

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

<b>UNITED STATES</b>	)	<b>No. ACM 40594</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	<b>ORDER</b>
<b>Brian F. FIGUEROA</b>	)	
<b>Airman First Class (E-3)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	<b>Panel 2</b>

On 13 May 2024, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 days to submit Appellant’s assignments of error. The Government opposes the motion.

The court has considered Appellant’s motion, the Government’s opposition, case law, and this court’s Rules of Practice and Procedure. Accordingly, it is by the court on this 16th day of May, 2024,

**ORDERED:**

Appellant’s Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **20 July 2024**.

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

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

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



FOR THE COURT

[Redacted signature]

OLGA STANFORD, Capt, USAF  
Commissioner

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

<b>UNITED STATES,</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (FIRST)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM 40594
<b>BRIAN F. FIGUEROA,</b>	)	
United States Air Force,	)	13 May 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)(2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his 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 **20 July 2024**. The record of trial was docketed with this Court on 22 March 2024. 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 enlargement of time.

Respectfully submitted,

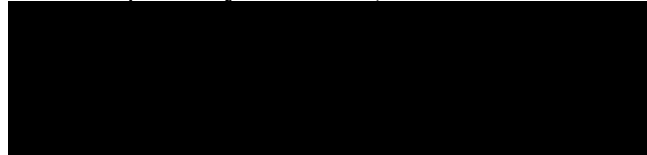


MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770

**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 Appellate Government Division on 13 May 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770

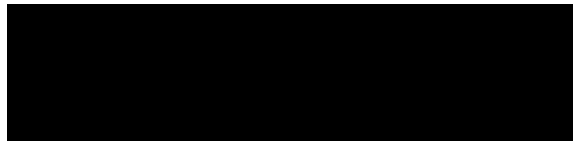
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM 40594
BRIAN F. FIGUEROA, USAF	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

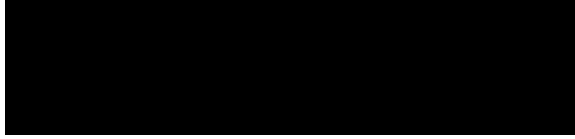
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 15 May 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**

<b>UNITED STATES,</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (SECOND)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM 40594
<b>BRIAN F. FIGUEROA Jr.,</b>	)	
United States Air Force,	)	12 July 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)(2) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his 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 **19 August 2024**. The record of trial was docketed with this Court on 22 March 2024. From the date of docketing to the present date, 112 days have elapsed. On the date requested, 150 days will have elapsed.

On 14 November 2023, Senior Airman (SrA) Brian Figueroa Jr., was convicted, pursuant to his pleas, at a general court-martial of one charge and specification of possession of child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ), and one specification of distribution of child pornography in violation of Article 134, UCMJ. (R. at 15.) The military judge sentenced SrA Figueroa to be reprimanded, to be reduced to the grade of E-1, to be confined for 12 months, and to be dishonorably discharged. (R. at 146.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action.)

The record of trial is three volumes. The transcript is 146 pages. There are three prosecution exhibits, three defense exhibits, and five appellate exhibits. SrA Figueroa is currently in confinement. SrA Figueroa has been advised of his right to a timely appeal, as well as the

request for an enlargement of time. SrA Figueroa has agreed to the request for an enlargement of time. Furthermore, counsel has been in communication with SrA Figueroa concerning the status of this case's progress. Counsel asserts attorney-client privilege concerning the substance of those communications.

Undersigned counsel is currently assigned 20 cases; 13 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

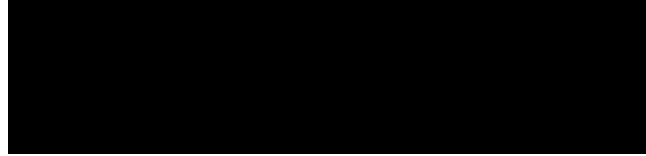
- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its ninth enlargement of time.
- 2) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 134 page transcript. This case is on its seventh enlargement of time. Counsel has completed an initial review of the record of trial from the remanded hearing.
- 3) *United States v. Johnson*, ACM 40537 – The record of trial is 7 volumes consisting of 19 prosecution exhibits, 4 defense exhibits, 27 appellate exhibits, and 2 court exhibits. The transcript is 605 pages. This case is on its fifth enlargement of time. Counsel has nearly completing drafting a final assignment of errors with civilian counsel.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.



