for enlargement of time, shall include, in addition to matters required under this court's Rules of Practice and Procedure, statements as to: (1) whether Appellant was advised of Appellant's right to a timely appeal, (2) whether Appellant was provided an update of the status of counsel's progress on Appellant's case, (3) whether Appellant was advised of the request for an enlargement of time, and (4) whether Appellant agrees with the request for an enlargement of time. Counsel is not required to re-address item (1) in each subsequent motion for enlargement of time.

Appellant's counsel is further advised that any future requests for enlargements of time that, if granted, would expire more than 360 days after docketing, will not be granted absent exceptional circumstances.



FOR THE COURT



OLGA STANFORD, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Senior Airman (E-4)

JORDAN M. BROWN,

United States Air Force,

Appellant.

) **APPELLANT'S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (FIRST)**

)

) Before Panel No. 2

)

) No. ACM S32777

)

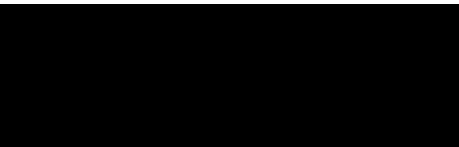
) 4 June 2024

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **14 August 2024**. The record of trial was docketed with this Court on 16 April 2024. 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.

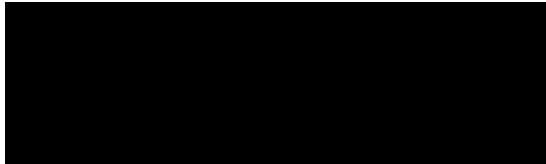
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
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1500 West Perimeter Road, Suite 1100
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(240) 612-4770
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 4 June 2024.



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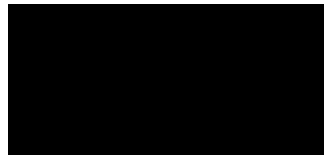
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
v.)	OF TIME
)	
Senior Airman (E-4))	ACM S32777
JORDAN M. BROWN, USAF,)	
<i>Appellant.</i>)	Panel No. 2
)	

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

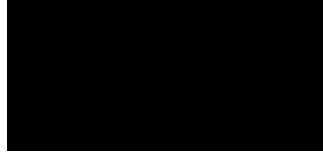
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



BRITTANY M. SPEIRS, Maj, USAFR
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 5 June 2024.



BRITTANY M. SPEIRS, Maj, USAFR
Appellate Government Counsel
Government Trial and Appellate Operations Division
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UNITED STATES,) **APPELLANT’S MOTION**
Appellee,) **FOR ENLARGEMENT**
) **OF TIME (SECOND)**
v.)
) Before Panel No. 2
Senior Airman (E-4))
JORDAN M. BROWN,) No. ACM S32777
United States Air Force,)
Appellant.) 29 July 2024

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **13 September 2024**. The record of trial was docketed with this Court on 16 April 2024. From the date of docketing to the present date, 104 days have elapsed. On the date requested, 150 days will have elapsed.

¹ Appellant pled not guilty to a fifth specification, which was withdrawn and dismissed with prejudice pursuant to a plea agreement. R. at 63, 70-71.

reprimand. R. at 133. Appellant received 25 days of pretrial confinement credit. *Id.* The convening authority took no action on the findings or sentence. Record of Trial (ROT), Vol. 1, *Convening Authority Decision on Action* – United States v. SrA Jordan Brown, dated 9 January 2024.

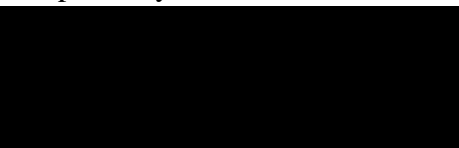
The trial transcript is 133 pages long and the record of trial is three volumes containing nine Prosecution Exhibits, one Defense Exhibit, four Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

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

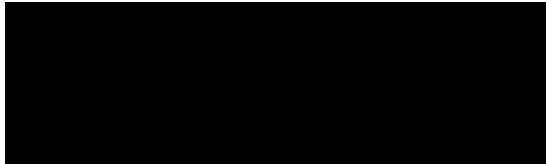
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 29 July 2024.



SAMANTHA M. CASTANIEN, Capt, USAF
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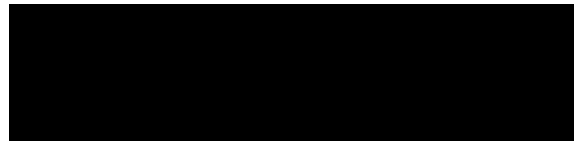
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
v.)	OF TIME
)	
Senior Airman (E-4))	ACM S32777
JORDAN M. BROWN, USAF,)	
<i>Appellant.</i>)	Panel No. 2
)	

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

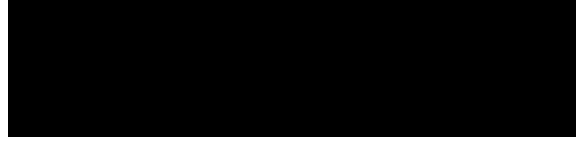
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(240) 612-4800

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 31 July 2024.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(240) 612-4800

UNITED STATES,) APPELLANT’S MOTION
)
) FOR ENLARGEMENT
) OF TIME (THIRD)
)
) Before Panel No. 2
)
)
) No. ACM S32777
)
)
) 3 September 2024

Appellee,

v.

Senior Airman (E-4)

JORDAN M. BROWN,

United States Air Force,

Appellant.

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **13 October 2024**. The record of trial was docketed with this Court on 16 April 2024. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

¹ Appellant pled not guilty to a fifth specification, which was withdrawn and dismissed with prejudice pursuant to a plea agreement. R. at 63, 70-71.

reprimand. R. at 133. Appellant received 25 days of pretrial confinement credit. *Id.* The convening authority took no action on the findings or sentence. Record of Trial (ROT), Vol. 1, *Convening Authority Decision on Action* – United States v. SrA Jordan Brown, dated 9 January 2024.

