

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

UNITED STATES)	No. ACM 40699
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Spencer R. CARTY)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 3

On 6 December 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.

This case was docketed with the court on 21 October 2024.

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 10th day of December, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **18 February 2025**.

Any subsequent requests for enlargement will be considered individually on their 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.

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, ordinarily will not be granted absent *exceptional circumstances*.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Airman (E-4)

SPENCER R. CARTY,

United States Air Force

Appellant

) **APPELLANT'S MOTION FOR**
) **ENLARGEMENT OF TIME (FIRST)**

)
) Before Panel No. 3

)
) No. ACM 40699

)
) 9 December 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 an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on 18 **February 2025**. The record of trial was docketed with this Court on 21 October 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,



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.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 Appellate Government Division on 9 December 2024.



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.1@us.af.mil

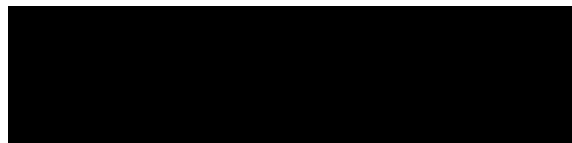
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40699
SPENCER R. CARTY, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

**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.

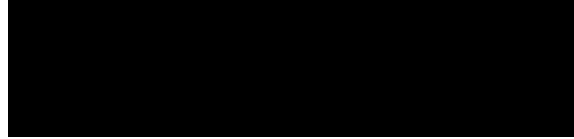
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 9 December 2024.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
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)

SPENCER R. CARTY,

United States Air Force

Appellant

) **APPELLANT'S MOTION FOR**
) **ENLARGEMENT OF TIME**
) **(SECOND)**

) Before Panel No. 3

) No. ACM 40699

) 6 February 2025

**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, Senior Airman (SrA) Spencer R. Carty (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. SrA Carty requests an enlargement for a period of 30 days, which will end on **20 March 2025**. The record of trial was docketed with this Court on 21 October 2024. From the date of docketing to the present date, 108 days have elapsed. On the date requested, 150 days will have elapsed.

On 4 June 2024, a general court-martial composed of a military judge sitting alone convicted SrA Carty, consistent with his pleas, of one specification of assault consummated by a battery upon a child under the age of sixteen years, in violation of Article 128, Uniform Code of Military Justice, 10 U.S.C. § 928, and one specification of communicating a threat, in violation of Article 115, UCMJ, 10 U.S.C. § 915. R. at 119; Charge Sheet; Entry of Judgment. The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, a total of 30 months' confinement, and a reprimand. R. at 186, EOJ. The convening authority took no action on the findings and sentence.



Authority Decision on Action.

GRANTED

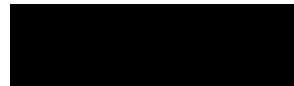
10 FEB 2025

The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, and one court exhibit. The transcript is 187 pages. SrA Carty is confined.

Through no fault of SrA Carty, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SrA Carty's case and advise him regarding potential errors. SrA Carty was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

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

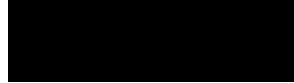
Respectfully submitted,



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.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 Appellate Government Division on 6 February 2025.



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.1@us.af.mil

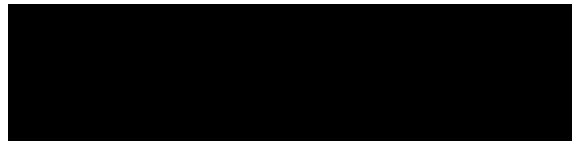
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40699
SPENCER R. CARTY, USAF,)	
<i>Appellant.</i>	)	Panel No. 3
)	

**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.

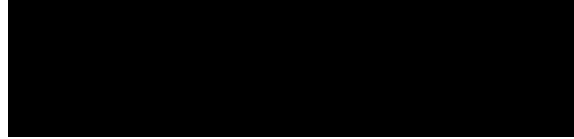
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 10 February 2025.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
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)

SPENCER R. CARTY,

United States Air Force

Appellant

) **APPELLANT'S MOTION FOR**
) **ENLARGEMENT OF TIME (THIRD)**

)
) Before Panel No. 3

)
) No. ACM 40699

)
) 10 March 2025

)