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

Respectfully submitted,

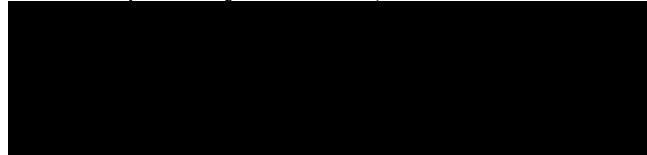


MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770

**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 Appellate Government Division on 12 July 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770

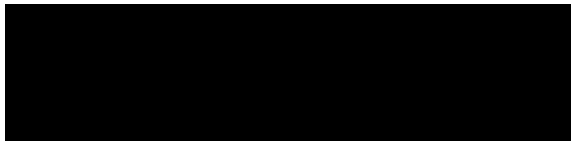
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM 40594
BRIAN F. FIGUEROA, USAF	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

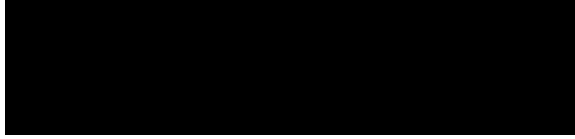
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

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I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 15 July 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**

<b>UNITED STATES,</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (THIRD)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM 40594
<b>BRIAN F. FIGUEROA Jr.,</b>	)	
United States Air Force,	)	12 August 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)(2) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his third enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **18 September 2024**. The record of trial was docketed with this Court on 22 March 2024. From the date of docketing to the present date, 143 days have elapsed. On the date requested, 180 days will have elapsed.

On 14 November 2023, Senior Airman (SrA) Brian Figueroa Jr., was convicted, pursuant to his pleas, at a general court-martial of one charge and specification of possession of child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ), and one specification of distribution of child pornography in violation of Article 134, UCMJ. (R. at 15.) The military judge sentenced SrA Figueroa to be reprimanded, to be reduced to the grade of E-1, to be confined for 12 months, and to be dishonorably discharged. (R. at 146.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action.)

The record of trial is three volumes. The transcript is 146 pages. There are three prosecution exhibits, three defense exhibits, and five appellate exhibits. SrA Figueroa is currently in confinement. SrA Figueroa has been advised of his right to a timely appeal, as well as the

request for an enlargement of time. SrA Figueroa has agreed to the request for an enlargement of time. Furthermore, counsel has been in communication with SrA Figueroa concerning the status of this case, but has not had a substantive update to provide regarding its progress at this time. Counsel asserts attorney-client privilege concerning the substance of all communications.

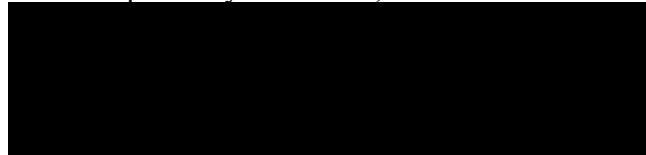
Undersigned counsel is currently assigned 20 cases; 13 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its tenth enlargement of time. Counsel has completed reviewing the record of trial and has begun drafting and assignment of errors.
- 2) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 134 page transcript. This case is on its eighth enlargement of time. Counsel has completed an initial review of the remanded record of trial.
- 3) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case is in its sixth enlargement of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to begin drafting and assignment of errors. Undersigned counsel has completed an initial review of the record of trial. However, counsel's other priorities have prevented him from beginning work on a brief to submit to this Court. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

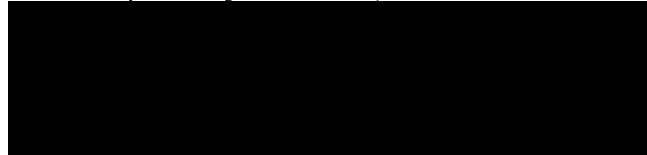


MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770

**CERTIFICATE OF FILING AND SERVICE**

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Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770



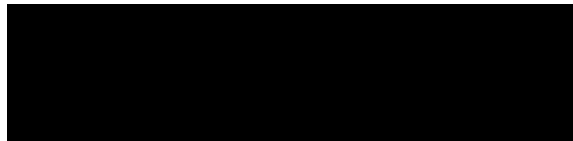
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM 40594
BRIAN F. FIGUEROA, USAF	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

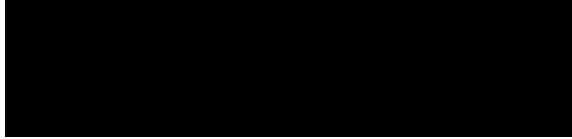
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

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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**

<b>UNITED STATES,</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (FOURTH)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM 40594
<b>BRIAN F. FIGUEROA Jr.,</b>	)	
United States Air Force,	)	11 September 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)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fourth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **18 October 2024**. The record of trial was docketed with this Court on 22 March 2024. From the date of docketing to the present date, 173 days have elapsed. On the date requested, 210 days will have elapsed.

