

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

UNITED STATES	)	No. ACM S32836
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Zachary J. GERDES	)	
Technical Sergeant (E-6)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 1

On 14 November 2025, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 days to submit Appellant's assignments of error. The Government opposed 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 18th day of November, 2025,

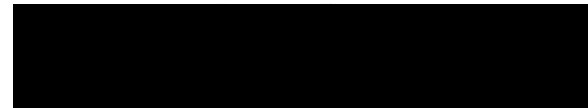
ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **23 January 2026**.

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



FOR THE COURT



JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Technical Sergeant (E-6)

ZACHARY J. GERDES,

United States Air Force

Appellant.

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

)

) Before Panel No. 1

)

) No. ACM S32836

)

) 14 November 2025

)

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

Pursuant to Rules 23.3(m)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Technical Sergeant Zachary J. Gerdes, (Appellant) hereby moves for a first enlargement of time to file an assignments of error brief. Appellant requests an enlargement for a period of sixty days, which will end on **23 January 2026**. The record of trial was docketed with this Court on 25 September 2025. From the date of docketing to the present date, fifty 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]

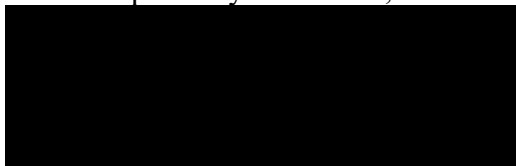
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel

[Redacted Block]

CERTIFICATE OF FILING AND SERVICE

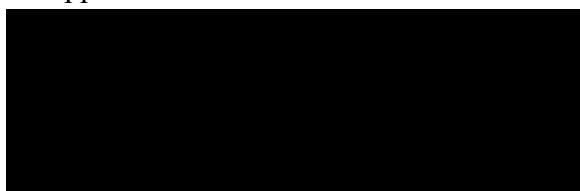
I certify that the original and copies of the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 14 November 2025.

Respectfully Submitted,

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Appellate Defense Counsel

A large black rectangular redaction box covering the name of the Appellate Defense Counsel.

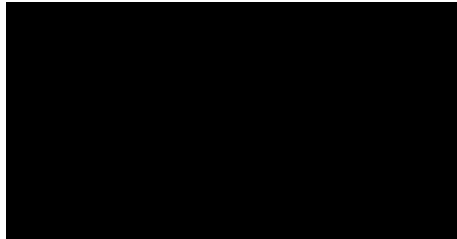
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Technical Sergeant (E-6)	)	Before Panel No. 1
ZACHARY J. GERDES,	)	
United States Air Force,	)	No. ACM S32836
<i>Appellant.</i>	)	
	)	17 November 2025
	)	

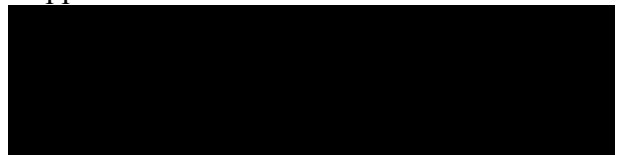
**TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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

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

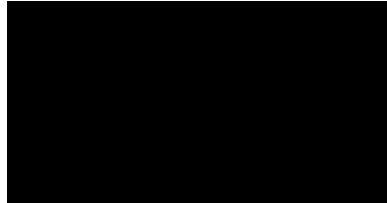


KATE E. LEE, Maj, USAF
Appellate Government Counsel

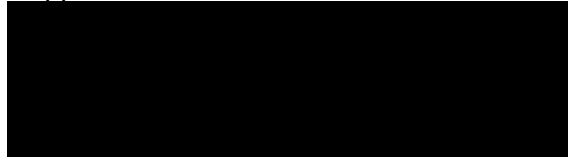


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 17 November 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Technical Sergeant (E-6)

ZACHARY J. GERDES,

United States Air Force

Appellant.

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

) Before Panel No. 1

) No. ACM S32836

) 13 January 2026

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

Pursuant to Rules 23.3(m)(1), (3), and (4) of this Honorable Court’s Rules of Practice and Procedure, Technical Sergeant Zachary J. Gerdes, (Appellant) hereby moves for an enlargement of time to file an assignments of error brief. Appellant requests an enlargement for a period of thirty days, which will end on **22 February 2026**. The record of trial was docketed with this Court on 25 September 2025. From the date of docketing to the present date, 110 days have elapsed. On the date requested, 150 days will have elapsed.

On 10 April 2025, a special court-martial composed of a military judge alone convicted Appellant, by exceptions and substitutions and consistent with his pleas, of one specification of attempt to commit a lewd act upon a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. R. at 60; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-4, and to be discharged from the service with a bad conduct discharge. R. at 95. The convening authority took no action on the findings and sentence and denied Appellant’s request for deferment of reduction in grade.

Convening Authority Decision on Action – *United States v. TSgt Zachary J. Gerdes*.