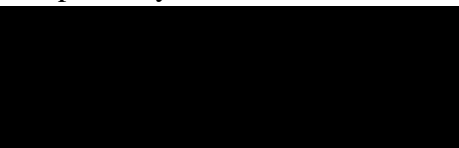
The trial transcript is 133 pages long and the record of trial is three volumes containing nine Prosecution Exhibits, one Defense Exhibit, four Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

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

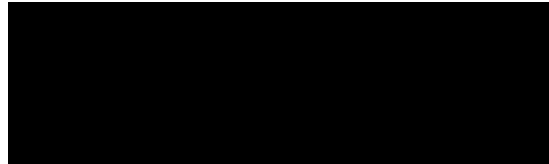
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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Joint Base Andrews NAF, MD 20762-6604
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samantha.castanien.1@us.af.mil

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 3 September 2024.



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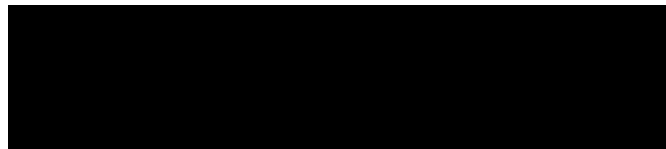
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
v.)	OF TIME
)	
Senior Airman (E-4))	ACM S32777
JORDAN M. BROWN, USAF,)	
<i>Appellant.</i>)	Panel No. 2
)	

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 September 2024.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

UNITED STATES,
Appellee,

v.

Senior Airman (E-4)
JORDAN M. BROWN,
United States Air Force,
Appellant.

) **APPELLANT’S MOTION**
) **FOR ENLARGEMENT**
) **OF TIME (FOURTH)**
)
) Before Panel No. 2
)
) No. ACM S32777
)
) 30 September 2024

Pursuant to Rule 23.3(m)(3) and (6) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **12 November 2024**. The record of trial was docketed with this Court on 16 April 2024. From the date of docketing to the present date, 167 days have elapsed. On the date requested, 210 days will have elapsed.

On 13 December 2023, at a special court-martial convened at Scott Air Force Base, Illinois, a military judge, consistent with Appellant's pleas, found him guilty of one charge and four specifications of domestic violence¹ in violation of Article 128b, Uniform Code of Military Justice (UCMJ); one charge and one specification of communicating a threat in violation of Article 115, UCMJ; one charge and one specification of obstructing justice in violation of Article 131b, UCMJ; and one charge and one specification of willfully disobeying a superior commissioned officer in violation of Article 90, UCMJ. R. at 1, 8-11, 70. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be confined for a total of 90 days (confinement for each specification running concurrently), and to a

¹ Appellant pled not guilty to a fifth specification, which was withdrawn and dismissed with prejudice pursuant to a plea agreement. R. at 63, 70-71.

reprimand. R. at 133. Appellant received 25 days of pretrial confinement credit. *Id.* The convening authority took no action on the findings or sentence. Record of Trial (ROT), Vol. 1, *Convening Authority Decision on Action* – United States v. SrA Jordan Brown, dated 9 January 2024.

The trial transcript is 133 pages long and the record of trial is three volumes containing nine Prosecution Exhibits, one Defense Exhibit, four Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information. Appellate defense counsel is currently assigned 37 cases; 24 cases are pending before this Court (15 cases are pending AOE), 11 cases are pending before the United States Court of Appeals for the Armed Forces (CAAF), and two cases are pending petitions to the United States Supreme Court. To date, twelve cases have priority over the present case:

1. *United States v. Johnson*, No. 24-0004/SF – On 24 September 2024, the CAAF specified two issues in this case for briefing. Undersigned counsel inherited this case from an appellate defense counsel who changed duty assignments. This appellant’s brief, which counsel is currently drafting, is due on 24 October 2024.

2. *United States v. Giles*, No. ACM 40482 – This AOE was submitted on 5 September 2024. Upon receipt of the Government’s Answer Brief, undersigned counsel will assess whether a Reply Brief is warranted and then draft any such Reply.

3. *United States v. Leipart*, No. 24A288 – The CAAF issued a decision in this case on 1 August 2024. Undersigned counsel will file a petition of certiorari to the United States Supreme Court by 29 December 2024.

4. *United States v. Wells*, No. 23-0219/AF - The CAAF issued a decision in this case on 24 September 2024. Undersigned counsel anticipates filing a petition of certiorari to the United States Supreme Court by 23 December 2024, barring any extensions.

5. *United States v. Casillas*, No. 24-0089/AF – Undersigned counsel filed the Reply Brief on 16 September 2024. Oral argument has yet to be scheduled.

6. *United States v. Singleton*, No. ACM 40535 (EOT 9 pending) – The trial transcript is 1,738 pages long and the record of trial is comprised of twelve volumes containing six Prosecution Exhibits, 17 Defense Exhibits, one Court Exhibit, and 89 Appellate Exhibits. This appellant is not currently confined. Undersigned counsel has not yet completed her review of this appellant's record.

7. *United States v. Hunt*, No. ACM 40563 (EOT 6) – The record of trial is three volumes consisting of six Prosecution Exhibits, two Defense Exhibits, and 18 Appellate Exhibits. The transcript is 423 pages. This appellant is not currently confined. Civilian appellate defense counsel is awaiting undersigned counsel's review of this appellant's record.

8. *United States v. Kim*, No. ACM 24007 – This direct appeal case has been docketed since 2 February 2024 and is at EOT 5. The record of trial for this direct appeal is five volumes consisting of five Prosecution Exhibits, three Defense Exhibits, 27 Appellate Exhibits, and one court exhibit. The transcript is 421 pages. This appellant is not currently confined. Undersigned counsel has not yet completed her review of this appellant's record.

9. *United States v. Gray*, No. ACM 40648 – This direct appeal case has been docketed since 4 October 2023, although it is only at EOT 1. The record of trial is four volumes consisting of seven Prosecution Exhibits, nine Defense Exhibits, and 20 Appellate Exhibits. The transcript is 399 pages. This appellant is not currently confined. Undersigned counsel has not yet completed her review of this appellant's record.

10. *United States v. Thomas*, No. ACM 22083 – This direct appeal case has been docketed since 14 February 2024, although it is only at EOT 1. The record of trial is four volumes consisting of 14 Prosecution Exhibits, five Defense Exhibits, and 33 Appellate Exhibits. The verbatim transcript is 528 pages. This appellant is not currently confined. Undersigned counsel has not yet completed her review of the record of trial.

