

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 17 April 2025.

Respectfully submitted,

[REDACTED]

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel

[REDACTED]

[REDACTED]

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

UNITED STATES	)	No. ACM _____
<i>Appellee</i>)	
)	
v.)	
)	
Bradley M. BYINGTON	)	NOTICE OF
Major (O-4)	)	DOCKETING
U.S. Air Force)	
<i>Appellant</i>)	

On 17 April 2025, this court received a notice of direct appeal from Appellant in the above-styled case, pursuant to Article 66(b)(1)(A), Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 866(b)(1)(A).

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

Pursuant to Rule 18(d)(2) of the Joint Rules of Appellate Procedure for Courts of Criminal Appeals, “[a]s soon as practicable after the filing of a Notice of Appeal, the [G]overnment shall provide the Court a complete record, including a verbatim transcript, and provide a copy to the defense. An appellant’s brief shall be filed no later than 60 days thereafter.” JT. CT. CRIM. APP. R. 18(d)(2) (as amended 17 May 2024). “[T]he record shall be the contents described in [Rule for Courts-Martial (R.C.M.)] 1112(b) as certified under R.C.M. 1112(c), the attachments for appellate review described in R.C.M. 1112(f), and . . . documents germane to timeliness of the appeal under Article 66(c)(1), UCMJ.” JT. CT. CRIM. APP. R. 6(a)(1).

The court defers decision with regard to timeliness of Appellant’s appeal pending receipt of the record of trial. *See* Article 66(c), UCMJ.

Accordingly, it is by the court on this 18th day of April, 2025,

ORDERED:

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

It is further ordered:

The Government will forward a copy of the record of trial to Appellant and the court “as soon as practicable.” *See* JT. CT. CRIM. APP. R. 6(a)(1); 8(d)(2).



FOR THE COURT



TANICA S. BAGMON
Appellate Court Paralegal

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

UNITED STATES	)	No. ACM 40816
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Bradley M. BYINGTON)	
Major (O-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 3 July 2025, 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 9th day of July, 2025,

ORDERED:

Appellant’s Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **11 September 2025**.

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



FOR THE COURT

[Redacted signature]

OLGA STANFORD, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (FIRST)
)	
v.	)	Before Panel No. 1
)	
Major (O-4)	)	No. ACM 40816
BRADLEY M. BYINGTON,)	
United States Air Force,	)	3 July 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a first enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of sixty days, which will end on **11 September 2025**. The record of trial was docketed with this Court on 18 April 2025, and this Court received the record of trial on 14 May 2025. From the date of docketing to the present date, seventy-six days have elapsed. On the date requested, 146 days will have elapsed. From the date the Court received the record of trial to when this enlargement of time, if granted, would end, 120 days will have elapsed.

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

Respectfully submitted,

[REDACTED]

FREDERICK J. JOHNSON, Maj, 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 Government Trial and Appellate Operations Division on 3 July 2025.

Respectfully submitted,

[REDACTED]

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel

[REDACTED]

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
	)	OF TIME
v.)	
)	
Major (O-4)	)	Before Panel No. 1
BRADLEY M. BYINGTON,	)	No. ACM 40816
United States Air Force,)	
<i>Appellant.</i>	)	8 July 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 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.

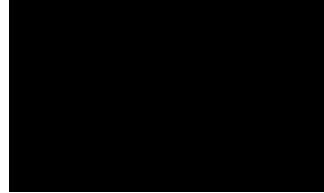


KATE E. LEE, Maj, USAF
Appellate Government Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 8 July 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (SECOND)
)	
v.	)	Before Panel No. 1
)	
Major (O-4)	)	No. ACM 40816
BRADLEY M. BYINGTON,)	
United States Air Force,	)	4 September 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a second enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of thirty days, which will end on **11 October 2025**. The record of trial was docketed with this Court on 18 April 2025, and this Court received the record of trial on 14 May 2025. From the date of docketing to the present date, 139 days have elapsed. On the date requested, 176 days will have elapsed. From the date the Court received the record of trial to when this enlargement of time, if granted, would end, 150 days will have elapsed.

On 8–9 October 2024, a military judge sitting as a general court-martial at Hill Air Force Base, Utah, convicted Appellant, consistent with his pleas, of two charges and four specifications of dereliction of duty in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892. R. at 180; Record of Trial (ROT) Vol. 1, Entry of Judgment, Nov. 5, 2024 (EOJ). The military judge sentenced Appellant to forfeiture of \$4,708 pay per month for two months and restriction to the limits of Hill Air Force Base for sixty days. R. at 343. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Major Bradley M. Byington*.

The electronic record of trial is three volumes consisting of five prosecution exhibits, nine defense exhibits, and fifty-two appellate exhibits; the transcript is 343 pages. Appellant is not currently confined.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an update of the status of counsel's progress on Appellant's case, was advised of this request for an enlargement of time, and has not expressed agreement or disagreement with this request for an enlargement of time.

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

Respectfully submitted,

[REDACTED]

FREDERICK J. JOHNSON, Maj, 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 Government Trial and Appellate Operations Division on 4 September 2025.

Respectfully submitted,

[REDACTED]

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel

[REDACTED]

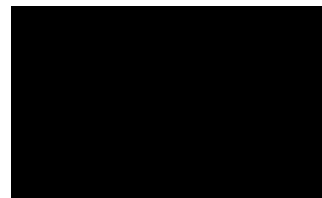
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
Major (O-4)	)	Before Panel No. 1
BRADLEY M. BYINGTON,	)	No. ACM 40816
United States Air Force,)	
<i>Appellant.</i>	)	8 September 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 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.

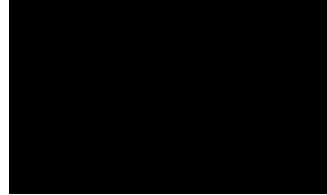


KATE E. LEE, Maj, USAF
Appellate Government Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 8 September 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (THIRD)
)	
v.	)	Before Panel No. 1
)	
Major (O-4)	)	No. ACM 40816
BRADLEY M. BYINGTON,)	
United States Air Force,	)	3 October 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a third enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of thirty days, which will end on **10 November 2025**. The record of trial was docketed with this Court on 18 April 2025, and this Court received the record of trial on 14 May 2025. From the date of docketing to the present date, 168 days have elapsed. On the date requested, 206 days will have elapsed. From the date the Court received the record of trial to when this enlargement of time, if granted, would end, 180 days will have elapsed.

On 8–9 October 2024, a military judge sitting as a general court-martial at Hill Air Force Base, Utah, convicted Appellant, consistent with his pleas, of two charges and four specifications of dereliction of duty in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892. R. at 180; Record of Trial (ROT) Vol. 1, Entry of Judgment, Nov. 5, 2024 (EOJ). The military judge sentenced Appellant to forfeiture of \$4,708 pay per month for two months and restriction to the limits of Hill Air Force Base for sixty days. R. at 343. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Major Bradley M. Byington*.