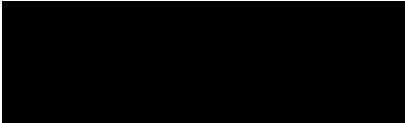
GRANTED

20 JAN 2026

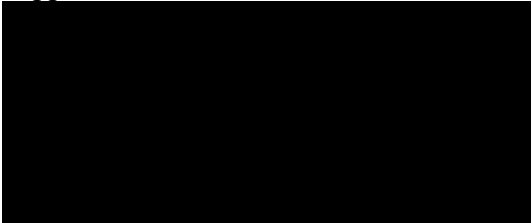
The record of trial consists of 1 volume with 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits; the transcript is 96 pages. Appellant is not confined.

Through no fault of Appellant's, undersigned counsel has been working on other assigned matters and has been unable to complete his review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's Record of Trial and advise Appellant of potential issues. Appellant was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, (3) advised of undersigned counsel's request for an enlargement of time, and (4) agrees to necessary requests for enlargement of time, to include this request.

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



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



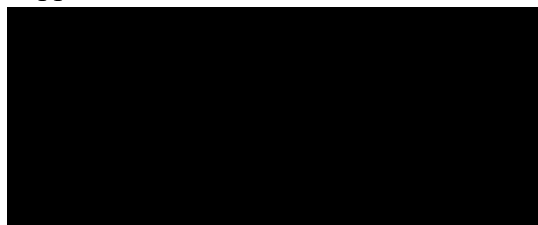
CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 13 January 2026.

Respectfully Submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee,

v.

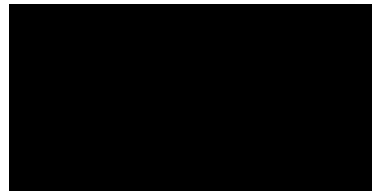
Technical Sergeant (E-6)
ZACHARY J. GERDES,
United States Air Force,
Appellant.

) UNITED STATES' GENERAL
) OPPOSITION TO APPELLANT'S
) MOTION FOR ENLARGEMENT
) OF TIME
)
) Before Panel No. 1
)
) No. ACM S32836
)
) 15 January 2026
)

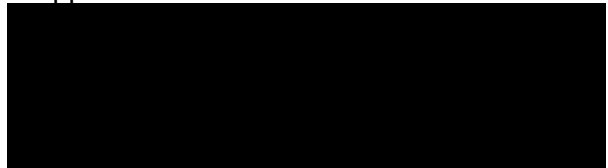
**TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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

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

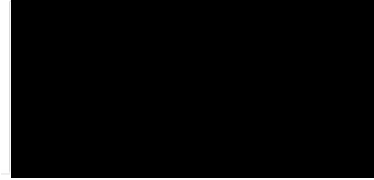


KATE E. LEE, Maj, USAF
Appellate Government Counsel

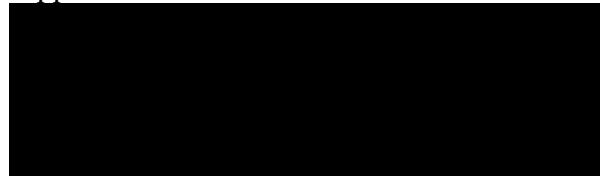


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 15 January 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Technical Sergeant (E-6)

ZACHARY J. GERDES,

United States Air Force

Appellant.

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

)
) Before Panel No. 1

)
) No. ACM S32836

)
) 12 February 2026

)

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

Pursuant to Rules 23.3(m)(1), (3), and (4) of this Honorable Court’s Rules of Practice and Procedure, Technical Sergeant Zachary J. Gerdes, (Appellant) hereby moves for an enlargement of time to file an assignments of error brief. Appellant requests an enlargement for a period of thirty days, which will end on **24 March 2026**. The record of trial was docketed with this Court on 25 September 2025. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

On 10 April 2025, a special court-martial composed of a military judge alone convicted Appellant, by exceptions and substitutions and consistent with his pleas, of one specification of attempt to commit a lewd act upon a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. R. at 60; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-4, and to be discharged from the service with a bad conduct discharge. R. at 95. The convening authority took no action on the findings and sentence and denied Appellant’s request for deferment of reduction in grade.

Convening Authority Decision on Action – *United States v. TSgt Zachary J. Gerdes*.



GRANTED

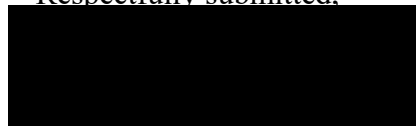
19 FEB 2026

The record of trial consists of 1 volume with 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits; the transcript is 96 pages. Appellant is not confined.

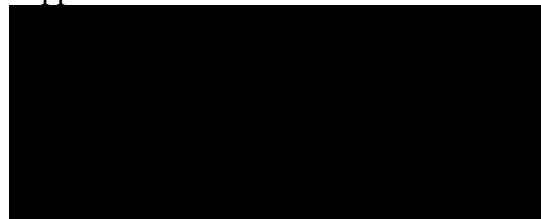
Through no fault of Appellant's, undersigned counsel has been working on other assigned matters and has been unable to complete his review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's Record of Trial and advise Appellant of potential issues. Appellant was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, (3) advised of undersigned counsel's request for an enlargement of time, and (4) agrees to necessary requests for enlargement of time, to include this request.