11. *United States v. Marin Perez*, No. ACM S32771 - The trial transcript is 108 pages long and the record of trial is an electronic ROT, which is one volume of 381 pages. There are four Prosecution Exhibits, fourteen Defense Exhibits, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

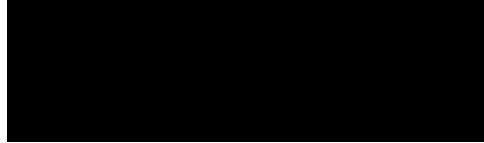
12. *United States v. Marschalek*, No. ACM S32776 - The trial transcript is 198 pages long and the record of trial is comprised of two volumes containing nine Prosecution Exhibits, twelve Defense Exhibits, one Court Exhibit, and three Appellate Exhibits. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

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

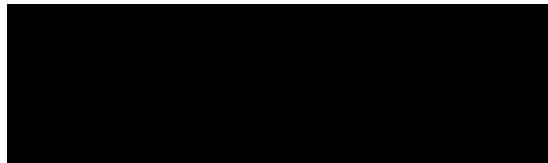
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 30 September 2024.



SAMANTHA M. CASTANIEN, Capt, USAF
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Air Force Appellate Defense Division
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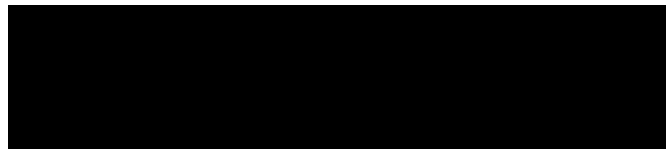
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
v.)	OF TIME
)	
Senior Airman (E-4))	ACM S32777
JORDAN M. BROWN, USAF,)	
<i>Appellant.</i>)	Panel No. 2
)	

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

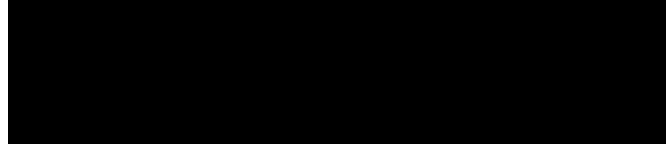
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 1 October 2024.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

UNITED STATES,
Appellee,

v.

Senior Airman (E-4)
JORDAN M. BROWN,
United States Air Force,
Appellant.

) **APPELLANT’S MOTION**
) **FOR ENLARGEMENT**
) **OF TIME (FIFTH)**
)
) Before Panel No. 2
)
) No. ACM S32777
)
) 28 October 2024

Pursuant to Rule 23.3(m)(3) and (6) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **12 December 2024**. The record of trial was docketed with this Court on 16 April 2024. From the date of docketing to the present date, 195 days have elapsed. On the date requested, 240 days will have elapsed.

¹ Appellant pled not guilty to a fifth specification, which was withdrawn and dismissed with prejudice pursuant to a plea agreement. R. at 63, 70-71.

reprimand. R. at 133. Appellant received 25 days of pretrial confinement credit. *Id.* The convening authority took no action on the findings or sentence. Record of Trial (ROT), Vol. 1, *Convening Authority Decision on Action* – United States v. SrA Jordan Brown, dated 9 January 2024.

The trial transcript is 133 pages long and the record of trial is three volumes containing nine Prosecution Exhibits, one Defense Exhibit, four Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information. Appellate defense counsel is currently assigned 38 cases; 22 cases are pending before this Court (17 cases are pending AOE); 14 cases are pending before the United States Court of Appeals for the Armed Forces (CAAF); and two cases are pending petitions to the United States Supreme Court. Twelve cases have priority over the present case:

1. *United States v. Johnson*, No. 24-0004/SF – On 24 September 2024, the CAAF specified two issues in this case for briefing. Undersigned counsel inherited this case from an appellate defense counsel who changed duty assignments. This appellant’s brief, which counsel is currently drafting, is due on 4 November 2024.

2. *United States v. Wood*, USCA Dkt. No. 25-0005/AF – Undersigned counsel is finalizing a four-issue supplement to the petition for grant of review to the CAAF, due 29 October 2024.

3. *United States v. Casillas*, No. 24-0089/AF – Undersigned counsel filed the Reply Brief on 16 September 2024. Oral argument is expected to occur in December, although it has yet to be formally scheduled.

4. *United States v. Folts*, No. ACM 40322 – On 26 August 2024, this Court issued an opinion in this appellant’s case. As this Court denied the motion for reconsideration, undersigned

counsel is now working with civilian appellate defense counsel on drafting the petition and supplement to the CAAF, due in early December.

5. *United States v. Leipart*, No. 24A288 – The CAAF issued a decision in this case on 1 August 2024. Undersigned counsel will file a petition of certiorari to the United States Supreme Court by 29 December 2024.

6. *United States v. Wells*, No. 23-0219/AF - The CAAF issued a decision in this case on 24 September 2024. Undersigned counsel anticipates filing a petition of certiorari to the United States Supreme Court by 23 December 2024, barring any extensions.

7. *United States v. Singleton*, No. ACM 40535 – The trial transcript is 1,738 pages long and the record of trial is comprised of twelve volumes containing six Prosecution Exhibits, 17 Defense Exhibits, one Court Exhibit, and 89 Appellate Exhibits. This appellant is not currently confined. Undersigned counsel has not yet completed her review of this appellant's record.

8. *United States v. Gray*, No. ACM 40648 – The record of trial for this direct appeal is four volumes consisting of seven Prosecution Exhibits, nine Defense Exhibits, and 20 Appellate Exhibits. The transcript is 399 pages. This appellant is not currently confined. Counsel has not yet completed her review of this appellant's record.

9. *United States v. Kim*, No. ACM 24007 – The record of trial for this direct appeal is five volumes consisting of five Prosecution Exhibits, three Defense Exhibits, 27 Appellate Exhibits, and one court exhibit. The transcript is 421 pages. This appellant is not currently confined. Counsel has not yet completed her review of this appellant's record.