The electronic record of trial is three volumes consisting of five prosecution exhibits, nine defense exhibits, and fifty-two appellate exhibits; the transcript is 343 pages. Appellant is not currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing thirty-three clients; twelve clients are pending initial AOE's before this Court.¹ Additionally, two clients have pending supplements to petitions for a grant of review, and one additional client has an upcoming petition for grant of review and supplement to the petition, all before the United States Court of Appeals for the Armed Forces (CAAF). Three additional clients have upcoming petitions for a writ of certiorari before the Supreme Court of the United States. Twelve matters currently have priority over this case:

- 1) *United States v. Zhong*, ACM 40354, USCA Dkt. No. 24-0146/AF – ACM 40411, USCA Dkt. No. 25-0011/AF – The record of trial is four volumes consisting of 14 prosecution exhibits, 11 defense exhibits, 12 appellate exhibits, and one court exhibit; the transcript is 482 pages. Undersigned counsel is preparing to petition the Supreme Court of the United States for a writ of certiorari in this case.
- 2) *United States v. Soloshenko*, ACM 40581, USCA Dkt. No. 25-0273/SF – The electronic record of trial is two volumes consisting of seven prosecution exhibits, two defense

¹ Since the filing of Appellant's last request for an enlargement of time, prepared and filed a motion to withdraw from appellate review in *U.S. v. Payton*, ACM 40669; completed his review of the four-volume record of trial and prepared and filed a four-page AOE in *U.S. v. Simmons*, ACM 40658; prepared and filed a two-page motion for oral argument in *U.S. v. Casillas*, ACM 40551; reviewed and edited a 45-page petition for a writ of certiorari in *Dawson v. U.S.*, ACM 24041, USCA Dkt. No. 25-0156/AF; filed a petition for grant of review and began drafting the supplement to the petition in *U.S. v. Soloshenko*, ACM 40581, USCA Dkt. No. 25-0273/SF; filed an application for an extension of time to file a petition for a writ of certiorari in *Schneider, et al. v. U.S.*; and participated in three practice oral arguments for two additional cases. Additionally, counsel was on leave on 12 and 16 September 2025 and attended the Joint Appellate Advocacy Training on 25–26 September 2025.

- exhibits, twenty-seven appellate exhibits, and one court exhibit; the transcript is 773 pages. Undersigned counsel has petitioned the CAAF for a grant of review and is drafting the supplement to the petition in this case.
- 3) *United States v. Adams*, ACM 22018, USCA Dkt. No. 25-0270/AF – The record of trial is three volumes consisting of two prosecution exhibits, three defense exhibits, and seventeen appellate exhibits; the transcript is 299 pages. Undersigned counsel was recently detailed to this case and is preparing a supplement to the petition for grant of review.
 - 4) *United States v. Navarro Aguirre*, ACM 40354, USCA Dkt. No. 24-0146/AF – The record of trial is nine volumes consisting of 14 prosecution exhibits, 16 defense exhibits, one court exhibit, and 47 appellate exhibits; the transcript is 896 pages. Undersigned counsel is drafting a brief on remand in this case.
 - 5) *United States v. Casillas*, ACM 40499 (f rev) – The record of trial is 14 volumes consisting of 37 prosecution exhibits, three defense exhibits, one court exhibit, and 170 appellate exhibits; the transcript is 1,957 pages. Undersigned counsel is reviewing the record of trial in this case.
 - 6) *United States v. Mims*, ACM S32799 – The electronic record of trial is one volume consisting of three prosecution exhibits, six defense exhibits, and five appellate exhibits; the transcript is 103 pages. Undersigned counsel has not yet begun reviewing the record of trial, but additional counsel has been detailed to this case.
 - 7) *United States v. Polly*, ACM 40709 – The record of trial is seven volumes consisting of four prosecution exhibits, one defense exhibit, eighty-two appellate exhibits, and

- one court exhibit; the transcript is 243 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 8) *United States v. Penninga*, ACM 40714 – The electronic record of trial is three volumes consisting of sixteen prosecution exhibits, three defense exhibits, one court exhibit, and seventy-three appellate exhibits; the transcript is 822 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 9) *United States v. Gossett*, ACM 40715 – The record of trial is ten volumes consisting of seven prosecution exhibits, seven defense exhibits, one court exhibit, and seventy appellate exhibits; the transcript is 1076 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 10) *United States v. Her*, ACM 40747 – The electronic record of trial is eleven volumes consisting of eleven prosecution exhibits, fourteen defense exhibits, two court exhibits, and sixty-seven appellate exhibits; the transcript is 961 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 11) *United States v. Carey*, ACM S32806 – The electronic record of trial is five volumes consisting of seven prosecution exhibits, six defense exhibits, and thirty-seven appellate exhibits; the transcript is 294 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 12) *United States v. Monroe*, ACM 25008 – The record of trial is four volumes consisting of four prosecution exhibits and twenty-one appellate exhibits; the transcript is 194 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

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

to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an update of the status of counsel's progress on Appellant's case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,

[REDACTED]
FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel
[REDACTED]
[REDACTED]
[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 Government Trial and Appellate Operations Division on 3 October 2025.

Respectfully submitted,

[REDACTED]

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel

[REDACTED]

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
	)	OF TIME
v.)	
)	
Major (O-4)	)	Before Panel No. 1
BRADLEY M. BYINGTON,	)	No. ACM 40816
United States Air Force,)	
<i>Appellant.</i>	)	7 October 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 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.

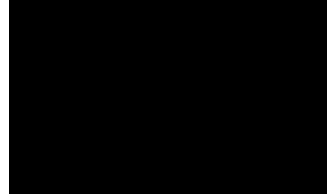


KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 7 October 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (FOURTH)
)	
v.	)	Before Panel No. 1
)	
Major (O-4)	)	No. ACM 40816
BRADLEY M. BYINGTON,)	
United States Air Force,	)	31 October 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a fourth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of thirty days, which will end on **10 December 2025**. The record of trial was docketed with this Court on 18 April 2025, and this Court received the record of trial on 14 May 2025. From the date of docketing to the present date, 196 days have elapsed. On the date requested, 236 days will have elapsed. From the date the Court received the record of trial to when this enlargement of time, if granted, would end, 210 days will have elapsed.