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

Respectfully submitted,



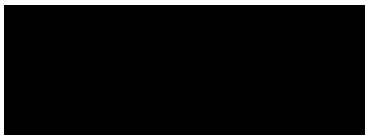
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



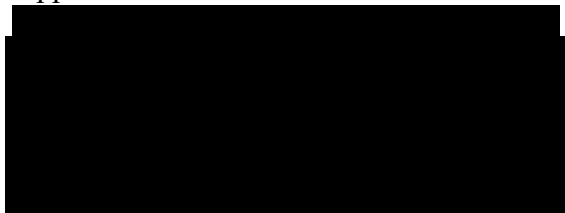
CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 12 February 2026.

Respectfully Submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



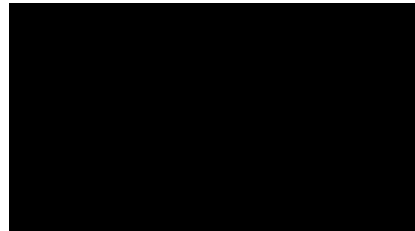
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Technical Sergeant (E-6)	)	Before Panel No. 1
ZACHARY J. GERDES,	)	
United States Air Force,	)	No. ACM S32836
<i>Appellant.</i>	)	
	)	17 February 2026
	)	

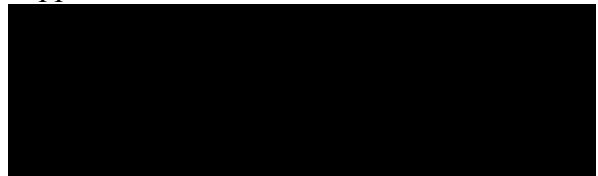
**TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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

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

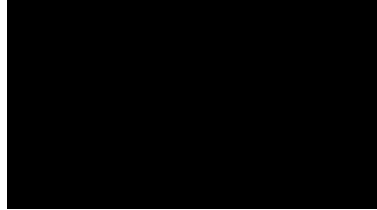


KATE E. LEE, Maj, USAF
Appellate Government Counsel



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 17 February 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Technical Sergeant (E-6)

ZACHARY J. GERDES,

United States Air Force

Appellant.

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

) Before Panel No. 1

) No. ACM S32836

) 13 March 2026

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

Pursuant to Rules 23.3(m)(1), (3), and (4) of this Honorable Court’s Rules of Practice and Procedure, Technical Sergeant Zachary J. Gerdes, (Appellant) hereby moves for an enlargement of time to file an assignments of error brief. Appellant requests an enlargement for a period of thirty days, which will end on **23 April 2026**. The record of trial was docketed with this Court on 25 September 2025. From the date of docketing to the present date, 169 days have elapsed. On the date requested, 210 days will have elapsed.

On 10 April 2025, a special court-martial composed of a military judge alone convicted Appellant, by exceptions and substitutions and consistent with his pleas, of one specification of attempt to commit a lewd act upon a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. R. at 60; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-4, and to be discharged from the service with a bad conduct discharge. R. at 95. The convening authority took no action on the findings and sentence and denied Appellant’s request for deferment of reduction in grade. Convening Authority Decision on Action – *United States v. TSgt Zachary J. Gerdes*.



GRANTED

18 MAR 2026

The record of trial consists of 1 volume with 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits; the transcript is 96 pages. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned thirty-four cases, twenty-five of these cases are pending initial briefs before this Court. Twelve cases have priority over the present case:

1. *United States v. Slayton*, USCA Dkt. No. 26-0077/AF, ACM No. 40583. On 9 March 2026, the undersigned counsel made three filings in Slayton: Appellee's answer brief, a motion to dismiss for lack of jurisdiction, and a motion to submit documents in support of the motion to dismiss. Under C.A.A.F. R. 30(b), the Government may file an answer to each of the two motions no later than 16 March 2026. Once the Government files each answer, Appellee will have three days to file a reply.
2. *United States v. Robinson*, ACM No. 24044 (f rev) – The record of trial contains 10 volumes consisting of 22 prosecution exhibits, 8 defense exhibits, and 58 appellate exhibits; the transcript is 1112 pages. SrA Robinson is not confined as a result of his court-martial convictions. An initial brief has been prepared but additional time is needed for attorney-client communications to complete additional filings that will accompany the Assignments of Error.
3. *United States v. Kelly*, ACM No. 40710 – The record of trial contains 9 volumes consisting of 6 prosecution exhibits, 8 defense exhibits, and 12 appellate exhibits; the transcript is 172 pages. TSgt Kelly is confined. Undersigned military counsel was detailed to this case after the twelfth motion for enlargement of time was granted and has

prioritized reviewing TSgt Kelly's record of trial to reduce the need for further enlargements of time.

4. *United States v. Raines*, ACM No. 40765 – The record of trial contains 22 prosecution exhibits, 10 defense exhibits, 143 appellate exhibits, and 1 court exhibit; the transcript is 2,444 pages. MSgt Raines is confined.
5. *United States v. Bush*, ACM No. 40783 – The record of trial contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined.
6. *United States v. Marquez*, ACM No. 40800 – The record of trial contains 7 volumes containing 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined.
7. *United States v. Jackson*, ACM No. S32819 – The record of trial contains 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,520 pages. A1C Jackson is not confined.
8. *United States v. Cannon*, ACM No. 40841 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined.
9. *United States v. Horne*, ACM No. S32825 – The record of trial contains 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176 pages. A1C Horne is not confined.
10. *United States v. Weaver*, ACM No. 40843 – The record of trial contains 1 volume consisting of 3 prosecution exhibits and 6 appellate exhibits; the transcript is 159 pages. Lt Col Weaver is not confined.