**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, Senior Airman (SrA) Spencer R. Carty (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. SrA Carty requests an enlargement for a period of 30 days, which will end on **19 April 2025**. The record of trial was docketed with this Court on 21 October 2024. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

On 4 June 2024, a general court-martial composed of a military judge sitting alone convicted SrA Carty, consistent with his pleas, of one specification of assault consummated by a battery upon a child under the age of sixteen years, in violation of Article 128, Uniform Code of Military Justice, 10 U.S.C. § 928, and one specification of communicating a threat, in violation of Article 115, UCMJ, 10 U.S.C. § 915. R. at 119; Charge Sheet; Entry of Judgment. The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, a total of 30 months' confinement, and a reprimand at 186, EOJ. The convening authority took no action on the findings and sentence. Convening Authority Decision on Action.



GRANTED

11 MAR 2025

The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, and one court exhibit. The transcript is 187 pages. SrA Carty is confined.

Through no fault of SrA Carty, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SrA Carty's case and advise him regarding potential errors. SrA Carty was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

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

Respectfully submitted,



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.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 Appellate Government Division on 10 March 2025.



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.1@us.af.mil

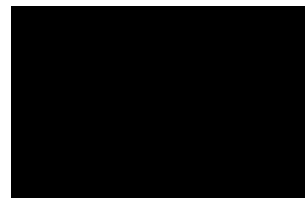
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
	)	Before Panel No. 3
)	
Senior Airman (E-4)	)	No. ACM 40699
SPENCER R. CARTY,)	
United States Air Force)	
<i>Appellant.</i>	)	11 March 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 (Third) to file an Assignment of Error in this case.

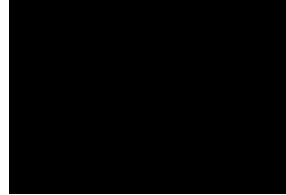
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4809

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 11 March 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4809

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Airman (E-4)

SPENCER R. CARTY,

United States Air Force

Appellant

) **APPELLANT'S MOTION FOR**
) **ENLARGEMENT OF TIME**
) **(FOURTH)**

) Before Panel No. 3

) No. ACM 40699

) 8 April 2025

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Senior Airman (SrA) Spencer R. Carty (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. SrA Carty requests an enlargement for a period of 30 days, which will end on **19 May 2025**. The record of trial was docketed with this Court on 21 October 2024. From the date of docketing to the present date, 169 days have elapsed. On the date requested, 210 days will have elapsed.

On 4 June 2024, a general court-martial composed of a military judge sitting alone convicted SrA Carty, consistent with his pleas, of one specification of assault consummated by a battery upon a child under the age of sixteen years, in violation of Article 128, Uniform Code of Military Justice, 10 U.S.C. § 928, and one specification of communicating a threat, in violation of Article 115, UCMJ, 10 U.S.C. § 915. R. at 119; Charge Sheet; Entry of Judgment. The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, a total of 30 months' confinement, and a reprimand. R. at 186, EOJ. The convening authority took no action on the findings and sentence.

Authority Decision on Action.



GRANTED
10 APR 2025

The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, and one court exhibit. The transcript is 187 pages. SrA Carty is confined.

Through no fault of SrA Carty, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SrA Carty's case and advise him regarding potential errors. SrA Carty was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 23 clients and is presently assigned 18 cases pending initial brief before this Court. Three cases currently have priority over the present case:

1. *United States v. Boren*, No. ACM 40296 (f rev) – The record of trial includes 10 prosecution exhibits, 28 defense exhibits, 46 appellate exhibits, and 1,034 transcript pages. The appellant's petition and supplement to the CAAF are due on 18 May 2025. Undersigned counsel was not the original counsel for this appellant and therefore must review the appellant's record of trial in conjunction with preparing the appellant's petition and supplement.
2. *United States v. Moore*, USCA Dkt. No. 25-0110/AF – The record of trial includes 11 prosecution exhibits, 9 defense exhibits, 40 appellate exhibits, 1 court exhibit, and 674 transcript pages. The Government certified this case to the CAAF on 7 March 2025 and the case was docketed with the CAAF on 10 March 2025. The Government's brief is due on 9 April 2025. Undersigned counsel was not the original counsel for this appellant

and therefore is currently reviewing the appellant's record of trial. Counsel will be working on the appellant's answer beginning 10 April 2025, which is expected to be due on 9 May 2025.