On 14 November 2023, Senior Airman (SrA) Brian Figueroa Jr., was convicted, pursuant to his pleas, at a general court-martial of one charge and specification of possession of child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ), and one specification of distribution of child pornography in violation of Article 134, UCMJ. (R. at 15.) The military judge sentenced SrA Figueroa to be reprimanded, to be reduced to the grade of E-1, to be confined for 12 months, and to be dishonorably discharged. (R. at 146.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action.)

The record of trial is three volumes. The transcript is 146 pages. There are three prosecution exhibits, three defense exhibits, and five appellate exhibits. SrA Figueroa is currently in confinement. SrA Figueroa has been advised of his right to a timely appeal, as well as the

request for an enlargement of time. SrA Figueroa has agreed to the request for an enlargement of time. Furthermore, counsel has been in communication with SrA Figueroa concerning the status of this case, but has not had a substantive update to provide regarding its progress at this time. Counsel asserts attorney-client privilege concerning the substance of all communications.

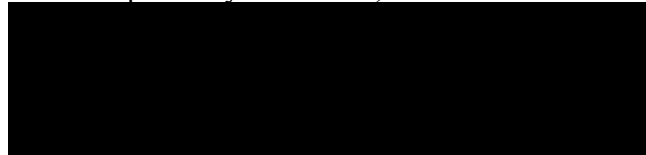
Undersigned counsel is currently assigned 20 cases; 13 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its eleventh enlargement of time. Counsel has completed reviewing the record of trial and has begun drafting and assignment of errors.
- 2) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 134 page transcript. This case is on its ninth enlargement of time. Counsel has completed an in-depth review of the record of trial and has begun drafting an assignment of errors.
- 3) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case is in its seventh enlargement of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to begin drafting an assignment of errors. Undersigned counsel has completed an initial review of the record of trial. However, counsel's other priorities have prevented him from beginning work on a brief to submit to this Court. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

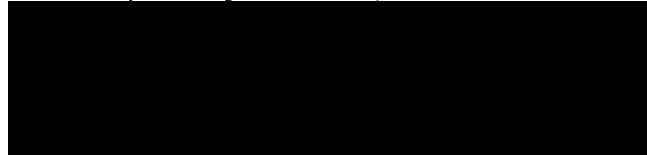


MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770

**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 Appellate Government Division on 11 September 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770

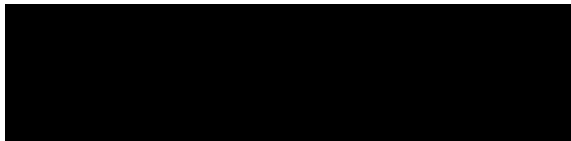
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM 40594
BRIAN F. FIGUEROA Jr., USAF	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

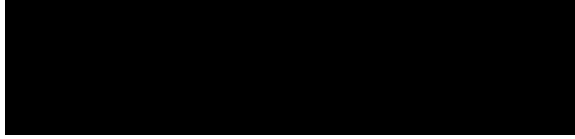
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

**CERTIFICATE OF FILING AND SERVICE**

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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**

<b>UNITED STATES,</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (FIFTH)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM 40594
<b>BRIAN F. FIGUEROA Jr.,</b>	)	
United States Air Force,	)	10 October 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)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his fifth enlargement of time to file an Assignments of Error (AOE).<sup>1</sup> Appellant requests an enlargement for a period of 30 days, which will end on **17 November 2024**. The record of trial was docketed with this Court on 22 March 2024. From the date of docketing to the present date, 202 days have elapsed. On the date requested, 240 days will have elapsed.

On 14 November 2023, Senior Airman (SrA) Brian Figueroa Jr., was convicted, pursuant to his pleas, at a general court-martial of one charge and specification of possession of child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ), and one specification of distribution of child pornography in violation of Article 134, UCMJ. (R. at 15.) The military judge sentenced SrA Figueroa to be reprimanded, to be reduced to the grade of E-1, to be confined for 12 months, and to be dishonorably discharged. (R. at 146.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action.)