11. *United States v. Flanagan*, ACM No. S32826 – The record of trial contains 1 volume consisting of 2 prosecution exhibits, 19 defense exhibits, 17 appellate exhibits, and 1 court exhibit; the transcript is 175 pages. A1C Flanagan is not confined.
12. *United States v. McCay*, ACM No. 40869 – The record of trial contains 1 volume consisting of 3 prosecution exhibits, 17 defense exhibits, and 6 appellate exhibits; the transcript is 142 pages. SrA McCay is not confined as the result of his court-martial conviction.

Since requesting Appellant's previous enlargement of time, undersigned counsel prepared and filed a petition for reconsideration in *United States v. Hennessy*, a reply to the Government's motion for reconsideration in *United States v. Marschalek*, ACM No. S32776, a consent motion to examine sealed materials in *United States v. Kelly*, and three filings for *United States v. Slayton* (an answer brief, a motion to dismiss, and a motion to attach). Undersigned counsel also prepared for and participated as a moot judge in eight moot arguments and attended three oral arguments at the CAAF, requiring approximately thirty hours of work. Additionally, undersigned counsel has prepared and filed seventeen motions for enlargements of time for the CAAF and this Court in other cases, requiring approximately nine hours of work.

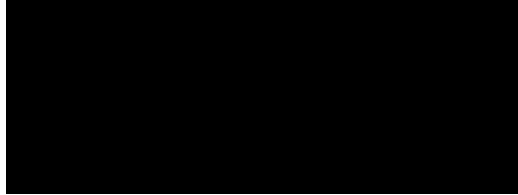
Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has been unable to complete his review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's Record of Trial and advise Appellant of potential issues. Appellant was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, (3) advised of undersigned counsel's request for an enlargement of time, and (4) agrees to necessary requests for enlargement of time, to include this request.

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

Respectfully submitted,



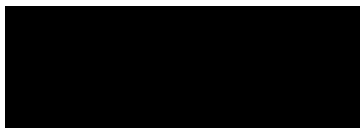
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



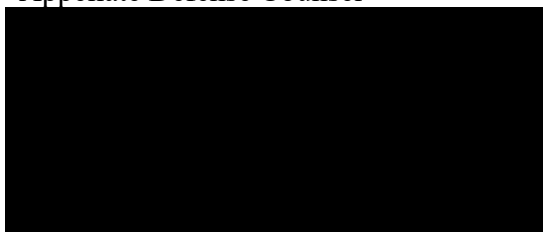
CERTIFICATE OF FILING AND SERVICE

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Respectfully Submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



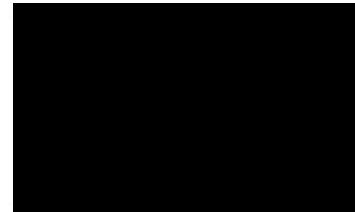
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Technical Sergeant (E-6)	)	Before Panel No. 1
ZACHARY J. GERDES,	)	
United States Air Force,	)	No. ACM S32836
<i>Appellant.</i>	)	
	)	17 March 2026
	)	

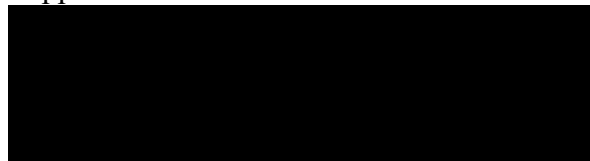
**TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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

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

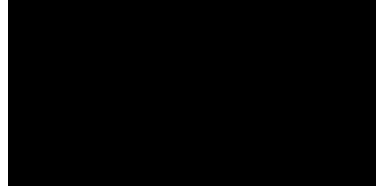


KATE E. LEE, Maj, USAF
Appellate Government Counsel

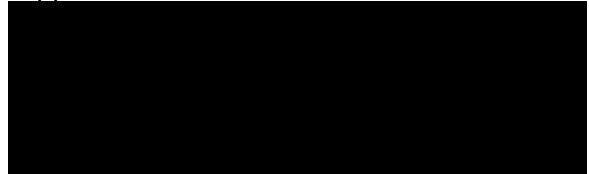


CERTIFICATE OF FILING AND SERVICE

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Appellate Defense Division on 17 March 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Technical Sergeant (E-6)

ZACHARY J. GERDES,

United States Air Force

Appellant.

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

)
) Before Panel No. 1

)
) No. ACM S32836

)
) 13 April 2026

)

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

Pursuant to Rules 23.3(m)(1), (3), and (4) of this Honorable Court’s Rules of Practice and Procedure, Technical Sergeant Zachary J. Gerdes, (Appellant) hereby moves for an enlargement of time to file an assignments of error brief. Appellant requests an enlargement for a period of thirty days, which will end on **23 May 2026**. The record of trial was docketed with this Court on 25 September 2025. From the date of docketing to the present date, 200 days have elapsed. On the date requested, 240 days will have elapsed.