3. *United States v. Wilkerson*, No. ACM 40696 – The record of trial includes seven prosecution exhibits, nine defense exhibits, and fifteen appellate exhibits, and 352 transcript pages. The appellant is not confined, and his case was docketed on 10 October 2024. Counsel has not completed her review of the appellant's record of trial.

Since requesting SrA Carty's previous enlargement of time, undersigned counsel completed review of two records of trial (*United States v. Adame*, No. ACM 40692; *United States v. Siebert*, No. ACM S32794) and filed three motions to withdraw from appellate review and attach. She prepared for and participated as a moot judge in two moot arguments (equaling more than six hours), attended one oral argument, advised one client about his right to a direct appeal before this Court, and completed one peer review (reviewing four issues). Additionally, undersigned counsel was out of the office from 24 March – 4 April 2025 for personal leave and TDY.

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

Respectfully submitted,



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.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 Appellate Government Division on 8 April 2025.



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.1@us.af.mil

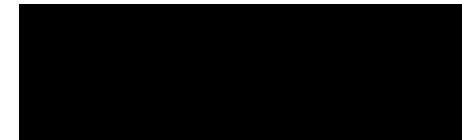
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
	)	Before Panel No. 3
Senior Airman (E-4))	
SPENCER R. CARTY,	)	No. ACM 40699
United States Air Force,)	
<i>Appellant.</i>)	
	)	9 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 general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

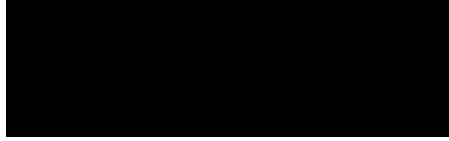
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



VANESSA BAIROS, Maj, USAF
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 9 April 2025.



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

UNITED STATES)
 Appellee)
))
))
 v.)
))
))
Spencer R. CARTY)
Senior Airman (E-4))
U.S. Air Force)
 Appellant)

No. ACM 40699

NOTICE OF PANEL CHANGE

ORDERED:

This panel letter supersedes all previous panel assignments.



FOR THE COURT

OLGA STANFORD, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Airman (E-4)

SPENCER R. CARTY,

United States Air Force

Appellant

) **APPELLANT'S MOTION FOR**
) **ENLARGEMENT OF TIME (FIFTH)**

)
) Before Panel No. 3

)
) No. ACM 40699

)
) 6 May 2025

)

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Senior Airman (SrA) Spencer R. Carty (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. SrA Carty requests an enlargement for a period of 30 days, which will end on **18 June 2025**. The record of trial was docketed with this Court on 21 October 2024. From the date of docketing to the present date, 197 days have elapsed. On the date requested, 240 days will have elapsed.

On 4 June 2024, a general court-martial composed of a military judge sitting alone convicted SrA Carty, consistent with his pleas, of one specification of assault consummated by a battery upon a child under the age of sixteen years, in violation of Article 128, Uniform Code of Military Justice, 10 U.S.C. § 928, and one specification of communicating a threat, in violation of Article 115, UCMJ, 10 U.S.C. § 915. R. at 119; Charge Sheet; Entry of Judgment. The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, a total of 30 months' confinement, and a reprimand. R. at 186, EOJ. The convening authority took no action on the findings and sentence.

g Authority Decision on Action.



GRANTED
9 MAY 2025

The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, and one court exhibit. The transcript is 187 pages. SrA Carty is confined.