10. *United States v. Thomas*, No. ACM 22083 - The record of trial is four volumes consisting of 14 Prosecution Exhibits, five Defense Exhibits, and 33 Appellate Exhibits. The

verbatim transcript is 528 pages. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

11. *United States v. Marin Perez*, No. ACM S32771 - The trial transcript is 108 pages long and the record of trial is an electronic ROT, which is one volume of 381 pages. There are four Prosecution Exhibits, fourteen Defense Exhibits, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

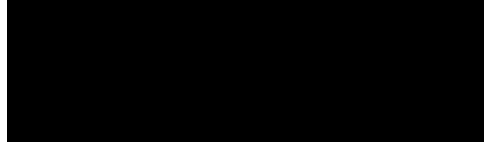
12. *United States v. Marschalek*, No. ACM S32776 - The trial transcript is 198 pages long and the record of trial is comprised of two volumes containing nine Prosecution Exhibits, twelve Defense Exhibits, one Court Exhibit, and three Appellate Exhibits. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

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

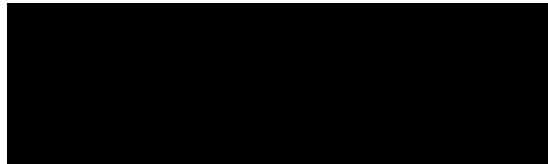
Respectfully submitted,



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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 28 October 2024.



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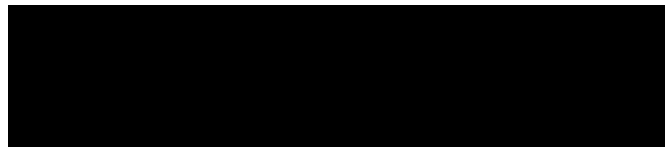
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
v.)	OF TIME
)	
Senior Airman (E-4))	ACM S32777
JORDAN M. BROWN, USAF,)	
<i>Appellant.</i>)	Panel No. 2
)	

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

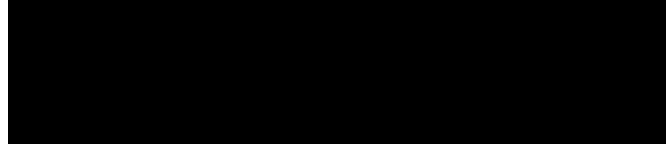
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 280 October 2024.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

UNITED STATES,) APPELLANT’S MOTION
) FOR ENLARGEMENT
) OF TIME (SIXTH)
)
) Before Panel No. 2
)
) No. ACM S32777
)
) 2 December 2024

Appellee,

v.

Senior Airman (E-4)

JORDAN M. BROWN,

United States Air Force,

Appellant.

Pursuant to Rule 23.3(m)(3) and (6) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **11 January 2025**. The record of trial was docketed with this Court on 16 April 2024. From the date of docketing to the present date, 230 days have elapsed. On the date requested, 270 days will have elapsed.

¹ Appellant pled not guilty to a fifth specification, which was withdrawn and dismissed with prejudice pursuant to a plea agreement. R. at 63, 70-71.

reprimand. R. at 133. Appellant received 25 days of pretrial confinement credit. *Id.* The convening authority took no action on the findings or sentence. Record of Trial (ROT), Vol. 1, *Convening Authority Decision on Action* – United States v. SrA Jordan Brown, dated 9 January 2024.

The trial transcript is 133 pages long and the record of trial is three volumes containing nine Prosecution Exhibits, one Defense Exhibit, four Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information. Appellate defense counsel is currently assigned 37 cases; 21 cases are pending before this Court (16 cases are pending AOE's), 14 cases are pending before the CAAF, and two cases are pending petitions to the United States Supreme Court. Nine cases have priority over the present case:

1. *United States v. Casillas*, No. 24-0089/AF – Since Appellant's last enlargement of time, the CAAF ordered additional briefing for three issues in this case on 29 October 2024. Briefs are due 9 December 2024. Oral argument is scheduled for 14 January 2025.

2. *United States v. Leipart*, No. 24A288 – The CAAF issued a decision in this case on 1 August 2024. Since Appellant's last enlargement of time, undersigned counsel drafted the petition of certiorari to the United States Supreme Court. The filing is undergoing final review and editing before being sent to the printer. It will be filed by 29 December 2024.

3. *United States v. Folts*, No. ACM 40322 – On 26 August 2024, this Court issued an opinion in this appellant's case. Since Appellant's last enlargement of time, undersigned counsel drafted two issues for the supplement to the petition for grant of review and is working with civilian appellate defense counsel to finalize the filing, due to the CAAF mid-December.

4. *United States v. Johnson*, No. 24-0004/SF – Since Appellant’s last request for an enlargement of time, undersigned filed this two-issue Grant Brief on 4 November 2024. Any reply brief will be due after the Government’s Answer, which is due 20 December.

5. *United States v. Wells*, No. 23-0219/AF – The CAAF issued a decision in this case on 24 September 2024. Since Appellant’s last request for an enlargement of time, undersigned counsel filed for an extension to file the petition of certiorari to the United States Supreme Court, which is currently due 23 December 2024.

6. *United States v. Kim*, No. ACM 24007 – The record of trial for this direct appeal is five volumes consisting of five Prosecution Exhibits, three Defense Exhibits, 27 Appellate Exhibits, and one court exhibit. The transcript is 421 pages. This appellant is not currently confined. Counsel has not yet completed her review of this appellant’s record.

7. *United States v. Thomas*, No. ACM 22083 – The record of trial for this direct appeal is four volumes consisting of 14 Prosecution Exhibits, five Defense Exhibits, and 33 Appellate Exhibits. The verbatim transcript is 528 pages. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

8. *United States v. Marin Perez*, No. ACM S32771 - The trial transcript is 108 pages long and the record of trial is an electronic ROT, which is one volume of 381 pages. There are four Prosecution Exhibits, fourteen Defense Exhibits, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

9. *United States v. Marschalek*, No. ACM S32776 - The trial transcript is 198 pages long and the record of trial is comprised of two volumes containing nine Prosecution Exhibits, twelve Defense Exhibits, one Court Exhibit, and three Appellate Exhibits. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.