On 8–9 October 2024, a military judge sitting as a general court-martial at Hill Air Force Base, Utah, convicted Appellant, consistent with his pleas, of two charges and four specifications of dereliction of duty in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892. R. at 180; Record of Trial (ROT) Vol. 1, Entry of Judgment, Nov. 5, 2024 (EOJ). The military judge sentenced Appellant to forfeiture of \$4,708 pay per month for two months and restriction to the limits of Hill Air Force Base for sixty days. R. at 343. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Major Bradley M. Byington*.

The electronic record of trial is three volumes consisting of five prosecution exhibits, nine defense exhibits, and fifty-two appellate exhibits; the transcript is 343 pages. Appellant is not currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing thirty-three clients; twelve clients are pending initial AOE's before this Court.¹ Additionally, three clients have upcoming petitions for grant of review and supplements to the petitions, and another client has an upcoming oral argument, all before the United States Court of Appeals for the Armed Forces (CAAF). Four additional clients have upcoming petitions for a writ of certiorari before the Supreme Court of the United States. Fourteen matters currently have priority over this case:

- 1) *United States v. Banks*, ACM 24057 – The record of trial is seven volumes consisting of ten prosecution exhibits, sixteen defense exhibits, and thirty appellate exhibits; the transcript is 985 pages. Undersigned counsel is drafting a reply to the Government's answer in this case.
- 2) *United States v. Mims*, ACM S32799 – The electronic record of trial is one volume consisting of three prosecution exhibits, six defense exhibits, and five appellate

¹ Since the filing of Appellant's last request for an enlargement of time, counsel prepared and filed a sixteen-page supplement to the petition for grant of review to the CAAF in *U.S. v. Soloshenko*, ACM 40581, USCA Dkt. No. 25-0273/SF; reviewed the record and prepared and filed a four-page supplement to the petition for grant of review to the CAAF in *U.S. v. Adams*, ACM 22018, USCA Dkt. No. 25-0270/AF; filed an application for an extension of time to file a petition for a writ of certiorari in *Zhong v. U.S.*, ACM 40354, USCA Dkt. No. 24-0146/AF; prepared and filed a six-page brief on remand in *U.S. v. Navarro Aguirre*, ACM 40354 (rem); began reviewing the record of trial in *U.S. v. Polly*, ACM 40709; prepared and filed a seven-page reply to the Government's motion for reconsideration in *U.S. v. Casillas*, ACM 40551; began drafting a reply to the Government's answer in *U.S. v. Banks*, ACM 24057; and participated in ten practice oral arguments for five additional cases. Additionally, counsel was off for the Columbus Day holiday and was on leave on 24–26 October 2025.

- exhibits; the transcript is 103 pages. Undersigned counsel has not yet begun reviewing the record of trial, but additional counsel has been detailed to this case.
- 3) *United States v. Polly*, ACM 40709 – The record of trial is seven volumes consisting of four prosecution exhibits, one defense exhibit, eighty-two appellate exhibits, and one court exhibit; the transcript is 243 pages. Undersigned counsel has begun reviewing the record of trial in this case.
 - 4) *United States v. Zhong*, ACM 40354, USCA Dkt. No. 24-0146/AF – ACM 40411, USCA Dkt. No. 25-0011/AF – The record of trial is four volumes consisting of 14 prosecution exhibits, 11 defense exhibits, 12 appellate exhibits, and one court exhibit; the transcript is 482 pages. Undersigned counsel is preparing to petition the Supreme Court of the United States for a writ of certiorari in this case.
 - 5) *United States v. Casillas*, ACM 40499 (f rev) – The record of trial is 14 volumes consisting of 37 prosecution exhibits, three defense exhibits, one court exhibit, and 170 appellate exhibits; the transcript is 1,957 pages. Undersigned counsel is reviewing the record of trial in this case.
 - 6) *United States v. Haymond*, ACM 40588 – The record of trial is seven volumes consisting of five prosecution exhibits, seven defense exhibits, 42 appellate exhibits, and one court exhibit; the transcript is 689 pages. Undersigned counsel is preparing to petition the CAAF for a grant of review in this case.
 - 7) *United States v. Simmons*, ACM 40658 – The record of trial is four volumes consisting of five prosecution exhibits, four defense exhibits, three court exhibits, and thirty-eight appellate exhibits; the transcript is 248 pages. Undersigned counsel is preparing to petition the CAAF for a grant of review in this case.

- 8) *United States v. Penninga*, ACM 40714 – The electronic record of trial is three volumes consisting of sixteen prosecution exhibits, three defense exhibits, one court exhibit, and seventy-three appellate exhibits; the transcript is 822 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 9) *United States v. Gossett*, ACM 40715 – The record of trial is ten volumes consisting of seven prosecution exhibits, seven defense exhibits, one court exhibit, and seventy appellate exhibits; the transcript is 1076 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 10) *United States v. Keilberg*, ACM 40601 – The record of trial is four volumes consisting of thirteen prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Undersigned counsel is preparing to petition the CAAF for a grant of review in this case.
- 11) *United States v. Kershaw*, ACM 40455, USCA Dkt. No. 25-0177/AF – The record of trial is eight volumes consisting of 11 prosecution exhibits, nine defense exhibits, one court exhibit, and 71 appellate exhibits; the transcript is 703 pages. Undersigned counsel is preparing to present oral argument to the CAAF as lead counsel in this case on 13 January 2026.
- 12) *United States v. Her*, ACM 40747 – The electronic record of trial is eleven volumes consisting of eleven prosecution exhibits, fourteen defense exhibits, two court exhibits, and sixty-seven appellate exhibits; the transcript is 961 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 13) *United States v. Carey*, ACM S32806 – The electronic record of trial is five volumes consisting of seven prosecution exhibits, six defense exhibits, and thirty-seven



appellate exhibits; the transcript is 294 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

14) *United States v. Monroe*, ACM 25008 – The record of trial is four volumes consisting of four prosecution exhibits and twenty-one appellate exhibits; the transcript is 194 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an update of the status of counsel's progress on Appellant's case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,


FREDERICK J. JOHNSON, Maj, 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 Government Trial and Appellate Operations Division on 31 October 2025.

Respectfully submitted,

[REDACTED]

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel

[REDACTED]

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
	)	OF TIME
v.)	
)	
Major (O-4)	)	Before Panel No. 1
BRADLEY M. BYINGTON,	)	No. ACM 40816
United States Air Force,)	
<i>Appellant.</i>	)	4 November 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 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.

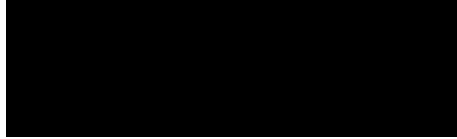
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VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[Redacted contact information]

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 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (FIFTH)
)	
v.	)	Before Panel No. 1
)	
Major (O-4)	)	No. ACM 40816
BRADLEY M. BYINGTON,)	
United States Air Force,	)	3 December 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a fifth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of thirty days, which will end on **9 January 2026**. The record of trial was docketed with this Court on 18 April 2025, and this Court received the record of trial on 14 May 2025. From the date of docketing to the present date, 229 days have elapsed. On the date requested, 266 days will have elapsed. From the date the Court received the record of trial to when this enlargement of time, if granted, would end, 240 days will have elapsed.