On 10 April 2025, a special court-martial composed of a military judge alone convicted Appellant, by exceptions and substitutions and consistent with his pleas, of one specification of attempt to commit a lewd act upon a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. R. at 60; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-4, and to be discharged from the service with a bad conduct discharge. R. at 95. The convening authority took no action on the findings and sentence and denied Appellant’s request for deferment of reduction in grade.

Convening Authority Decision on Action – *United States v. TSgt Zachary J. Gerdes*.



GRANTED

16 APR 2026

The record of trial consists of 1 volume with 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits; the transcript is 96 pages. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned thirty-four cases; twenty-six of these cases are pending briefs before this Court. Thirteen cases have priority over the present case:

1. *United States v. Slayton*, Dkt. No. 26-0077/AF, ACM No. 40583 – This case is pending before the Court of Appeals for the Armed Forces (CAAF). Oral argument was scheduled for 29 April 2026. On 2 April 2026 the CAAF informed undersigned counsel that the CAAF would not be holding oral argument on 29 April 2026 and has not indicated whether oral argument would be rescheduled for a new date.
2. *United States v. Robinson*, ACM No. 24044 (f rev) – The record of trial contains 10 volumes consisting of 22 prosecution exhibits, 8 defense exhibits, and 58 appellate exhibits; the transcript is 1,112 pages. SSgt Robinson is not confined as the result of his court-martial conviction.
3. *United States v. Kelly*, ACM No. 40710 – The record of trial contains 6 volumes consisting of 19 prosecution exhibits, 20 defense exhibits, and 30 appellate exhibits; the transcript is 657 pages. TSgt Kelly is not confined.
4. *United States v. Raines*, ACM No. 40765 – The record of trial contains 20 prosecution exhibits, 10 defense exhibits, and 143 appellate exhibits; the transcript is 2,444 pages. MSgt Raines is confined.
5. *United States v. Hennessy*, ACM No. 40439 (rem) – The record of trial was returned to this Court and docketed on 24 March 2026. This Court authorized counsel to submit briefs not later than 23 May 2026. A1C Hennessy is not confined.

6. *United States v. Bush*, ACM No. 40783 – The record of trial contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined.
7. *United States v. Marquez*, ACM No. 40800 – The record of trial contains 7 volumes consisting of 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined.
8. *United States v. Jackson*, ACM No. S32819 – The record of trial is 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,529 pages. A1C Jackson is not confined.
9. *United States v. Cannon*, ACM No. 40841 – The record of trial is 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined.
10. *United States v. Horne*, ACM No. S32825 – The record of trial is 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176. A1C Horne is not confined.
11. *United States v. Weaver*, ACM No. 40843 – The record of trial is 1 volume consisting of 3 prosecution exhibits and 6 appellate exhibits; the transcript is 159 pages. Lt Col Weaver is not confined.
12. *United States v. Flanagan*, ACM No. S32826 – The record of trial is 1 volume consisting of 2 prosecution exhibits, 19 defense exhibits, 17 appellate exhibits, and 1 court exhibit; the transcript is 175 pages. A1C Flanagan is not confined.
13. *United States v. McCay*, ACM No. 40869 – The record of trial contains 1 volume consisting of 3 prosecution exhibits, 17 defense exhibits, and 6 appellate exhibits; the

transcript is 142 pages. SrA McCay is not confined as the result of his court-martial conviction.

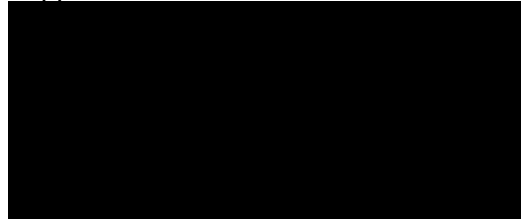
Since requesting Appellant's previous enlargement of time, undersigned counsel prepared two filings in *United States v. Slayton* (Motion to Amend Answer Brief and a Motion to Withdraw Motions to Dismiss and to Submit Documents); viewed the sealed materials in *United States v. Kelly* and prepared and filed a motion to remand in *Kelly*; prepared and filed a motion to withdraw from appellate review in *United States v. Diaz*, ACM No. 40917, performed a peer review in *United States v. Chatman*, ACM No. 40779, participated as a moot judge in one moot argument, requiring approximately three hours of work, and was preparing to deliver the oral argument on behalf of the Appellee in *Slayton* prior to it being cancelled. Additionally, undersigned counsel has prepared and filed sixteen motions for enlargements of time for the CAAF and this Court in other cases, requiring approximately eight hours of work.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has been unable to complete his review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's Record of Trial and advise Appellant of potential issues. Appellant was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, (3) advised of undersigned counsel's request for an enlargement of time, and (4) agrees to necessary requests for enlargement of time, to include this request.