Additionally, undersigned counsel is still detailed to *United States v. Singleton*, No. ACM 40535. Undersigned counsel is not lead counsel on this case but is still detailed because she has not yet been able to withdraw as counsel. Undersigned counsel has not completed a review of this twelve-volume case, with its 1,738 page transcript, six Prosecution Exhibits, 17 Defense Exhibits, one Court Exhibit, and 89 Appellate Exhibits. But the other detailed counsel has begun review. Until a motion to withdraw is filed and granted or the assignments of error brief is filed, this case will be prioritized over Appellant's.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

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

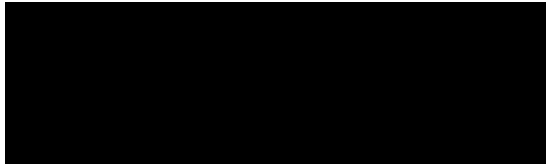
Respectfully submitted,



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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 2 December 2024.



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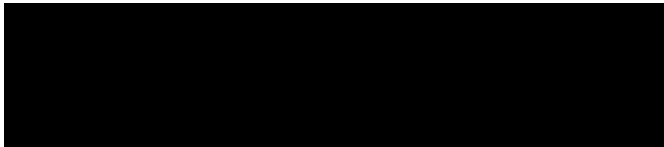
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
v.)	OF TIME
)	
Senior Airman (E-4))	ACM S32777
JORDAN M. BROWN, USAF,)	
<i>Appellant.</i>)	Panel No. 2
)	

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

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



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 3 December 2024.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

UNITED STATES,) APPELLANT’S MOTION
) FOR ENLARGEMENT
) OF TIME (SEVENTH)
)
 v.) Before Panel No. 2
)
 Senior Airman (E-4))
 JORDAN M. BROWN,) No. ACM S32777
 United States Air Force,)
) 23 December 2024
)
 Appellant.)

Pursuant to Rule 23.3(m)(3) and (6) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **10 February 2025**. The record of trial was docketed with this Court on 16 April 2024. From the date of docketing to the present date, 251 days have elapsed.¹ On the date requested, 300 days will have elapsed.

On 13 December 2023, at a special court-martial convened at Scott Air Force Base, Illinois, a military judge, consistent with Appellant's pleas, found him guilty of one charge and four specifications of domestic violence² in violation of Article 128b, Uniform Code of Military Justice (UCMJ); one charge and one specification of communicating a threat in violation of Article 115, UCMJ; one charge and one specification of obstructing justice in violation of Article 131b, UCMJ; and one charge and one specification of willfully disobeying a superior commissioned officer in violation of Article 90, UCMJ. R. at 1, 8-11, 70. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be

² Appellant pled not guilty to a fifth specification, which was withdrawn and dismissed with prejudice pursuant to a plea agreement. R. at 63, 70-71.

confined for a total of 90 days (confinement for each specification running concurrently), and to a reprimand. R. at 133. Appellant received 25 days of pretrial confinement credit. *Id.* The convening authority took no action on the findings or sentence. Record of Trial (ROT), Vol. 1, *Convening Authority Decision on Action* – United States v. SrA Jordan Brown, dated 9 January 2024.

The trial transcript is 133 pages long and the record of trial is three volumes containing nine Prosecution Exhibits, one Defense Exhibit, four Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information. Appellate defense counsel is currently assigned 38 cases; 20 cases are pending before this Court (16 cases are pending AOE's), 16 cases are pending before the Court of Appeals for the Armed Forces (CAAF), and two cases are pending petitions to the United States Supreme Court. Eight cases have priority over the present case:

1. *United States v. Leipart*, No. 24A288 – Since Appellant's last enlargement of time, undersigned counsel completed the petition for a writ of certiorari and secured printing. The petition will be filed by 29 December 2024.

2. *United States v. Folts*, No. 25-0043/AF – Since Appellant's last enlargement of time, undersigned counsel finalized the supplement to the petition for grant of review with civilian counsel. The three-issue supplement will be filed by 26 December 2024.

3. *United States v. Johnson*, No. 24-0004/SF – The Government filed its Answer in this case on 20 December 2024. Undersigned counsel is currently working the Reply Brief, which is due 30 December 2024. Oral argument is anticipated to occur at the end of January 2025.

4. *United States v. Casillas*, No. 24-0089/AF – Since Appellant’s last enlargement of time, undersigned counsel filed the supplemental briefing ordered for three issues. Undersigned counsel is now preparing for oral argument, scheduled for 14 January 2025.

5. *United States v. Kim*, No. ACM 24007 – The record of trial for this direct appeal is five volumes consisting of five Prosecution Exhibits, three Defense Exhibits, 27 Appellate Exhibits, and one court exhibit. The transcript is 421 pages. This appellant is not currently confined. Counsel has not yet completed her review of this appellant’s record.

6. *United States v. Wells*, No. 23-0219/AF – The CAAF issued a decision in this case on 24 September 2024. The petition for a writ of certiorari to the United States Supreme Court is due 21 February 2025.

7. *United States v. Thomas*, No. ACM 22083 – The record of trial for this direct appeal is four volumes consisting of 14 Prosecution Exhibits, five Defense Exhibits, and 33 Appellate Exhibits. The verbatim transcript is 528 pages. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

8. *United States v. Marin Perez*, No. ACM S32771 - The trial transcript is 108 pages long and the record of trial is an electronic ROT, which is one volume of 381 pages. There are four Prosecution Exhibits, fourteen Defense Exhibits, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel’s progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

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

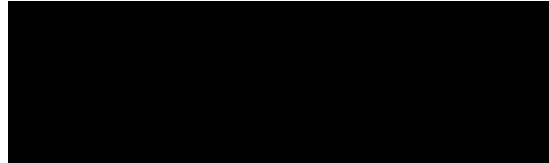
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 23 December 2024.



SAMANTHA M. CASTANIEN, Capt, USAF
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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES'
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
v.)	OF TIME
)	
Senior Airman (E-4))	ACM S32777
JORDAN M. BROWN, USAF,)	
<i>Appellant.</i>)	Panel No. 2
)	

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its 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 300 days in length. Appellant's nearly yearly 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 almost two thirds 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 review of the record of trial at this late stage of the appellate process.

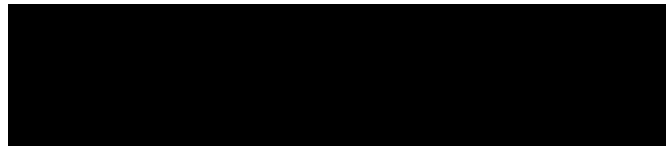
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 23 December 2024.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

UNITED STATES,
Appellee,

v.