On 8–9 October 2024, a military judge sitting as a general court-martial at Hill Air Force Base, Utah, convicted Appellant, consistent with his pleas, of two charges and four specifications of dereliction of duty in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892. R. at 180; Record of Trial (ROT) Vol. 1, Entry of Judgment, Nov. 5, 2024 (EOJ). The military judge sentenced Appellant to forfeiture of \$4,708 pay per month for two months and restriction to the limits of Hill Air Force Base for sixty days. R. at 343. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Major Bradley M. Byington*.

The electronic record of trial is three volumes consisting of five prosecution exhibits, nine defense exhibits, and fifty-two appellate exhibits; the transcript is 343 pages. Appellant is not currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing thirty-three clients; ten clients are pending initial AOE's before this Court.¹ Additionally, seven clients have upcoming petitions for grant of review and/or supplements to the petitions, and another client has an upcoming oral argument, all before the United States Court of Appeals for the Armed Forces (CAAF). Four additional clients have upcoming petitions for a writ of certiorari before the Supreme Court of the United States. Fourteen matters currently have priority over this case:

- 1) *United States v. Haymond*, ACM 40588, USCA Dkt. No. 26-0035/AF – The record of trial is seven volumes consisting of five prosecution exhibits, seven defense exhibits, 42 appellate exhibits, and one court exhibit; the transcript is 689 pages. Undersigned counsel has petitioned the CAAF for a grant of review and drafted the supplement to the petition in this case.

¹ Since the filing of Appellant's last request for an enlargement of time, counsel prepared and filed a four-page reply to the Government's answer to the supplement to the petition for grant of review to the CAAF in *U.S. v. Adams*, ACM 22018, USCA Dkt. No. 25-0270/AF; completed his review of the seven-volume record of trial and prepared and filed a three-page AOE in *U.S. v. Polly*, ACM 40709; prepared and filed a fourteen-page reply to the Government's answer in *U.S. v. Banks*, ACM 24057; petitioned the CAAF for a grant of review and drafted a six-page supplement to the petition in *U.S. v. Haymond*, ACM 40588, USCA Dkt. No. 26-0035/AF; drafted a thirty-seven-page petition for a writ of certiorari in *Zhong v. U.S.*, ACM 40354, USCA Dkt. No. 24-0146/AF; petitioned the CAAF for a grant of review in *U.S. v. Simmons*, ACM 40658, USCA Dkt. No. 26-0049/AF; began reviewing the ten-volume record of trial in *U.S. v. Gossett*, ACM 40715; and participated in four practice oral arguments for two additional cases. Additionally, counsel was off for the Veterans Day holiday and was on leave on 22–29 November 2025, a period that included the Thanksgiving holiday.

- 2) *United States v. Zhong*, ACM 40411, USCA Dkt. No. 25-0011/AF – The record of trial is four volumes consisting of 14 prosecution exhibits, 11 defense exhibits, 12 appellate exhibits, and one court exhibit; the transcript is 482 pages. Undersigned counsel has drafted a petition for a writ of certiorari to the Supreme Court of the United States in this case.
- 3) *United States v. Simmons*, ACM 40658, USCA Dkt. No. 26-0049/AF – The record of trial is four volumes consisting of five prosecution exhibits, four defense exhibits, three court exhibits, and thirty-eight appellate exhibits; the transcript is 248 pages. Undersigned counsel has petitioned the CAAF for a grant of review in this case.
- 4) *United States v. Keilberg*, ACM 40601 – The record of trial is four volumes consisting of thirteen prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Undersigned counsel is preparing to petition the CAAF for a grant of review in this case.
- 5) *United States v. Gossett*, ACM 40715 – The record of trial is ten volumes consisting of seven prosecution exhibits, seven defense exhibits, one court exhibit, and seventy appellate exhibits; the transcript is 1076 pages. Undersigned counsel has begun reviewing the record of trial in this case.
- 6) *United States v. Martinez*, ACM 39903 – The record of trial is thirteen volumes consisting of eleven prosecution exhibits, twenty-four defense exhibits, and eighty-one appellate exhibits; the transcript is 1134 pages. Undersigned counsel was recently detailed to this case and is reviewing the record in preparation for petitioning the CAAF for a grant of review.

- 7) *United States v. Penninga*, ACM 40714 – The electronic record of trial is three volumes consisting of sixteen prosecution exhibits, three defense exhibits, one court exhibit, and seventy-three appellate exhibits; the transcript is 822 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 8) *United States v. Casillas*, ACM 40551 – The record of trial is ten volumes consisting of nineteen prosecution exhibits, four defense exhibits, and sixty-five appellate exhibits; the transcript is 1627 pages. Undersigned counsel is preparing to petition the CAAF for a grant of review in this case.
- 9) *United States v. Driskill*, ACM 39889 (rem) – The record of trial is fourteen volumes consisting of fourteen prosecution exhibits, four defense exhibits, and 169 appellate exhibits; the transcript is 2,062 pages. Undersigned counsel is preparing to petition the CAAF for a grant of review in this case.
- 10) *United States v. Kershaw*, ACM 40455, USCA Dkt. No. 25-0177/AF – The record of trial is eight volumes consisting of 11 prosecution exhibits, nine defense exhibits, one court exhibit, and 71 appellate exhibits; the transcript is 703 pages. Undersigned counsel is preparing to present oral argument to the CAAF as lead counsel in this case on 13 January 2026.
- 11) *United States v. Casillas*, ACM 40499 (f rev) – The record of trial is 14 volumes consisting of 37 prosecution exhibits, three defense exhibits, one court exhibit, and 170 appellate exhibits; the transcript is 1,957 pages. Undersigned counsel is reviewing the record of trial in this case.
- 12) *United States v. Her*, ACM 40747 – The electronic record of trial is eleven volumes consisting of eleven prosecution exhibits, fourteen defense exhibits, two court exhibits,

and sixty-seven appellate exhibits; the transcript is 961 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

13) *United States v. Carey*, ACM S32806 – The electronic record of trial is five volumes consisting of seven prosecution exhibits, six defense exhibits, and thirty-seven appellate exhibits; the transcript is 294 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

14) *United States v. Monroe*, ACM 25008 – The record of trial is four volumes consisting of four prosecution exhibits and twenty-one appellate exhibits; the transcript is 194 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an update of the status of counsel's progress on Appellant's case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,

[REDACTED]

FREDERICK J. JOHNSON, Maj, 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 Government Trial and Appellate Operations Division on 3 December 2025.