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



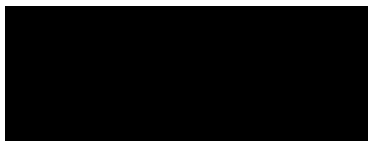
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



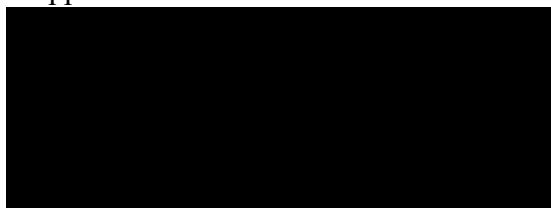
CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 13 April 2026.

Respectfully Submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee,

v.

Technical Sergeant (E-6)
ZACHARY J. GERDES,
United States Air Force,
Appellant.

) UNITED STATES' GENERAL
) OPPOSITION TO APPELLANT'S
) MOTION FOR ENLARGEMENT
) OF TIME
)
) Before Panel No. 1
)
) No. ACM S32836
)
) 15 April 2026
)

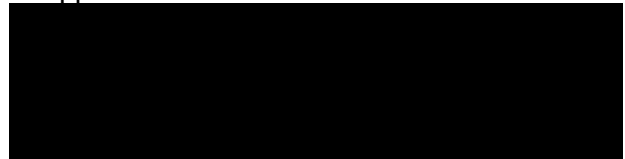
**TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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

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



KATE E. LEE, Maj, USAF
Appellate Government Counsel

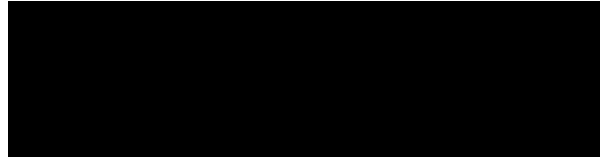


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 15 April 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel





The (ROT) consists of 1 volume with 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits; the transcript is 96 pages. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned thirty-eight cases; twenty-six of these cases are pending briefs before this Court. Eleven cases have priority over the present case:

1. *United States v. Kelly*, ACM No. 40710 – The ROT contains 6 volumes consisting of 19 prosecution exhibits, 20 defense exhibits, and 30 appellate exhibits; the transcript is 657 pages. TSgt Kelly is not confined. Undersigned counsel has fully reviewed TSgt Kelly’s ROT and is drafting the AOE brief.
2. *United States v. Raines*, ACM No. 40765 – The ROT contains 20 prosecution exhibits, 10 defense exhibits, and 143 appellate exhibits; the transcript is 2,444 pages. MSgt Raines is confined. Undersigned counsel has fully reviewed MSgt Raines’ ROT and is drafting the AOE brief.
3. *United States v. Hennessy*, ACM No. 40439 (rem) – The ROT was returned to this Court and docketed on 24 March 2026. This Court authorized counsel to submit briefs not later than 23 May 2026. A1C Hennessy is not confined. Undersigned counsel has fully reviewed A1C Hennessy’s ROT and is drafting the brief on the specified issue.
4. *United States v. Bush*, ACM No. 40783 – The ROT contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined. Undersigned counsel has fully reviewed SrA Bush’s ROT and has identified multiple potential AOE’s.

5. *United States v. Marquez*, ACM No. 40800 – The ROT contains 7 volumes consisting of 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined.
6. *United States v. Jackson*, ACM No. S32819 – The ROT is 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,529 pages. A1C Jackson is not confined.
7. *United States v. Cannon*, ACM No. 40841 – The ROT is 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined.
8. *United States v. Horne*, ACM No. S32825 – The ROT is 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176. A1C Horne is not confined.
9. *United States v. Weaver*, ACM No. 40843 – The ROT is 1 volume consisting of 3 prosecution exhibits and 6 appellate exhibits; the transcript is 159 pages. Lt Col Weaver is not confined.
10. *United States v. Flanagan*, ACM No. S32826 – The ROT is 1 volume consisting of 2 prosecution exhibits, 19 defense exhibits, 17 appellate exhibits, and 1 court exhibit; the transcript is 175 pages. A1C Flanagan is not confined.
11. *United States v. McCay*, ACM No. 40869 – The ROT contains 1 volume consisting of 3 prosecution exhibits, 17 defense exhibits, and 6 appellate exhibits; the transcript is 142 pages. SrA McCay is not confined as the result of his court-martial conviction.

Since requesting Appellant's previous EOT, undersigned counsel assisted with preparing and filing the reply brief in *United States v. Anderson*, ACM No. 40654, prepared and filed a motion to

withdraw from appellate review in *United States v. Fa*, ACM No. S32839, and prepared an AOE brief and petition for new trial in *United States v. Robinson*, ACM No. 24044. Undersigned counsel also participated as a moot judge for nine moot arguments, and attended three oral arguments, requiring approximately thirty-six hours of work. Additionally, undersigned counsel has prepared and filed nineteen motions for EOTs for the CAAF and this Court in other cases, requiring approximately ten hours of work. Lastly, undersigned counsel attended the Advanced Justice Course at the Army Judge Advocate General's Legal Center and School from 4-8 May 2026 and the CAAF 2026 CLE and Training Program from 13-14 May 2026.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has been unable to complete his review of Appellant's case. This EOT is necessary to allow undersigned counsel to fully review Appellant's ROT and advise Appellant of potential issues. Appellant was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, (3) advised of undersigned counsel's request for an EOT, and (4) agrees to necessary requests for EOT, to include this request.