Senior Airman (E-4)
JORDAN M. BROWN,
United States Air Force,
Appellant.

) **APPELLANT’S MOTION**
) **FOR ENLARGEMENT**
) **OF TIME (EIGHTH)**
)
) Before Panel No. 2
)
) No. ACM S32777
)
) 27 January 2025

Pursuant to Rule 23.3(m)(3) and (6) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **12 March 2025**. The record of trial was docketed with this Court on 16 April 2024. From the date of docketing to the present date, 286 days have elapsed. On the date requested, 330 days will have elapsed.

¹ Appellant pled not guilty to a fifth specification, which was withdrawn and dismissed with prejudice pursuant to a plea agreement. R. at 63, 70-71.

reprimand. R. at 133. Appellant received 25 days of pretrial confinement credit. *Id.* The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. SrA Jordan Brown*, dated 9 January 2024.

The trial transcript is 133 pages long and the record of trial is three volumes containing nine Prosecution Exhibits, one Defense Exhibit, four Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Appellate defense counsel is currently assigned 38 cases; 19 cases are pending before this Court (16 cases are pending AOE), 17 cases are pending before the United States Court of Appeals for the Armed Forces (CAAF), and two cases are pending before the United States Supreme Court (one is pending a petition).

Since Appellant's last request for an extension of time, undersigned counsel filed the petition for certiorari for *United States v. Leipart* with the United States Supreme Court, filed with the CAAF the three-issue supplement to the petition for grant of review in *United States v. Folts*, No. 25-0043/AF, along with a reply, filed two additional petitions and supplements to the CAAF (*United States v. Scott* and *United States v. Lawson*), and completed the reply brief, along with two motions and their associated replies, in *United States v. Johnson*, No. 24-0004/SF, also for the CAAF. Undersigned counsel also completed oral argument in *United States v. Casillas*, No. 24-0089/AF. To date, five cases have priority over the present case:

1. *United States v. Johnson*, No. 24-0004/SF – Undersigned counsel is preparing for oral argument, scheduled for 29 January 2025.

2. *United States v. Wells*, No. 24A520 – The CAAF issued a decision in this case on 24 September 2024. From the date of decision, this appellant has 90 days to file a petition of certiorari to the United States Supreme Court. 28 U.S.C. § 1259(3); Supreme Court Rule 13(1). Due to

undersigned counsel's schedule, undersigned counsel requested a 60-day extension to file the petition for *Wells*. Supreme Court Rule 13(5). Thus, undersigned counsel will file a petition of certiorari to the United States Supreme Court by 21 February 2025. Undersigned counsel intends to work *Wells* simultaneously with *United States v. Kim*, No. ACM 24007. Undersigned counsel will begin briefing *Wells* following *Johnson*, and then turn to *Kim*.

3. *United States v. Kim*, No. ACM 24007 – The record of trial for this direct appeal is five volumes consisting of five Prosecution Exhibits, three Defense Exhibits, 27 Appellate Exhibits, and one Court Exhibit. The transcript is 421 pages. This appellant is not currently confined. Counsel has not yet completed her review of this appellant's record.

4. *United States v. Thomas*, No. ACM 22083 – The record of trial is four volumes consisting of 14 Prosecution Exhibits, five Defense Exhibits, and 33 Appellate Exhibits. The verbatim transcript is 528 pages. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

5. *United States v. Marin Perez*, No. ACM S32771 – The trial transcript is 108 pages long and the record of trial is an electronic ROT, which is one volume of 381 pages. There are four Prosecution Exhibits, fourteen Defense Exhibits, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

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

Respectfully submitted,



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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 27 January 2025.



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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES'
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
v.)	OF TIME
)	
Senior Airman (E-4))	ACM S32777
JORDAN M. BROWN, USAF,)	
<i>Appellant.</i>)	Panel No. 2
)	

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its 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 yearly 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 almost two thirds of the 18-month standard for this Court to issue a decision, which only leaves about 7 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

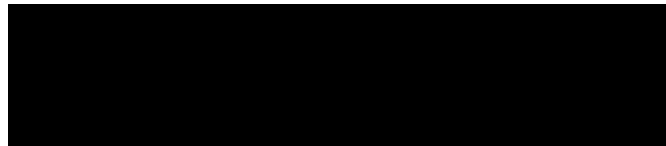
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

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 29 January 2025.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

UNITED STATES,
Appellee,

v.

Senior Airman (E-4)
JORDAN M. BROWN,
United States Air Force,
Appellant.

) **APPELLANT’S MOTION**
) **FOR ENLARGEMENT**
) **OF TIME (NINTH)**
)
) Before Panel No. 2
)
) No. ACM S32777
)
) 24 February 2025

Pursuant to Rule 23.3(m)(3) and (6) of this Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **11 April 2025**. The record of trial was docketed with this Court on 16 April 2024. From the date of docketing to the present date, 314 days have elapsed. On the date requested, 360 days will have elapsed.

¹ Appellant pled not guilty to a fifth specification, which was withdrawn and dismissed with prejudice pursuant to a plea agreement. R. at 63, 70-71.

reprimand. R. at 133. Appellant received 25 days of pretrial confinement credit. *Id.* The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. SrA Jordan Brown*, dated 9 January 2024.

The trial transcript is 133 pages long and the record of trial is three volumes containing nine Prosecution Exhibits, one Defense Exhibit, four Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Appellate defense counsel is currently assigned 40 cases; 21 cases are pending before this Court (19 cases are pending AOE), 17 cases are pending before the United States Court of Appeals for the Armed Forces (CAAF), and two cases are pending before the United States Supreme Court.

Since Appellant's last request for an extension of time, undersigned counsel completed oral argument in *United States v. Johnson*, No. 24-0004/SF (29 Jan. 2025) and wrote and filed the petition of certiorari for *United States v. Wells*, No. 24A520 (pending petition docketing number). She also completed review of the record in *United States v. Kim*, No. ACM 24007, as detailed more below. To date, five cases have priority over the present case:

1. *United States v. Kim*, No. ACM 24007 – Undersigned counsel completed review of this appellant's record and is researching and drafting the AOE. While working this appellant's case, undersigned counsel will be participating in over ten moots; four remain for the following cases: *United States v. Navarro Aguirre*, No. 24-0146/AF; *United States v. Roan*, No. 24-0104; and *United States v. Jenkins*, No. ACM S32765. She will also be attending oral argument at the CAAF for *United States v. Csiti*, No. 24-0175/AF, *United States v. Arroyo*, No. 24-0212, *Navarro Aguirre* and *Roan*, which will absorb the majority of 25 and 26 February 2025.