Respectfully submitted,

[REDACTED]

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel

[REDACTED]

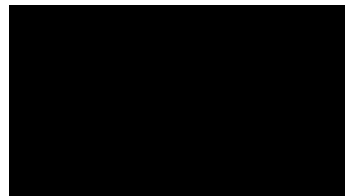
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Major (O-4)	)	Before Panel No. 1
BRADLEY M. BYINGTON,)	
United States Air Force,	)	No. ACM 40816
<i>Appellant.</i>)	
	)	5 December 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 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.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 December 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (SIXTH)
)	
v.	)	Before Panel No. 1
)	
Major (O-4)	)	No. ACM 40816
BRADLEY M. BYINGTON,)	
United States Air Force,	)	30 December 2025
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a sixth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of thirty days, which will end on **8 February 2026**. The record of trial was docketed with this Court on 18 April 2025, and this Court received the record of trial on 14 May 2025. From the date of docketing to the present date, 256 days have elapsed. On the date requested, 296 days will have elapsed. From the date the Court received the record of trial to when this enlargement of time, if granted, would end, 270 days will have elapsed.

On 8–9 October 2024, a military judge sitting as a general court-martial at Hill Air Force Base, Utah, convicted Appellant, consistent with his pleas, of two charges and four specifications of dereliction of duty in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892. R. at 180; Record of Trial (ROT) Vol. 1, Entry of Judgment, Nov. 5, 2024 (EOJ). The military judge sentenced Appellant to forfeiture of \$4,708 pay per month for two months and restriction to the limits of Hill Air Force Base for sixty days. R. at 343. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Major Bradley M. Byington*.

The electronic record of trial is three volumes consisting of five prosecution exhibits, nine defense exhibits, and fifty-two appellate exhibits; the transcript is 343 pages. Appellant is not currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing twenty-eight clients; ten clients are pending initial AOE's before this Court.¹ Additionally, seven clients have upcoming petitions for grant of review and/or supplements to the petitions, and another client has an upcoming oral argument, all before the United States Court of Appeals for the Armed Forces (CAAF). Three additional clients have upcoming petitions for a writ of certiorari before the Supreme Court of the United States. Thirteen matters currently have priority over this case:

- 1) *United States v. Keilberg*, ACM 40601 – The record of trial is four volumes consisting of thirteen prosecution exhibits, one defense exhibit, and seven appellate exhibits; the transcript is 118 pages. Undersigned counsel has petitioned the CAAF for a grant of review and drafted the supplement to the petition in this case.

¹ Since the filing of Appellant's last request for an enlargement of time, counsel prepared and filed a six-page supplement to the petition for grant of review in *U.S. v. Haymond*, ACM 40588, USCA Dkt. No. 26-0035/AF; prepared and filed a thirty-seven-page petition for a writ of certiorari to the Supreme Court of the United States in *Zhong v. U.S.*, ACM 40354, USCA Dkt. No. 24-0146/AF; prepared and filed a five-page supplement to the petition for grant of review in *U.S. v. Simmons*, ACM 40658, USCA Dkt. No. 26-0049/AF; continued reviewing the ten-volume record of trial in *U.S. v. Gossett*, ACM 40715; petitioned the CAAF for a grant of review and drafted a ten-page supplement to the petition in *U.S. v. Keilberg*, ACM 40601, USCA Dkt. No. 26-0065/AF; prepared and filed an application for extension of time to file a petition for a writ of certiorari at the Supreme Court of the United States in *Sherman v. U.S.*, ACM 40486, USCA Dkt. No. 25-0209/AF; petitioned the CAAF for a grant of review and began drafting the supplement to the petition in *U.S. v. Martinez*, ACM 39903, USCA Dkt. No. 26-0073/AF; conducted a practice oral argument for *U.S. v. Kershaw*, ACM 40455, USCA Dkt. No. 25-0177/AF; and participated in two practice oral arguments for two additional cases. Additionally, counsel was TDY on 11–12 December 2025 and was off for the Christmas holiday.

- 2) *United States v. Martinez*, ACM 39903, USCA Dkt. No. 26-0073/AF – The record of trial is thirteen volumes consisting of eleven prosecution exhibits, twenty-four defense exhibits, and eighty-one appellate exhibits; the transcript is 1134 pages. Undersigned counsel has petitioned the CAAF for a grant of review and is drafting the supplement to the petition in this case.
- 3) *United States v. Gossett*, ACM 40715 – The record of trial is ten volumes consisting of seven prosecution exhibits, seven defense exhibits, one court exhibit, and seventy appellate exhibits; the transcript is 1076 pages. Undersigned counsel is reviewing the record of trial in this case.
- 4) *United States v. Casillas*, ACM 40551 – The record of trial is ten volumes consisting of nineteen prosecution exhibits, four defense exhibits, and sixty-five appellate exhibits; the transcript is 1627 pages. Undersigned counsel is preparing to petition the CAAF for a grant of review in this case.
- 5) *United States v. Driskill*, ACM 39889 (rem) – The record of trial is fourteen volumes consisting of fourteen prosecution exhibits, four defense exhibits, and 169 appellate exhibits; the transcript is 2,062 pages. Undersigned counsel is preparing to petition the CAAF for a grant of review in this case.
- 6) *United States v. Kershaw*, ACM 40455, USCA Dkt. No. 25-0177/AF – The record of trial is eight volumes consisting of 11 prosecution exhibits, nine defense exhibits, one court exhibit, and 71 appellate exhibits; the transcript is 703 pages. Undersigned counsel is preparing to present oral argument to the CAAF as lead counsel in this case on 13 January 2026.