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<sup>1</sup> Counsel originally filed this motion on 10 October 2024, at approximately 1900, Eastern Standard Time. However, that motion incorrectly listed this as the fourth enlargement of time, rather than the fifth. Counsel respectfully withdraws that motion and submits this one instead.

The record of trial is three volumes. The transcript is 146 pages. There are three prosecution exhibits, three defense exhibits, and five appellate exhibits. SrA Figueroa is currently in confinement. SrA Figueroa has been advised of his right to a timely appeal, as well as the request for an enlargement of time. SrA Figueroa has agreed to the request for an enlargement of time. Furthermore, counsel has been in communication with SrA Figueroa concerning the status of this case, but has not had a substantive update to provide regarding its progress at this time. Counsel asserts attorney-client privilege concerning the substance of all communications.

Undersigned counsel is currently assigned 20 cases; 13 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

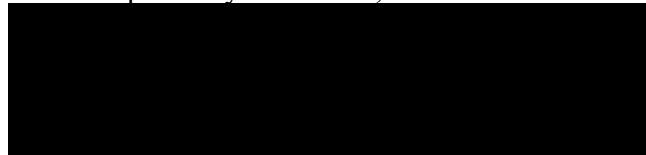
- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its twelfth enlargement of time. Counsel has completed reviewing the record of trial and has begun drafting and assignment of errors with civilian counsel.
- 2) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 134 page transcript. This case is on its tenth enlargement of time. Counsel has nearly completed an assignment of errors.
- 3) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution

exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case in its eighth enlargement of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to begin drafting an assignment of errors. Undersigned counsel has completed an initial review of the record of trial. However, counsel's other priorities have prevented him from beginning work on a brief to submit to this Court. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

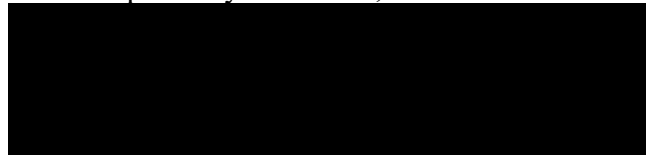


MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770

**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 Appellate Government Division on 10 October 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770

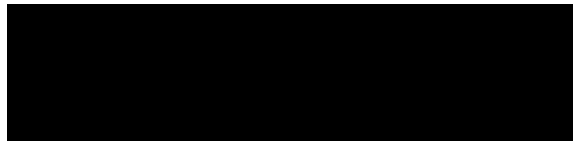
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM 40594
BRIAN F. FIGUEROA Jr., USAF	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

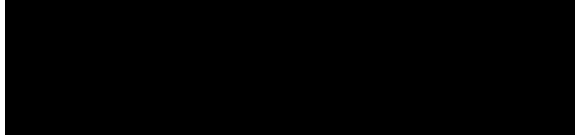
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 16 October 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**

<b>UNITED STATES,</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (SIXTH)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM 40594
<b>BRIAN F. FIGUEROA Jr.,</b>	)	
United States Air Force,	)	7 November 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)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his sixth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **17 December 2024**. The record of trial was docketed with this Court on 22 March 2024. From the date of docketing to the present date, 230 days have elapsed. On the date requested, 270 days will have elapsed.

On 14 November 2023, Senior Airman (SrA) Brian Figueroa Jr., was convicted, pursuant to his pleas, at a general court-martial of one charge and specification of possession of child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ), and one specification of distribution of child pornography in violation of Article 134, UCMJ. (R. at 15.) The military judge sentenced SrA Figueroa to be reprimanded, to be reduced to the grade of E-1, to be confined for 12 months, and to be dishonorably discharged. (R. at 146.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action.)

The record of trial is three volumes. The transcript is 146 pages. There are three prosecution exhibits, three defense exhibits, and five appellate exhibits. SrA Figueroa is currently in confinement. SrA Figueroa has been advised of his right to a timely appeal, as well as the

request for an enlargement of time. SrA Figueroa has agreed to the request for an enlargement of time. Furthermore, counsel has been in communication with SrA Figueroa concerning the status of this case, but has not had a substantive update to provide regarding its progress at this time. Counsel asserts attorney-client privilege concerning the substance of all communications.