2. *United States v. Braum*, No. 25-0046/AF – Since Appellant’s last request for an EOT, the CAAF granted review of one issue in this case. The Grant Brief is due Tuesday, 25 February 2025, and while undersigned counsel is not lead on this case, she has been assisting with the joint appendix (JA) and intends to peer review the brief. As part of assembling the JA, undersigned counsel had to travel to the CAAF on 20 February 2025 to review the original record of trial and obtain a new copy of an appellate exhibit for reproduction in the JA. This, in conjunction with filing *Wells* in-person at the Supreme Court, absorbed most of a duty day, preventing work on *Kim*.

3. *United States v. Giles*, No. ACM 40482 – The petition for grant of review was filed on 18 February 2025, along with a request for a 21-day extension to file the supplement to the petition. C.A.A.F. R. 19(a)(5)(A). Undersigned counsel intends to work the supplement to the petition simultaneously with *United States v. Thomas*, No. ACM 22083.

4. *United States v. Thomas*, No. ACM 22083 - The record of trial is four volumes consisting of 14 Prosecution Exhibits, five Defense Exhibits, and 33 Appellate Exhibits. The verbatim transcript is 528 pages. This appellant is not currently confined. Undersigned counsel has not yet completed her review of this appellant’s record.

5. *United States v. Marin Perez*, No. ACM S32771 - The trial transcript is 108 pages long and the record of trial is an electronic ROT, which is one volume of 381 pages. There are four Prosecution Exhibits, fourteen Defense Exhibits, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Undersigned counsel has not yet completed her review of the record of trial.

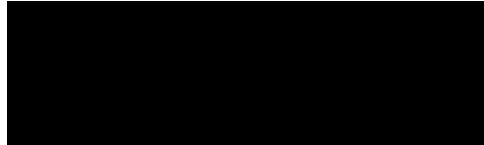
Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel’s progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a

confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

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

Respectfully submitted,



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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 24 February 2025.



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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES'
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
v.)	OF TIME
)	
Senior Airman (E-4))	ACM S32777
JORDAN M. BROWN, USAF,)	
<i>Appellant.</i>)	Panel No. 2
)	

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its 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 360 days in length. Appellant's nearly yearly 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 almost two thirds of the 18-month standard for this Court to issue a decision, which only leaves about 6 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

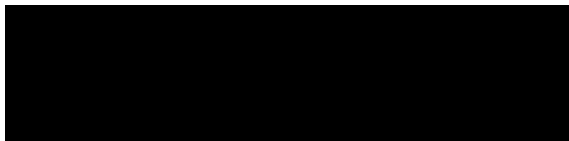
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Counsel Division
Air Force Legal Operations Agency
United States Air Force
(240) 612-4800

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 24 February 2025.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
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(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

V.

Senior Airman (E-4)

JORDAN M. BROWN,

United States Air Force,

Appellant.

) APPELLANT'S MOTION

) FOR ENLARGEMENT

) OF TIME (TENTH)

)

) Before Panel No. 2

)

) No. ACM S32777

)

) 1 April 2025

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

Pursuant to Rule 23.3(m)(3) and (6) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **11 May 2025**. The record of trial was docketed with this Court on 16 April 2024. From the date of docketing to the present date, 350 days have elapsed. On the date requested, 390 days will have elapsed.

Due to the size of Appellant's record, undersigned counsel anticipates this being the last EOT request, but she needs the additional requested time in order to complete four filings that are due right before or right after Appellant's AOE's current due date. Without the additional time, undersigned counsel will not be able to provide competent representation. She is the only detailed counsel to this case, has an established attorney-client relationship with Appellant, and no other Air Force Appellate Defense Counsel is available to take over Appellant's case. **In light of the Court's previous orders, Appellant also requests a status conference.**

On 13 December 2023, at a special court-martial convened at Scott Air Force Base, Illinois, a military judge, consistent with Appellant's pleas, found him guilty of one charge and four

specifications of domestic violence¹ in violation of Article 128b, Uniform Code of Military Justice (UCMJ); one charge and one specification of communicating a threat in violation of Article 115, UCMJ; one charge and one specification of obstructing justice in violation of Article 131b, UCMJ; and one charge and one specification of willfully disobeying a superior commissioned officer in violation of Article 90, UCMJ. R. at 1, 8-11, 70. The military judge sentenced Appellant to be discharged from the service with a bad conduct discharge, to be reduced to the grade of E-1, to be confined for a total of 90 days (confinement for each specification running concurrently), and to a reprimand. R. at 133. Appellant received 25 days of pretrial confinement credit. *Id.* The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. SrA Jordan Brown*, dated 9 January 2024.

The trial transcript is 133 pages long and the record of trial is three volumes containing nine Prosecution Exhibits, one Defense Exhibit, four Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Appellate defense counsel is currently assigned 37 cases; 19 cases are pending before this Court (17 cases are pending AOE), and 18 cases are pending before the United States Court of Appeals for the Armed Forces (CAAF). Since Appellant's last request for an extension of time, undersigned counsel filed the AOE for *United States v. Kim*, No. ACM 24007, filed the supplement to the petition for grant of review in *United States v. Giles*, No. 25-0100/AF, filed a petition for reconsideration for *United States v. Folts*, No. 25-0043/AF, completed five peer reviews while participating in five moots, and completed review of the record in *United States v. Marin Perez*, No. ACM S32771, as detailed more below. Appellant's case is the next case

¹ Appellant pled not guilty to a fifth specification, which was withdrawn and dismissed with prejudice pursuant to a plea agreement. R. at 63, 70-71.

undersigned counsel intends to review. However, four cases remain prioritized over the present case:

1. *United States v. Braum*, No. 25-0046/AF – Since Appellant’s last EOT request, undersigned counsel assisted with compiling the Joint Appendix and peer reviewed the Grant Brief, which was filed on 25 February 2025. Undersigned counsel is currently working with civilian counsel on the Reply brief, due 3 April 2025.