Through no fault of SrA Carty, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SrA Carty's case and advise him regarding potential errors. SrA Carty was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 25 clients and is presently assigned 19 cases pending initial brief before this Court. Three cases currently have priority over the present case:

1. *United States v. Moore*, USCA Dkt. No. 25-0110 – The record of trial includes 11 prosecution exhibits, 9 defense exhibits, 40 appellate exhibits, 1 court exhibit, and 674 transcript pages. The case was docketed with the CAAF on 10 March 2025. The Government's brief was filed on 9 April 2025. Counsel is working on the appellant's brief, which is due on 7 May 2025.
2. *United States v. Boren*, No. ACM 40296 (f rev) – The record of trial includes 10 prosecution exhibits, 28 defense exhibits, 46 appellate exhibits, and 1,034 transcript pages. The appellant's petition and supplement to the CAAF are due on 29 June 2025.
3. *United States v. Wilkerson*, No. ACM 40696 – The record of trial includes seven prosecution exhibits, nine defense exhibits, and fifteen appellate exhibits, and 352

transcript pages. The appellant is not confined, and his case was docketed on 10 October 2024. Counsel has not completed her review of the appellant's record of trial.

Since requesting SrA Carty's previous enlargement of time, undersigned counsel completed her review of two records of trial (*United States v. Boren*, No. ACM 40692; *United States v. Moore*, USCA Dkt. No. 25-0110), filed one motion to compel post-trial discovery (*United States v. Moore*, USCA Dkt. No. 25-0110), and filed one motion for reconsideration (*United States v. Boren*, No. ACM 40692). She prepared for and participated as a moot judge in one moot argument. Additionally, she has been drafting an Answer for *United States v. Moore*, USCA Dkt. No. 25-0110. Lastly, undersigned counsel was sick and out of the 21-29 April 2025, limiting her ability to accomplish her work.

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

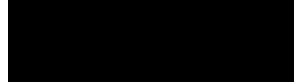
Respectfully submitted,



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.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 Appellate Government Division on 6 May 2025.



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.1@us.af.mil

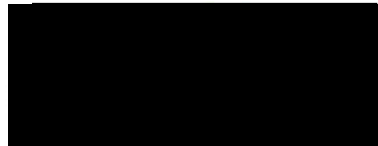
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
	)	Before Panel No. 3
Senior Airman (E-4))	
SPENCER R. CARTY,	)	No. ACM 40699
United States Air Force,)	
<i>Appellant.</i>)	
	)	8 May 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.

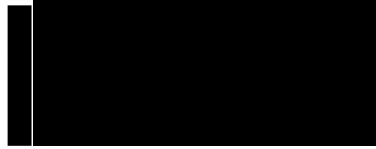
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

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 May 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)

SPENCER R. CARTY,

United States Air Force

Appellant

) **APPELLANT'S MOTION FOR**
) **ENLARGEMENT OF TIME (SIXTH)**

)
) Before Panel No. 1

)
) No. ACM 40699

)
) 4 June 2025

)

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Senior Airman (SrA) Spencer R. Carty (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. SrA Carty requests an enlargement for a period of 30 days, which will end on **18 July 2025**. The record of trial was docketed with this Court on 21 October 2024. From the date of docketing to the present date, 226 days have elapsed. On the date requested, 270 days will have elapsed.

On 4 June 2024, a general court-martial composed of a military judge sitting alone convicted SrA Carty, consistent with his pleas, of one specification of assault consummated by a battery upon a child under the age of sixteen years, in violation of Article 128, Uniform Code of Military Justice, 10 U.S.C. § 928, and one specification of communicating a threat, in violation of Article 115, UCMJ, 10 U.S.C. § 915. R. at 119; Charge Sheet; Entry of Judgment. The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, a total of 30 months' confinement, and a reprimand. R. at 186, EOJ. The convening authority took no action on the findings and sentence. Convening Authority Decision on Action.



GRANTED
4 JUN 2025

The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, and one court exhibit. The transcript is 187 pages. SrA Carty is confined.

Through no fault of SrA Carty, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SrA Carty's case and advise him regarding potential errors. SrA Carty was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

SrA Carty's case is undersigned counsel's next priority before this Court. However, undersigned counsel has three cases requiring pleadings before the Court of Appeals for the Armed Forces (CAAF) that counsel will complete prior to completing her review of SrA Carty's case. Additionally, undersigned counsel will be out of the office on personal leave on 6 June 2025, 23-27 June 2025, and 8-9 July 2025.