Undersigned counsel is currently assigned 20 cases; 11 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its thirteenth enlargement of time. Counsel has completed reviewing the record of trial and has begun drafting and assignment of errors.
- 2) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case is on its ninth enlargement of time.
- 3) *United States v. Titus*, ACM 40557 - The record of trial consists of four volumes. The transcript is 142 pages. There are five prosecution exhibits, five defense exhibits, 31 appellate exhibits, and five court exhibits. This case is on its eighth enlargement of time.

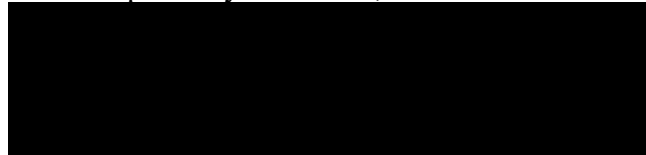
Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to begin drafting an assignment of errors. Undersigned counsel has completed an initial review of the record of trial. However, counsel's other priorities have prevented him from beginning work on a brief to submit to this Court. Counsel continues to work on an



assignment of errors in *United States v. Hilton* along with civilian counsel. Additionally, counsel is working to complete an assignment of errors in *United States v. Jenkins* without seeking any additional enlargements of time. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors.

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

Respectfully submitted,

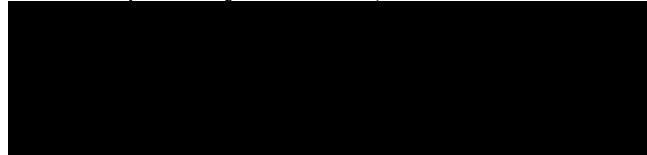


MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770

**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 Appellate Government Division on 7 November 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770

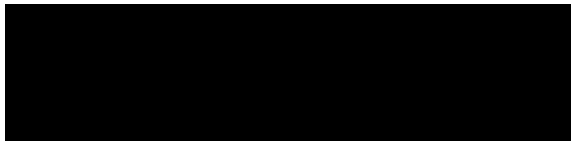
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM 40594
BRIAN F. FIGUEROA Jr., USAF	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

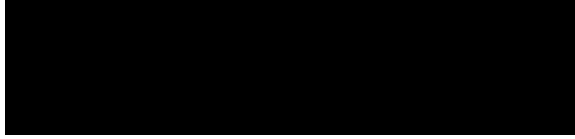
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 13 November 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**

<b>UNITED STATES,</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (SEVENTH)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM 40594
<b>BRIAN F. FIGUEROA Jr.,</b>	)	
United States Air Force,	)	10 December 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)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his seventh enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **16 January 2025**. The record of trial was docketed with this Court on 22 March 2024. From the date of docketing to the present date, 263 days have elapsed. On the date requested, 300 days will have elapsed.

On 14 November 2023, Senior Airman (SrA) Brian Figueroa Jr., was convicted, pursuant to his pleas, at a general court-martial of one charge and specification of possession of child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ), and one specification of distribution of child pornography in violation of Article 134, UCMJ. (R. at 15.) The military judge sentenced SrA Figueroa to be reprimanded, to be reduced to the grade of E-1, to be confined for 12 months, and to be dishonorably discharged. (R. at 146.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action.)

The record of trial is three volumes. The transcript is 146 pages. There are three prosecution exhibits, three defense exhibits, and five appellate exhibits. SrA Figueroa is currently in confinement. SrA Figueroa has been advised of his right to a timely appeal, as well as the

request for an enlargement of time. SrA Figueroa has agreed to the request for an enlargement of time. Furthermore, counsel has been in communication with SrA Figueroa concerning the status of this case, but has not had a substantive update to provide regarding its progress at this time. Counsel asserts attorney-client privilege concerning the substance of all communications.

Undersigned counsel is currently assigned 23 cases; 14 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its fourteenth enlargement of time. Counsel has completed reviewing the record of trial and has begun drafting and assignment of errors.
- 2) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case is on its tenth enlargement of time.
- 3) *United States v. Titus*, ACM 40557 - The record of trial consists of four volumes. The transcript is 142 pages. There are five prosecution exhibits, five defense exhibits, 31 appellate exhibits, and five court exhibits. This case is on its ninth enlargement of time.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete an in-depth review of the record of trial. Counsel has been busy working towards completion of an assignment of errors for *United States v. Jenkins*. The brief for that case is due to this Court on 12 December 2024, and Counsel worked on it through the Thanksgiving weekend. Additionally, counsel has been working with civilian counsel in *United*