- 7) *United States v. Penninga*, ACM 40714 – The electronic record of trial is three volumes consisting of sixteen prosecution exhibits, three defense exhibits, one court exhibit, and seventy-three appellate exhibits; the transcript is 822 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 8) *Sherman v. United States*, ACM 40486, USCA Dkt. No. 25-0209/AF – The record of trial is five volumes consisting of seventeen prosecution exhibits, twelve defense exhibits, one court exhibit, and twenty-five appellate exhibits; the transcript is 469 pages. Undersigned counsel is preparing to petition the Supreme Court of the United States for a writ of certiorari in this case.
- 9) *United States v. Casillas*, ACM 40499 (f rev) – The record of trial is 14 volumes consisting of 37 prosecution exhibits, three defense exhibits, one court exhibit, and 170 appellate exhibits; the transcript is 1,957 pages. Undersigned counsel is reviewing the record of trial in this case.
- 10) *United States v. Her*, ACM 40747 – The electronic record of trial is eleven volumes consisting of eleven prosecution exhibits, fourteen defense exhibits, two court exhibits, and sixty-seven appellate exhibits; the transcript is 961 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 11) *United States v. Carey*, ACM S32806 – The electronic record of trial is five volumes consisting of seven prosecution exhibits, six defense exhibits, and thirty-seven appellate exhibits; the transcript is 294 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

12) *United States v. Monroe*, ACM 25008 – The record of trial is four volumes consisting of four prosecution exhibits and twenty-one appellate exhibits; the transcript is 194 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

13) *United States v. Burkhardt-Bauder*, ACM 24011 (f rev) – The record of trial is eight volumes consisting of five prosecution exhibits, 19 defense exhibits, 53 appellate exhibits, and one court exhibit; the transcript is 957 pages. Undersigned counsel has previously reviewed the record of trial prior to remand in this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant’s case. An enlargement of time is necessary to allow counsel to fully review Appellant’s case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an update of the status of counsel’s progress on Appellant’s case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,

[REDACTED]



FREDERICK J. JOHNSON, Maj, 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 Government Trial and Appellate Operations Division on 30 December 2025.

Respectfully submitted,


FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel


IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 1
Major (O-4))	
BRADLEY M. BYINGTON,	)	No. ACM 40816
United States Air Force.)	
<i>Appellant</i>	)	5 January 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]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]

[REDACTED]

[REDACTED]

[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 5 January 2026.

[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (SEVENTH)
)	
v.	)	Before Panel No. 1
)	
Major (O-4)	)	No. ACM 40816
BRADLEY M. BYINGTON,)	
United States Air Force,	)	31 January 2026
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a seventh enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of thirty days, which will end on **10 March 2026**. The record of trial was docketed with this Court on 18 April 2025, and this Court received the record of trial on 14 May 2025. From the date of docketing to the present date, 288 days have elapsed. On the date requested, 326 days will have elapsed. From the date the Court received the record of trial to when this enlargement of time, if granted, would end, 300 days will have elapsed.

On 8–9 October 2024, a military judge sitting as a general court-martial at Hill Air Force Base, Utah, convicted Appellant, consistent with his pleas, of two charges and four specifications of dereliction of duty in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892. R. at 180; Record of Trial (ROT) Vol. 1, Entry of Judgment, Nov. 5, 2024 (EOJ). The military judge sentenced Appellant to forfeiture of \$4,708 pay per month for two months and restriction to the limits of Hill Air Force Base for sixty days. R. at 343. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Major Bradley M. Byington*.

The electronic record of trial is three volumes consisting of five prosecution exhibits, nine defense exhibits, and fifty-two appellate exhibits; the transcript is 343 pages. Appellant is not currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel is currently representing twenty-eight clients; ten clients are pending initial AOE's before this Court.¹ Additionally, three clients have upcoming petitions for grant of review and/or supplements to the petitions before the United States Court of Appeals for the Armed Forces (CAAF). Three additional clients have upcoming petitions for a writ of certiorari before the Supreme Court of the United States. Eleven matters currently have priority over this case:

- 1) *United States v. Casillas*, ACM 40551, USCA Dkt. No. 26-0092/AF – The record of trial is ten volumes consisting of nineteen prosecution exhibits, four defense exhibits, and sixty-five appellate exhibits; the transcript is 1627 pages. Undersigned counsel has petitioned the CAAF for a grant of review and drafted a fourteen-page supplement to the petition in this case.

¹ Since the filing of Appellant's last request for an enlargement of time, counsel continued reviewing the ten-volume record of trial and prepared and filed a consent motion to examine sealed materials in *U.S. v. Gossett*, ACM 40715; prepared and filed a ten-page supplement to the petition for grant of review to the CAAF in *U.S. v. Keilberg*, ACM 40601, USCA Dkt. No. 26-0065/AF; prepared and filed a twenty-one-page supplement to the petition for grant of review to the CAAF in *U.S. v. Martinez*, ACM 39903, USCA Dkt. No. 26-0073/AF; conducted two practice oral arguments and presented oral argument before the CAAF as lead counsel in *U.S. v. Kershaw*, ACM 40455, USCA Dkt. No. 25-0177/AF; petitioned the CAAF for a grant of review and drafted a fourteen-page supplement to the petition in *U.S. v. Casillas*, ACM 40551, USCA Dkt. No. 26-0092/AF; petitioned the CAAF for a grant of review and prepared and filed a twenty-eight-page supplement to the petition in *U.S. v. Driskill*, ACM 39889, USCA Dkt. No. 26-0087/AF; petitioned the CAAF for a grant of review and began drafting the supplement to the petition in *U.S. v. Navarro Aguirre*, ACM 40354, USCA Dkt. No. 26-0100/AF; prepared and filed an application for extension of time to file a petition for a writ of certiorari at the Supreme Court of the United States in *Soloshenko, et al. v. United States*; and participated in five practice oral arguments for two additional cases. Additionally, counsel was off for the New Year's Day and Birthday of Martin Luther King, Jr. holidays.

- 2) *Sherman v. United States*, ACM 40486, USCA Dkt. No. 25-0209/AF – The record of trial is five volumes consisting of seventeen prosecution exhibits, twelve defense exhibits, one court exhibit, and twenty-five appellate exhibits; the transcript is 469 pages. Undersigned counsel is drafting a petition for a writ of certiorari to the Supreme Court of the United States in this case.
- 3) *United States v. Navarro Aguirre*, ACM 40354, USCA Dkt. No. 26-0100/AF – The record of trial is nine volumes consisting of fourteen prosecution exhibits, sixteen defense exhibits, one court exhibit, and forty-seven appellate exhibits; the transcript is 896 pages. Undersigned counsel has petitioned the CAAF for a grant of review and is drafting the supplement to the petition in this case.
- 4) *United States v. Gossett*, ACM 40715 – The record of trial is ten volumes consisting of seven prosecution exhibits, seven defense exhibits, one court exhibit, and seventy appellate exhibits; the transcript is 1076 pages. Undersigned counsel is reviewing the record of trial in this case.
- 5) *United States v. Banks*, ACM 24057 – The record of trial is seven volumes consisting of ten prosecution exhibits, sixteen defense exhibits, and thirty appellate exhibits; the transcript is 985 pages. Undersigned counsel is preparing to petition the CAAF for a grant of review in this case.
- 6) *United States v. Penninga*, ACM 40714 – The electronic record of trial is three volumes consisting of sixteen prosecution exhibits, three defense exhibits, one court exhibit, and seventy-three appellate exhibits; the transcript is 822 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.