2. *United States v. Marin Perez*, No. ACM S32771 – Undersigned counsel completed her review of the record and is finalizing the AOE before routing it through peer and leadership review for filing on or before 9 April 2025.

3. *United States v. Hogans*, No. 25-0119/AF – Undersigned counsel was detailed to this case following a reservist’s transfer to a different assignment. She has to review the record to file the supplement to the petition for grant of review, which is due 14 April 2025. Following this filing, undersigned counsel intends to review Appellant’s record.

4. *United States v. Kim*, No. ACM 24007 – This AOE was filed on 19 March 2025. Undersigned counsel is awaiting the Government’s Answer and then will determine whether a reply brief is warranted.

This Court has stated “any future requests for [EOTs] . . . will usually only be granted upon a showing of exceptional circumstances.” Order (June 6, 2024). Per this Court’s definition of “exceptional circumstances,” “routine workload alone” is insufficient to constitute “exceptional circumstances.” Order, *United States v. Evangelista*, slip op. at 2 n.3, No. ACM 40531 (Dec. 6, 2024). Undersigned counsel desires to complete review of Appellant’s case as soon as possible but has been unable to do so due to her high workload. But, there is nothing “routine” about undersigned counsel’s high workload. As the result of (1) two recent Supreme Court filings, (2) a highly unusual volume of cases before the CAAF for the Air Force Appellate Defense Division

(including her own docket of 18 cases and the Division's eight oral arguments in the last three months, two of which were undersigned counsel's),² (3) the volume of cases coming to the Division for review, and (4) recent disruptions to many of this Division's Reserve judge advocates' ability to perform drills, undersigned counsel has not been able to provide effective assistance of counsel to several of her clients with cases pending before this Court without seeking tenth or higher enlargements of time. These are exceptional circumstances sufficient to justify granting this EOT request.

Furthermore, Appellant has a constitutional right to effective assistance of counsel before this Court. *See, e.g., Diaz v. Judge Advocate General of the Navy*, 59 M.J. 34, 37 (C.A.A.F. 2003) ("An accused has the right to effective representation by counsel through the entire period of review following trial, including representation before the Court of Criminal Appeals and [the CAAF] by appellate counsel appointed under Article 70, UCMJ, 10 U.S.C. § 870 (2000)."). So do undersigned counsel's other clients, including those before the CAAF. It is not possible for all those service members' constitutional right to effective assistance of counsel to be honored without additional extensions of time. Where, as here, an overtaxed appointed defense system renders timely representation impossible, resulting delays are attributable to the Government. *See Vermont v. Brillon*, 556 U.S. 81, 94 (2009). This Court should consider ordering the Government to provide greater personnel resources to the Air Force Appellate Defense Division to ensure that Airmen's and Guardians' constitutional rights to both effective assistance of appellate counsel and timely appellate review can be satisfied. Currently, there are inadequate resources available to do both.

Additionally, because of this Court's requirement for "exceptional circumstances" in this case, another case that has been docketed longer than Appellant's but does not have similar EOT

² For the remaining cases before the CAAF, undersigned counsel participated in over ten moots to assist her various colleagues.

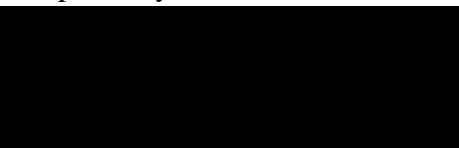
requirements has been lowered in priority, specifically, *United States v. Thomas*, No. ACM 22083. This direct appeal has been docketed with this Court since February 14, 2024 (412 days to date). While the case is also a plea, this appellant was sentenced by members, rendering the record much larger than Appellant's. By causing Appellant's case to be prioritized over *Thomas* out of concern this EOT will not be granted because the Court's prior decisions have indicated workload is an insufficient justification, this Court's order has created additional delay in *Thomas* and caused disparate and arbitrary treatment amongst appellants.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

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

Respectfully submitted,



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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 1 April 2025.



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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

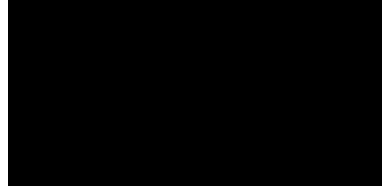
UNITED STATES,)	UNITED STATES'
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
)	OF TIME
v.)	
)	
)	Before Panel No. 2
Senior Airman (E-4))	
JORDAN M. BROWN,)	No. ACM S32777
United States Air Force,)	
<i>Appellant.</i>)	
)	3 April 2025

**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 390 days in length. Appellant's over a 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 more than two thirds of the 18-month standard for this Court to issue a decision, which only leaves about 5 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

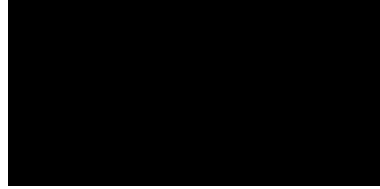
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JOCELYN Q. WRIGHT, Maj, USAF
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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 3 April 2025.



JOCELYN Q. WRIGHT, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Senior Airman (E-4)

JORDAN M. BROWN,

United States Air Force,

Appellant.

) **APPELLANT’S MOTION TO**
) **WITHDRAW REVIEW FROM**
) **APPELLATE AND ATTACH**

)

) Before Panel No. 2

)

) No. ACM S32777

)

) 18 April 2025

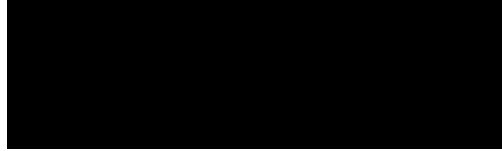
**TO THE HONORABLE, THE JUDGES OF THE
UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

Pursuant to Rule 16 of the Rules of Practice and Procedure of the United States Air Force Court of Criminal Appeals and Rule for Courts-Martial (R.C.M.) 1115, Appellant moves to withdraw his case from appellate review. Appellant has fully consulted with Captain Samantha Castanien, his 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 his case from appellate review.

Further, pursuant to Rules 23(b) and 23.3(b), 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,



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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 18 April 2025.



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