Undersigned counsel currently represents 26 clients and is presently assigned 18 cases pending initial brief before this Court. Three cases currently have priority over the present case:

1. *United States v. Boren*, No. ACM 40296 (f rev) – The record of trial includes 10 prosecution exhibits, 28 defense exhibits, 46 appellate exhibits, and 1,034 transcript pages. The appellant's petition and supplement to the Court of Appeals of for the Armed Forces (CAAF) are due on 29 June 2025.
2. *United States v. Rocha*, USCA Dkt. No. 25-0157 – The record of trial includes 22 prosecution exhibits, 8 defense exhibits, 39 appellate exhibits, and 532 transcript pages. The Government certified this case on 5 May 2025 and the case was docketed

with the CAAF on 6 May 2025. The Government's brief is due on 11 June 2025. The appellee's brief is anticipated to be due on 9 July 2025. Undersigned counsel was not the original counsel for this appellee and therefore is currently reviewing the appellee's record of trial.

3. *United States v. Shirley*, No. ACM 40618 – Counsel was detailed to this case on 20 May 2025. The record of trial includes three prosecution exhibits, two defense exhibits, and eight appellate exhibits, and 153 transcript pages. The appellant's petition and supplement to the CAAF are due on 18 July 2025.

Since requesting SrA Carty's previous enlargement of time, undersigned counsel completed and filed a brief on behalf of the appellee in *United States v. Moore* (USCA Dkt. No. 25-0110). On 5 May 2025, undersigned counsel was detailed to *United States v. Rocha* to take over as lead counsel due to the current appellate defense counsel separating from the Air Force. Undersigned counsel has since been reviewing the record of trial for *United States v. Rocha*, in preparation for the brief on behalf of the appellee. She also completed her review of the record of trial in *United States v. Wilkerson* (No. ACM 40696) and filed the appellant's motion to withdraw from appellate review in the same case. She began preparing the petition and supplement to the CAAF for *United States v. Boren* (No. ACM 40296 (f rev)). Additionally, she prepared for and participated as a moot judge in two moot arguments. Lastly, undersigned counsel was on leave from 8-9 May 2025, 19-22 May 2025, 2 June 2025, and out of the office on 23 May 2025 and 26 May 2025 for the family day and Memorial Day federal holiday.

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

Respectfully submitted,

A solid black rectangular box used to redact the signature of Megan R. Crouch.

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.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 Appellate Government Division on 4 June 2025.



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.1@us.af.mil

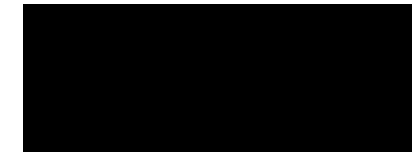
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
	)	Before Panel No. 1
Senior Airman (E-4))	
SPENCER R. CARTY,	)	No. ACM 40699
United States Air Force,)	
<i>Appellant.</i>)	
	)	4 June 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.



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

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 June 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)

SPENCER R. CARTY,

United States Air Force

Appellant

) **APPELLANT'S MOTION FOR**
) **ENLARGEMENT OF TIME**
) **(SEVENTH)**

) Before Panel No. 1

) No. ACM 40699

) 3 July 2025

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Senior Airman (SrA) Spencer R. Carty (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. SrA Carty requests an enlargement for a period of 30 days, which will end on **17 August 2025**. The record of trial was docketed with this Court on 21 October 2024. From the date of docketing to the present date, 255 days have elapsed. On the date requested, 300 days will have elapsed.

On 4 June 2024, a general court-martial composed of a military judge sitting alone convicted SrA Carty, consistent with his pleas, of one specification of assault consummated by a battery upon a child under the age of sixteen years, in violation of Article 128, Uniform Code of Military Justice, 10 U.S.C. § 928, and one specification of communicating a threat, in violation of Article 115, UCMJ, 10 U.S.C. § 915. R. at 119; Charge Sheet; Entry of Judgment. The military judge sentenced him to a reduction to the grade of E-1, bad conduct discharge, a total of 30 months' confinement, and a reprimand. R. at 186, EOJ. The convening authority took no action on the findings and sentence.