WHEREFORE, Appellant requests that this Honorable Court grant the requested EOT.

Respectfully submitted,



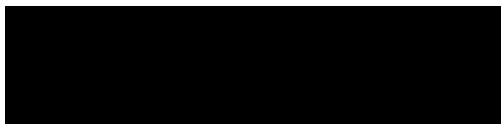
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



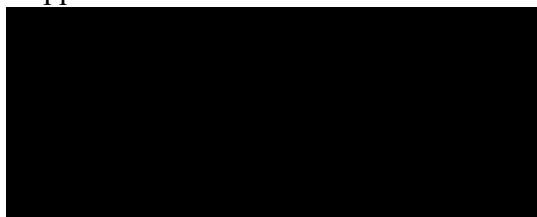
CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 15 May 2026.

Respectfully Submitted,

A black rectangular redaction box covering the signature of Joshua L. Lopes.

JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel

A large black rectangular redaction box covering the contact information of Joshua L. Lopes.

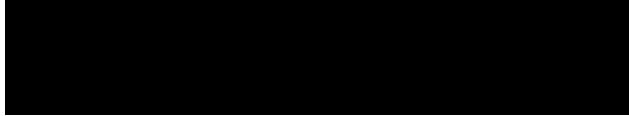
UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Technical Sergeant (E-6)	)	Before Panel No. 1
ZACHARY J. GERDES,	)	
United States Air Force,	)	No. ACM S32836
<i>Appellant.</i>	)	
	)	18 May 2026
	)	

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.

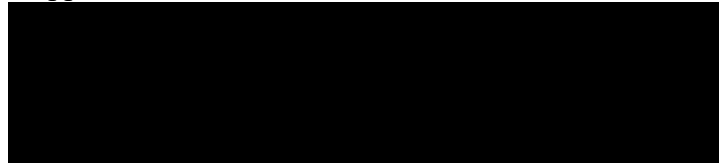
HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 18 May 2026.



HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Technical Sergeant (E-6)

ZACHARY J. GERDES,

United States Air Force

Appellant.

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

) Before Panel No. 1

) No. ACM S32836

) 5 June 2026

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

Pursuant to Rules 23.3(m)(1), (3), and (4) of this Honorable Court’s Rules of Practice and Procedure, Technical Sergeant Zachary J. Gerdes, (Appellant) hereby moves for an enlargement of time (EOT) to file an assignments of error (AOE) brief. Appellant requests an enlargement for a period of thirty days, which will end on **22 July 2026**. The record of trial (ROT) was docketed with this Court on 25 September 2025. From the date of docketing to the present date, 253 days have elapsed. On the date requested, 300 days will have elapsed.

On 10 April 2025, a special court-martial composed of a military judge alone convicted Appellant, by exceptions and substitutions and consistent with his pleas, of one specification of attempt to commit a lewd act upon a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. R. at 60; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-4, and to be discharged from the service with a bad conduct discharge. R. at 95. The convening authority took no action on the findings and sentence and denied Appellant’s request for deferment of reduction in grade.

Convening Authority Decision on Action – *United States v. TSgt Zachary J. Gerdes.*



GRANTED

11 JUN 2026

Appellant's ROT consists of 1 volume with 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits; the transcript is 96 pages. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned forty-two cases; twenty-seven of these cases are pending briefs before this Court. Seven cases have priority over this case:

1. *United States v. Johnson*, No. 25-0202/AF – The Court of Appeals for the Armed Forces delivered its opinion in this case on 26 May 2026. SrA Johnson's Petition for a Writ of Certiorari is due to the United States Supreme Court on 24 August 2026. SrA Johnson is not confined.
2. *United States v. Bush*, ACM No. 40783 – The ROT contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined. Undersigned counsel has fully reviewed SrA Bush's record of trial and has begun drafting an AOE brief.
3. *United States v. Marquez*, ACM No. 40800 – The ROT contains 7 volumes consisting of 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined. Undersigned counsel has fully reviewed SrA Marquez's record of trial.
4. *United States v. Jackson*, ACM No. S32819 – The ROT is 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,529 pages. A1C Jackson is not confined. Undersigned counsel has fully reviewed A1C Jackson's record of trial.

5. *United States v. Cannon*, ACM No. 40841 – The ROT is 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined.
6. *United States v. Horne*, ACM No. S32825 – The ROT is 2 volumes consisting of 8 prosecution exhibits, 6 defense exhibits, and 40 appellate exhibits; the transcript is 1,176. A1C Horne is not confined.
7. *United States v. McCay*, ACM No. 40869 – The ROT contains 3 prosecution exhibits, 17 defense exhibits, and 6 appellate exhibits; the transcript is 142 pages.

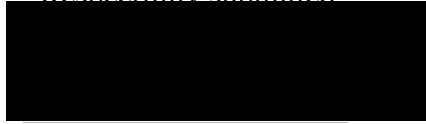
SrA McCay is not confined as a result of his court-martial conviction.