*States v. Hilton*, which required him to dedicate time to coordinate the transmission of sealed exhibits. Counsel has had to balance his work before this Court with other priorities before the Court of Appeals for the Armed Forces (CAAF). On 13 November 2024, counsel submitted a supplement for petition for review to the CAAF in *United States v. Bates*. This supplement addressed five issues. Additionally, counsel submitted a supplement for petition for review and a response to motion to dismiss to the CAAF in *United States v. Vargo* on 20 November 2024. Counsel worked through the weekend on 16 November 2024 in order to comply with the deadline set by the CAAF, while tending to a lingering illness that required him to go home from the office on multiple days. Additionally, counsel was on leave between 30 October 2024 and 5 November 2024. These circumstances and priorities have prevented counsel from being able to dedicate the time necessary for this case beyond a preliminary review. Accordingly, an enlargement of time is necessary to allow undersigned counsel to complete his review of the case and advise Appellant on potential errors.

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

Respectfully submitted,

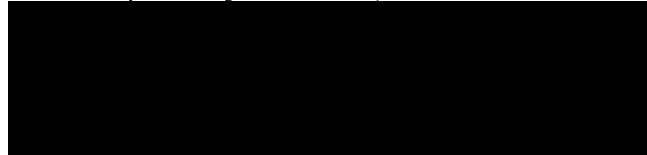


MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770

**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 Appellate Government Division on 10 December 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Appellate Defense Division  
United States Air Force  
(240) 612-4770



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

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM 40594
BRIAN F. FIGUEROA Jr., USAF	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is 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 completed review of the record of trial at this late stage of the appellate process.

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



MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate 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 12 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**

<b>UNITED STATES</b>	)	<b>APPELLANT’S CONSENT MOTION</b>
<i>Appellee</i>	)	<b>TO EXAMINE SEALED</b>
	)	<b>MATERIAL</b>
v.	)	
	)	Before Panel 2
Senior Airman (E-4)	)	
<b>BRIAN F. FIGUEROA, JR.</b>	)	No. ACM 40594
United States Air Force	)	
<i>Appellant</i>	)	8 January 2025

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

Pursuant to Rules 3.1(c) and 23.3(f) of this Court’s Rules of Practice and Procedure and Rule for Courts-Martial 1113(b)(3)(B)(i), Appellant moves for both parties to examine the following sealed material:

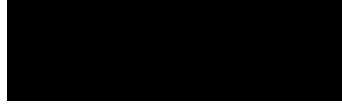
- Prosecution Exhibit 1, attached disc – Attachment to stipulation of fact containing attachments 2 to 7 of Prosecution Exhibit 1 (ordered sealed at page 142 of the trial transcript)

All parties at trial reviewed the disc. Appellate defense counsel’s review of the sealed material is necessary to conduct a complete review of the record of trial and to be able to advocate competently on behalf of Appellant. Such a review is necessary both to determine whether the record of trial is complete and to inform appellate defense counsel’s assessment of whether any error resulted from the military judge’s admission into evidence of the attachments 2 to 7 of Prosecution Exhibit 1 and consideration of those attachments when adjudging the sentence in this case. Counsel’s review of the material is, therefore, necessary to ensure Appellant receives competent appellate representation.

Appellate Government Counsel have been consulted about this motion and consent to the relief sought by Appellant.

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

Respectfully submitted,

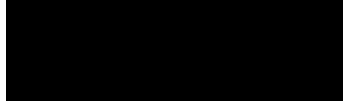


Dwight H. Sullivan  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
1500 West Perimeter Road, Suite 1100  
Joint Base Andrews NAF, MD 20762  
(240) 612-4770

**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 Appellate Government Division on 8 January 2025.

Respectfully submitted,



Dwight H. Sullivan  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
1500 West Perimeter Road, Suite 1100  
Joint Base Andrews NAF, MD 20762  
(240) 612-4770

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

<b>UNITED STATES</b>	)	<b>No. ACM 40594</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	<b>ORDER</b>
<b>Brian F. FIGUEROA, Jr.</b>	)	
<b>Senior Airman (E-4)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	<b>Panel 2</b>

On 8 January 2025, Appellant’s counsel submitted a Consent Motion to Examine Sealed Material, requesting both parties be allowed to examine the disc attached to Prosecution Exhibit 1, specifically attachments 2 through 7 ordered sealed by the military judge. The exhibit with these attachments was presented or reviewed by the parties at trial. Appellant’s counsel avers he has consulted with counsel for the Government, who consents to this motion.