- 7) *United States v. Casillas*, ACM 40499 (f rev) – The record of trial is 14 volumes consisting of 37 prosecution exhibits, three defense exhibits, one court exhibit, and 170 appellate exhibits; the transcript is 1,957 pages. Undersigned counsel is reviewing the record of trial in this case.
- 8) *United States v. Her*, ACM 40747 – The electronic record of trial is eleven volumes consisting of eleven prosecution exhibits, fourteen defense exhibits, two court exhibits, and sixty-seven appellate exhibits; the transcript is 961 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 9) *United States v. Carey*, ACM S32806 – The electronic record of trial is five volumes consisting of seven prosecution exhibits, six defense exhibits, and thirty-seven appellate exhibits; the transcript is 294 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 10) *United States v. Monroe*, ACM 25008 – The record of trial is four volumes consisting of four prosecution exhibits and twenty-one appellate exhibits; the transcript is 194 pages. Undersigned counsel has not yet begun reviewing the record of trial in this case.
- 11) *United States v. Burkhardt-Bauder*, ACM 24011 (f rev) – The record of trial is eight volumes consisting of five prosecution exhibits, 19 defense exhibits, 53 appellate exhibits, and one court exhibit; the transcript is 957 pages. Undersigned counsel has previously reviewed the record of trial prior to remand in this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an update of the status of counsel's progress

on Appellant's case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully submitted,

[Redacted signature]

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel

[Redacted address]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 31 January 2026.

Respectfully submitted,

[REDACTED]

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 1
Major (O-4))	
BRADLEY M. BYINGTON,	)	No. ACM 40816
United States Air Force.)	
<i>Appellant</i>	)	3 February 2026

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant’s new delay request is granted, the defense delay in this case will be 300 days in length. Appellant’s nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court’s appellate processing standards. Appellant has already consumed 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 started 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.

[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]

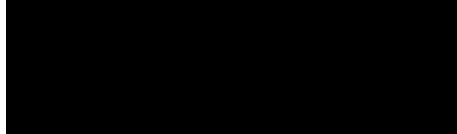
[REDACTED]

[REDACTED]

[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 3 February 2026.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (EIGHT)
)	
v.	)	Before Panel No. 1
)	
Major (O-4)	)	No. ACM 40816
BRADLEY M. BYINGTON,)	
United States Air Force,	)	2 March 2026
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a seventh enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of thirty days, which will end on **9 April 2026**. The record of trial was docketed with this Court on 18 April 2025, and this Court received the record of trial on 14 May 2025. From the date of docketing to the present date, 318 days have elapsed. On the date requested, 356 days will have elapsed. From the date the Court received the record of trial to when this enlargement of time, if granted, would end, 330 days will have elapsed.

On 8–9 October 2024, a military judge sitting as a general court-martial at Hill Air Force Base, Utah, convicted Appellant, consistent with his pleas, of two charges and four specifications of dereliction of duty in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892. R. at 180; Record of Trial (ROT) Vol. 1, Entry of Judgment, Nov. 5, 2024 (EOJ). The military judge sentenced Appellant to forfeiture of \$4,708 pay per month for two months and restriction to the limits of Hill Air Force Base for sixty days. R. at 343. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Major Bradley M. Byington*.

The electronic record of trial is three volumes consisting of five prosecution exhibits, nine defense exhibits, and fifty-two appellate exhibits; the transcript is 343 pages. Appellant is not currently confined. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel currently represents twelve clients and is presently assigned three cases pending initial brief before this Court and three cases pending filing to the Court of Appeals for the Armed Forces. Three cases, in which the undersigned counsel is the lead counsel, currently have priority over the present case:

1. *United States v. Szabo*, No. ACM 40690 –The detailed military counsel is working on the reply brief in this case, which is due to this Court on 4 March 2026.

2. *United States v. Griffin*, No. ACM 40642 – This Court decided this case on 26 January 2026. The detailed military counsel is working on the supplement and petition, which is due at the Court of Appeals for the Armed Forces no later than 27 March 2026.

3. *United States v. Nesbitt*, No. ACM 40679 – This Court decided this case on 3 February 2026. The detailed military counsel has not yet started working on the supplement and petition, which is due at the Court of Appeals for the Armed Forces no later than 4 April 2026.

In order to best allocate resources within the Air Force Appellate Defense Division, and support speedy appellate review for Appellant, undersigned counsel was assigned to this case. As such, Major Johnson is expected to file his notice of withdrawal as soon as practical. A thorough turnover of the record between counsel has been completed.

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

Appellant was advised of his right to a timely appeal, was provided an update of the status of counsel's progress on Appellant's case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully Submitted,

[Redacted signature block]

JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel

[Redacted contact information]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 2 March 2026.

Respectfully Submitted,

[Redacted Signature]

JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel

[Redacted Address]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 1
Major (O-4))	
BRADLEY M. BYINGTON,	)	No. ACM 40816
United States Air Force.)	
<i>Appellant</i>	)	4 March 2026

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant’s new delay request is granted, the defense delay in this case will be 330 days in length. Appellant’s nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court’s appellate processing standards. Appellant has already consumed 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 started 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.

[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]

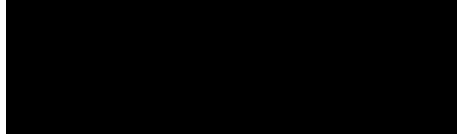
[REDACTED]

[REDACTED]

[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 March 2026.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR WITHDRAWAL OF
<i>Appellee,</i>	)	APPELLATE DEFENSE COUNSEL
)	
v.	)	Before Panel No. 1
)	
Major (O-4)	)	No. ACM 40816
BRADLEY M. BYINGTON,)	
United States Air Force,	)	12 March 2026
<i>Appellant.</i>)	

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

Pursuant to Rules 12(b), 12.4, and 23.3(h) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. Major Frederick Johnson is no longer detailed under Article 70, Uniform Code of Military Justice, to represent Appellant. Captain Joyclin Webster has been detailed as substitute appellate military counsel in undersigned counsel’s stead and made her notice of appearance on 2 March 2026. Counsel have completed a thorough turnover of the record.

Appellant has been advised of this motion to withdraw as counsel and consents to undersigned counsel’s withdrawal. A copy of this motion will be delivered to Appellant following its filing.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant this motion.

Respectfully submitted,

[REDACTED]

FREDERICK J. JOHNSON, Maj, 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 Government Trial and Appellate Operations Division on 12 March 2026.

Respectfully Submitted,

A solid black rectangular redaction box covering the signature of Frederick J. Johnson.

FREDERICK J. JOHNSON, Maj, USAF
Appellate Defense Counsel

A large, irregular black redaction box covering the contact information, including phone and email addresses.

