

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME (FIRST)
	)	
v.	)	Before Panel No. 1
	)	
Airman (E-2)	)	No. ACM S32764
<b>TYLER S. EVERHART,</b>	)	
United States Air Force	)	26 January 2024
	)	
<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 60 days, which will end on **3 April 2024**. The record of trial was docketed with this Court on 5 December 2023. From the date of docketing to the present date, 52 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,

[Redacted signature block]

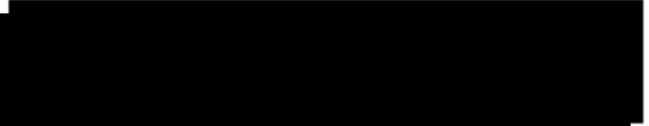
FREDERICK J. JOHNSON, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

[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 26 January 2024.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

FREDERICK J. JOHNSON, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

A black rectangular redaction box covering contact information, with a small white rectangular cutout at the bottom right.

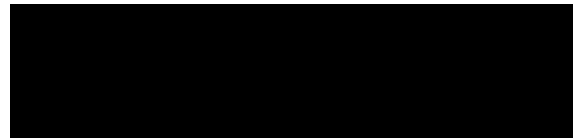
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman (E-2)	)	ACM S32764
TYLER S. EVERHART, USAF,	)	
<i>Appellant.</i>	)	Before Panel No. 1
	)	

**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



**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 26 January 2024.



MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee</i>	)	<b>ENLARGEMENT OF TIME (SECOND)</b>
	)	
v.	)	Before Panel No. 1
	)	
Airman (E-2)	)	No. ACM S32764
<b>TYLER S. EVERHART,</b>	)	
United States Air Force	)	22 March 2024
<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 30 days, which will end on **3 May 2024**. The record of trial was docketed with this Court on 5 December 2023. From the date of docketing to the present date, 108 days have elapsed. On the date requested, 150 days will have elapsed.

On 26 September 2023, a military judge sitting as a special court-martial at Nellis Air Force Base, Nevada, found Appellant guilty, consistent with his pleas, of one charge and four specifications of wrongful possession, use, and manufacture of controlled substances in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a. R. at 83; Record of Trial (ROT) Vol. 1, Entry of Judgment (EOJ), dated 26 October 2023. The military judge sentenced Appellant to be reduced to the grade of E-1, to forfeit \$500 pay per month for five months, to be confined for five months, and to be discharged from the service with a bad conduct discharge. R. at 127; ROT Vol. 1, Statement of Trial Results (STR), dated 26 September 2023. The convening authority took no action on the findings but suspended the adjudged forfeitures of pay for five months from the entry of judgment, at which time they would be remitted unless the

suspension was sooner vacated, and waived all automatic forfeitures for a period of five months or until release from confinement or expiration of term of service, whichever is sooner, for the benefit of Appellant's dependent children. ROT Vol. 1, Convening Authority Decision on Action – *United States v. Airman Tyler S. Everhart*, dated 13 October 2023.

The record of trial is two volumes consisting of 14 prosecution exhibits, four defense exhibits, and six appellate exhibits; the transcript is 128 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.

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

Respectfully submitted,



FREDERICK J. JOHNSON, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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 22 March 2024.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

FREDERICK J. JOHNSON, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

A black rectangular redaction box covering contact information, with a small white rectangular cutout at the bottom right.

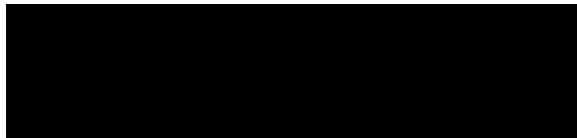
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman (E-2)	)	ACM S32764
TYLER S. EVERHART, USAF,	)	
<i>Appellant.</i>	)	Before Panel No. 1
	)	

**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.



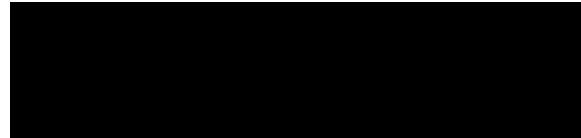
MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



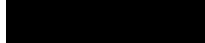


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 25 March 2024.



MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force



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

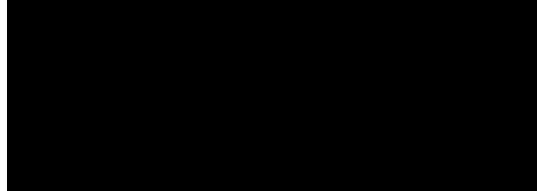
<b>UNITED STATES</b>	)	<b>MOTION TO WITHDRAW FROM</b>
<i>Appellee,</i>	)	<b>APPELLATE REVIEW AND</b>
	)	<b>ATTACH</b>
v.	)	
	)	Before Panel No. 1
Airman (E-2)	)	
<b>TYLER S. EVERHART,</b>	)	No. ACM S32764
United States Air Force	)	
<i>Appellant</i>	)	21 April 2024
	)	

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

Pursuant to Rule 16 and 23.3(i) of the Rules of Practice and Procedure of the United States Air Force Court of Criminal Appeals and Rule for Courts-Martial (R.C.M.) 1115, Airman Tyler S. Everhart, Appellant, moves to withdraw his case from appellate review. Appellant has fully consulted with Major Jennifer Harrington, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced or induced Appellant by force, promises of clemency, or otherwise, to withdraw his case from appellate review. Further, pursuant to Rules 23(b) and 23.3(b), 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,

A large black rectangular redaction box covering the signature of Jennifer M. Harrington.

JENNIFER M. HARRINGTON, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

A black rectangular redaction box covering contact information, with a small white rectangular cutout in the middle.

**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 21 April 2024.



JENNIFER M. HARRINGTON, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