Appellate counsel may examine sealed materials released to counsel at trial “upon a colorable showing . . . that examination is reasonably necessary to a proper fulfillment of the appellate counsel’s responsibilities.” R.C.M. 1113(b)(3)(B)(i), *Manual for Courts-Martial, United States* (2024 ed.).

The court finds Appellant has made a colorable showing that review of sealed materials is reasonably necessary for a proper fulfillment of appellate defense counsel’s responsibilities. This court’s order permits counsel for both parties to examine the materials.

Accordingly, it is by the court on this 10th day of January, 2025,

**ORDERED:**

Appellant’s Consent Motion to Examine Sealed Material is **GRANTED**.

Appellate defense counsel and appellate government counsel may view **Prosecution Exhibit 1, attachments 2 through 7**, subject to the following conditions:

To view the sealed materials, counsel will coordinate with the court.

No counsel granted access to the materials may photocopy, photograph, reproduce, disclose, or make available the content to any other individual without the court's prior written authorization.



FOR THE COURT

[Redacted signature]

OLGA STANFORD, Capt, USAF  
Deputy Clerk of the Court

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

<b>UNITED STATES,</b>	)	<b>MOTION FOR ENLARGEMENT OF</b>
<i>Appellee,</i>	)	<b>TIME (EIGHTH)</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3),	)	No. ACM 40594
<b>BRIAN F. FIGUEROA Jr.,</b>	)	
United States Air Force,	)	9 January 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)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his eighth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which—by operation of Rule 15—would end on 15 February 2025. The record of trial was docketed with this Court on 22 March 2024. From the date of docketing to the present date, 293 days have elapsed. On the date requested, 330 days will have elapsed. Appellate defense counsel do not contemplate seeking any further enlargements of time.

On 14 November 2023, Senior Airman (SrA) Brian Figueroa Jr., was convicted, pursuant to his pleas, at a general court-martial of one charge and specification of possession of child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ), and one specification of divers distributions of child pornography in violation of Article 134, UCMJ. (R. at 15, 117.) The military judge sentenced SrA Figueroa to be reprimanded, to be reduced to the grade of E-1, to be confined for 12 months, and to be dishonorably discharged. (R. at 146.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action.)



The record of trial is three volumes. The transcript is 146 pages. There are three prosecution exhibits, three defense exhibits, and five appellate exhibits. SrA Figueroa is no longer in confinement. SrA Figueroa has been advised of his right to a timely appeal, as well as the request for an enlargement of time. SrA Figueroa has agreed to the request for an enlargement of time. Additionally, counsel have provided SrA Figueroa with an update on the status of the case. Counsel asserts attorney-client privilege concerning the substance of all communications.

Undersigned counsel is currently assigned 20 cases; 10 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

- 1) *United States v. Rodriguez*, ACM 40565 – The record of trial consists of two volumes. The transcript is 86 pages. There are two prosecution exhibits, six defense exhibits, and five appellate exhibits. This case is on its ninth enlargement of time.
- 2) *United States v. Sanger*, ACM S32773 – The record of trial consists of two electronic volumes. The transcript is 141 pages. There are four prosecution exhibits, one defense exhibit, and four appellate exhibits. This case is on its seventh enlargement of time.
- 3) *United States v. Licea*, ACM 40602 - The record of trial consists of seven electronic volumes, and the transcript is 173 pages. There are 12 prosecution exhibits, five defense exhibits, 22 appellate exhibits, and one court exhibit. This case is on its sixth enlargement of time.

Through no fault of Appellant, both undersigned counsel have been working on other assigned matters and have yet to complete work on this case. Undersigned government-employed civilian counsel is currently assigned five cases. This is his second highest priority, behind *United States v. Slayton*, No. 40583, a contested Article 120 general court-martial tried before members with an 836-page transcript that this Court docketed seven days before this case. The appellate

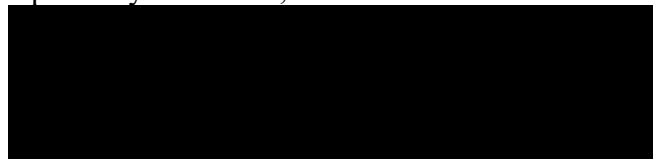
defense team has reviewed the entire record with the exception of the sealed portion of Prosecution Exhibit 1, which was the subject of a consent motion to examine sealed material filed with this Court of 8 January 2025. Assuming that motion is granted, counsel anticipate filing Appellant's brief no later than the requested date.