Authority Decision on Action.

GRANTED

3 JULY 2025

The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, and one court exhibit. The transcript is 187 pages. SrA Carty is confined.

Through no fault of SrA Carty, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review SrA Carty's case and advise him regarding potential errors. SrA Carty was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

SrA Carty's case is undersigned counsel's next priority before this Court. However, undersigned counsel has four cases requiring pleadings before the Court of Appeals for the Armed Forces (CAAF) that counsel will complete prior to completing her review of SrA Carty's case. Additionally, undersigned counsel will be out of the office on personal leave on 8-9 July 2025.

Undersigned counsel currently represents 31 clients and is presently assigned 19 cases pending initial brief before this Court. Four cases currently have priority over the present case:

1. *United States v. Clark*, No. ACM 40540 – Undersigned counsel was recently detailed to the appellant's case. The record of trial is comprised of 13 volumes containing 19 prosecution exhibits, 1 defense exhibits, 87 appellate exhibits, and 1,579 transcript pages. The appellant's petition and supplement to the Court of Appeals of for the Armed Forces (CAAF) are due on 7 July 2025.
2. *United States v. Boren*, USCA Dkt. No. 25-0195/AF – The record of trial includes 10 prosecution exhibits, 28 defense exhibits, 46 appellate exhibits, and 1,034 transcript

pages. The appellant's supplement to his petition for a grant of review to the CAAF is due on 14 July 2025.

3. *United States v. Rocha*, USCA Dkt. No. 25-0157/AF – The record of trial includes 22 prosecution exhibits, 8 defense exhibits, 39 appellate exhibits, and 532 transcript pages. The Government certified this case on 5 May 2025 and the case was docketed with the CAAF on 6 May 2025. The Government filed its brief on 11 June 2025. The appellee's brief is due on 23 July 2025.
4. *United States v. Shirley*, No. ACM 40618 – The record of trial includes three prosecution exhibits, two defense exhibits, and eight appellate exhibits, and 153 transcript pages. The appellant's petition and supplement to the CAAF are due on 18 July 2025.

Since requesting SrA Carty's previous enlargement of time, undersigned counsel began preparing the petition and supplement to the CAAF for *United States v. Boren* (USCA Dkt. No. 25-0195/AF) and began drafting the appellee's brief for *United States v. Rocha* (USCA Dkt. No. 25-0157/AF). Additionally, undersigned counsel was out of the office on 6 June 2025, and 19-29 June 2025 for leave, the Juneteenth federal holiday, and a family day.

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

Respectfully submitted,



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.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 Appellate Government Division on 3 July 2025.



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
Megan.crouch.1@us.af.mil

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. 1
Senior Airman (E-4))	
SPENCER R. CARTY,	)	No. ACM 40699
United States Air Force,)	
<i>Appellant.</i>)	
	)	3 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 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 processing standards 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 at this late stage of the appellate process.

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



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4804

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 July 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel
Government Trial & Appellate Operations
1500 W. Perimeter Road, Suite 1190
Joint Base Andrews, MD
DSN: 612-4804

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Senior Airman (E-4)

SPENCER R. CARTY,

United States Air Force

Appellant.

**MOTION TO WITHDRAW FROM
APPELLATE REVIEW AND ATTACH**

Before Panel No. 3

No. ACM 40699

5 August 2025

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

Pursuant to Rule 16 of this Honorable Court's Rules of Practice and Procedure and Rule for Courts-Martial (R.C.M.) 1115, Senior Airman Spencer R. Carty, Appellant, moves to withdraw his case from appellate review. Appellant has fully consulted with undersigned counsel, his appellate defense counsel, regarding this motion and his decision 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) of this Honorable Court's Rules of Practice and Procedure, the undersigned counsel asks this Court to attach the two-page document appended to this pleading to the record of this proceeding. The appended document is necessary to comply with R.C.M. 1115(d) and R.C.M. 1115(e).

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

Respectfully submitted,



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via electronic mail to the Court and served on the Appellate Government Division on 5 August 2025.

Respectfully submitted,



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770