The electronic record of trial is three volumes consisting of five prosecution exhibits, nine defense exhibits, and fifty-two appellate exhibits; the transcript is 343 pages. Appellant is not currently confined.

Undersigned counsel entered her notice of appearance in this case on 2 March 2026. This Court granted the motion for withdrawal of Appellant's previous appellate defense attorney on 12 March 2026. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel currently represents twelve clients and is presently assigned three cases pending initial brief before this Court and two cases pending filing to the Court of Appeals for the Armed Forces. Three cases, in which the undersigned counsel is the lead counsel, currently have priority over the present case:

1. *United States v. Griffin*, No. ACM 40642 – This Court decided this case on 26 January 2026. The detailed military counsel is working on the supplement, which is due at the Court of Appeals for the Armed Forces no later than 17 April 2026.

2. *United States v. Thomas*, No. ACM 40797 – The electronic record of trial is one volume consisting of four prosecution exhibits, nine defense exhibits, and twenty-one appellate exhibits; the transcript is 441 pages. To date, counsel has reviewed approximately 25% of the record of trial in this case.

3. *United States v. Nesbitt*, No. ACM 40679 – This Court decided this case on 3 February 2026. The detailed military counsel has not yet started working on the supplement and petition, which is currently due at the Court of Appeals for the Armed Forces no later than 4 April 2026.

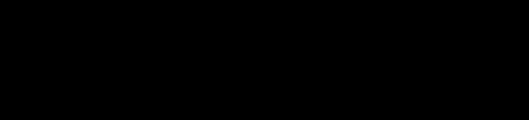
Since counsel's last motion for an enlargement of time, counsel submitted a reply brief, on 4 Mar 26, and a specified issue brief, on 30 Mar 26, in *United States v. Szabo*, No. ACM 40690.

Counsel also had a medical emergency that briefly prevented her from working, delaying her progress in reviewing cases.

Through no fault of Appellant, undersigned counsel has been unable to complete her review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an update of the status of counsel's progress on Appellant's case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully Submitted,



JOYCLIN N. WEBSTER, 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 Government Trial and Appellate Operations Division on 31 March 2026.

Respectfully Submitted,

A large black rectangular redaction box covering the signature of Joyclin N. Webster.

JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel

A large black rectangular redaction box covering the contact information, including phone and email details.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 1
Major (O-4))	
BRADLEY M. BYINGTON,	)	No. ACM 40816
United States Air Force.)	
<i>Appellant</i>	)	31 March 2026

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

Pursuant to Rule 23.2 of this Court’s Rules of Practice and Procedure, the United States hereby enters its 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 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 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.

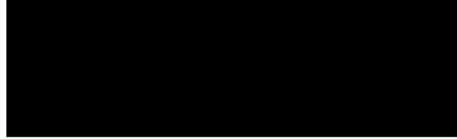


VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



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 March 2026.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (TENTH)
)	
v.	)	Before Panel No. 1
)	
Major (O-4)	)	No. ACM 40816
BRADLEY M. BYINGTON,)	
United States Air Force,	)	29 April 2026
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of thirty days, which will end on **8 June 2026**. The record of trial was docketed with this Court on 18 April 2025, and this Court received the record of trial on 14 May 2025. From the date of docketing to the present date, 376 days have elapsed. On the date requested, 416 days will have elapsed. From the date the Court received the record of trial to when this enlargement of time, if granted, would end, 390 days will have elapsed.

On 8–9 October 2024, a military judge sitting as a general court-martial at Hill Air Force Base, Utah, convicted Appellant, consistent with his pleas, of two charges and four specifications of dereliction of duty in violation of Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892. R. at 180; Record of Trial (ROT) Vol. 1, Entry of Judgment, Nov. 5, 2024 (EOJ). The military judge sentenced Appellant to forfeiture of \$4,708 pay per month for two months and restriction to the limits of Hill Air Force Base for sixty days. R. at 343. The convening authority took no action on the findings or the sentence. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Major Bradley M. Byington*.

The electronic record of trial is three volumes consisting of five prosecution exhibits, nine defense exhibits, and fifty-two appellate exhibits; the transcript is 343 pages. Appellant is not currently confined.

Undersigned counsel entered her notice of appearance in this case on 2 March 2026. This Court granted the motion for withdrawal of Appellant's previous appellate defense attorney on 12 March 2026. Undersigned counsel has not yet begun reviewing the record of trial in this case.

Counsel currently represents twelve clients and is presently assigned three cases pending initial brief before this Court and one case pending filing to the Court of Appeals for the Armed Forces (CAAF). One case, in which the undersigned counsel is the lead counsel, currently has priority over the present case: *United States v. Thomas*, No. ACM 40797 – The electronic record of trial is one volume consisting of four prosecution exhibits, nine defense exhibits, and twenty-one appellate exhibits; the transcript is 441 pages. To date, counsel has reviewed approximately 90% of the record of trial in this case.

Since counsel's last motion for an enlargement of time, counsel submitted a supplement brief to the CAAF in *United States v. Griffin*, ACM 40642; filed a reply brief in *United States v. Anderson*, ACM 40654 (f rev); and attended an Army training on defense litigation. Counsel also had a medical emergency that briefly prevented her from working, delaying her progress in reviewing cases.

Through no fault of Appellant, undersigned counsel has been unable to complete her review and prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal, was provided an update of the status of

counsel's progress on Appellant's case, was consulted with regard to enlargements of time, and agrees with necessary requests for enlargements of time, including this request.

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

Respectfully Submitted,

[Redacted signature]

JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel

[Redacted address]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 29 April 2026.

Respectfully Submitted,

[Redacted Signature]

JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel

[Redacted Contact Information]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.)	
	)	Before Panel No. 1
Major (O-4))	
BRADLEY M. BYINGTON,	)	No. ACM 40816
United States Air Force.)	
<i>Appellant</i>	)	30 April 2026

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over 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 over 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.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel



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 30 April 2026.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION TO
<i>Appellee,</i>	)	WITHDRAW FROM
	)	APPELLATE REVIEW AND
	)	ATTACH
)	
	)	Before Panel No. 1
)	
Major (O-4)	)	No. ACM 40816
BRADLEY M. BYINGTON,)	
United States Air Force,	)	9 June 2026
<i>Appellant.</i>)	

**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, Major Bradley M. Byington, Appellant, moves to withdraw his case from appellate review. Appellant has fully consulted with Captain Joyclin Webster, 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 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 attached to this pleading to the record of this proceeding. The attached 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,

[REDACTED]

JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[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 Government Trial and Appellate Operations Division on 9 June 2026.

Respectfully Submitted,

[Redacted Signature]

JOYCLIN N. WEBSTER, Capt, USAF
Appellate Defense Counsel

[Redacted Address]