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

Respectfully submitted,



Dwight H. Sullivan  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
1500 West Perimeter Road, Suite 1100  
Joint Base Andrews NAF, MD 20762  
(240) 612-4770

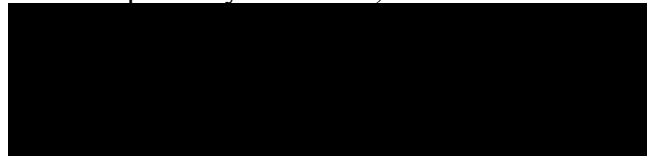


MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
1500 West Perimeter Road, Suite 1100  
Joint Base Andrews NAF, MD 20762  
(240) 612-4770

**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 Appellate Government Division on 9 January 2025.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
(240) 612-4770

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

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Airman First Class (E-3)	)	ACM 40594
BRIAN F. FIGUEROA Jr., USAF	)	
<i>Appellant.</i>	)	Panel No. 2
	)	

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is request is granted, the defense delay in this case will be 330 days in length. Appellant's nearly yearlong delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two thirds of the 18-month standard for this Court to issue a decision, which only leaves about 7 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

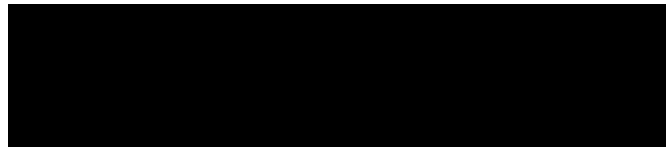
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 13 January 2025.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS


UNITED STATES,	)	APPELLANT'S MOTION FOR LEAVE
	)	TO WITHDRAW AND REFILE
	)	MOTION TO WITHDRAW FROM
<i>Appellee,</i>	)	APPELLATE REVIEW AND ATTACH
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3)	)	No. ACM 40594
<b>BRIAN F. FIGUEROA JR.,</b>	)	
United States Air Force,	)	7 February 2025
<i>Appellant.</i>	)	


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

Pursuant to Rule 23 of the Joint Rules of Appellate Practice for Courts of Criminal Appeals, Appellant moves for leave to withdraw his motion to withdraw from appellate review and attach filed at 4:02 p.m. on 3 February 2025 and substitute the attached motion to withdraw from appellate review and attach in its place.

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

Respectfully submitted,

  
Michael J. Bruzik, Capt, USAF  
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Air Force Appellate Defense Division  
1500 West Perimeter Road, Suite 1100  
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Dwight H. Sullivan  
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1500 West Perimeter Road, Suite 1100  
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(240) 612-4770  
Email: dwight.sullivan.1@us.af.mil  
Maryland Attorney ID No. 8612010505

**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 Division on 7 February 2025.

Respectfully submitted,

A solid black rectangular box redacting the signature of Dwight H. Sullivan.

Dwight H. Sullivan  
Appellate Defense Counsel  
Air Force Appellate Defense Division

**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 ATTACH</b>
	)	
v.	)	Before Panel No. 2
	)	
Airman First Class (E-3)	)	No. ACM 40594
<b>BRIAN F. FIGUEROA JR.,</b>	)	
United States Air Force,	)	7 February 2025
<i>Appellant.</i>	)	


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

Pursuant to Rule 16 of the Rules of Practice and Procedure of the United States Air Force Court of Criminal Appeals and Rule for Courts-Martial (R.C.M.) 1115, *Manual for Courts-Martial, United States* (2024 ed.), Appellant moves to withdraw his case from appellate review. Appellant has fully consulted with Captain Michael Bruzik, his military appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promises of clemency, or otherwise, to withdraw his case from appellate review. Further, pursuant to Rules 23(b) and 23.3(b), undersigned counsel ask this Court to attach the nine-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).


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



Respectfully submitted,



Michael J. Bruzik, Capt, USAF  
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Air Force Appellate Defense Division  
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Email: dwight.sullivan.1@us.af.mil  
Maryland Attorney ID No. 8612010505

**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 Division on 7 February 2025.

Respectfully submitted,



Dwight H. Sullivan  
Appellate Defense Counsel  
Air Force Appellate Defense Division