Since requesting Appellant's previous enlargement of time, undersigned counsel prepared and filed a brief on behalf of the appellant and a motion for oral argument in *United States v. Hennessy*, ACM No. 40439, prepared and filed a sixty-four page AOE brief in *United States v. Raines*, ACM No. 40765, and prepared and filed a fifty page AOE brief in *United States v. Kelly*, ACM No. 40710. Undersigned counsel has also filed fourteen motions for EOTs in other cases, requiring approximately seven hours of work.

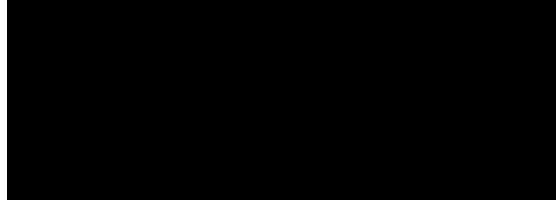
Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has been unable to complete his review of Appellant's case. This EOT is necessary to allow undersigned counsel to fully review Appellant's ROT and advise Appellant of potential issues. Appellant was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, (3) advised of undersigned counsel's request for an EOT, and (4) agrees to necessary requests for EOT, to include this request.

WHEREFORE, Appellant requests that this Honorable Court grant the requested EOT.

Respectfully submitted



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



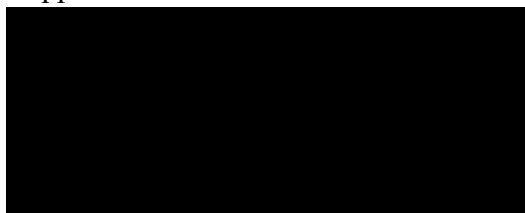
CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 5 June 2026.

Respectfully Submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO APPELLANT'S MOTION
	)	FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Technical Sergeant (E-6)	)	
ZACHARY J. GERDES,	)	No. ACM S32836
United States Air Force,	)	
<i>Appellant.</i>	)	8 June 2026
	)	
	)	

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

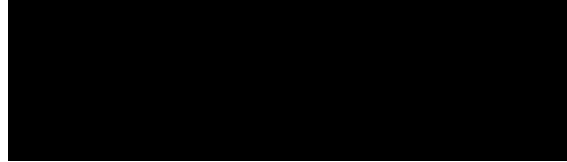
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 300 days in length. Appellant's nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 8 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

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

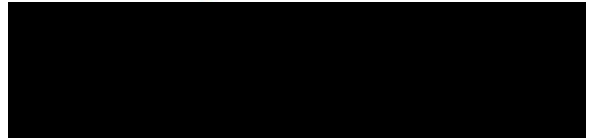


REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, Government

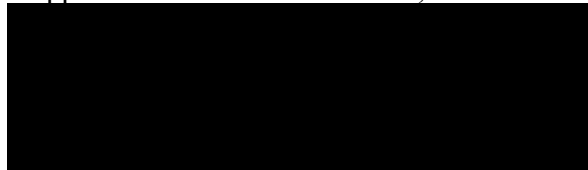


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 8 June 2026.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel, Government



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Technical Sergeant (E-6)

ZACHARY J. GERDES,

United States Air Force

Appellant.

) **APPELLANT’S MOTION FOR**
) **ENLARGEMENT OF TIME**
) **(EIGHTH)**

) Before Panel No. 1

) No. ACM S32836

) 7 July 2026

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

Pursuant to Rules 23.3(m)(1), 24.3(a)(1), and 24.3(b) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file an assignments of error (AOE) brief. Appellant requests an enlargement for a period of thirty days, which will end on **21 August 2026**. The record of trial (ROT) was docketed with this Court on 25 September 2025. From the date of docketing to the present date, 285 days have elapsed. On the date requested, 330 days will have elapsed.

On 10 April 2025, Appellant was tried by a special court-martial composed of a military judge alone at Royal Air Force Lakenheath, United Kingdom. Appellant was found guilty, consistent with his pleas and pursuant to a plea agreement, of one specification of attempt to commit a lewd act upon a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. Trial Tr. at 60; Charge Sheet; Entry of Judgment (EoJ); App. Ex. I.

The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-4, and to be discharged from the service with a bad conduct discharge. R. at 95. The convening authority took no action on the findings or the sentence and denied Appellant’s request for



GRANTED

13 JULY 2026

deferment of reduction in grade. Convening Authority Decision on Action – *United States v. TSgt Zachary J. Gerdes*.

The trial transcript is 96 pages. The ROT is 547 pages and contains 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following information. Undersigned counsel is currently assigned forty-nine cases; thirty-nine cases are pending before this Court (thirty-two cases are pending initial or reply briefs), four cases are pending before the Court of Appeals for the Armed Forces (CAAF), four cases are pending before the United States Supreme Court (for petition for writ of certiorari), one case is at the trial level, and one is eligible for direct appeal and pending election decision. To date, undersigned counsel has the following cases prioritized over the present case:

1. *United States v. Griffin*, USCA Dkt. No. 26-0162 – The CAAF denied MSgt Griffin’s petition for review on 11 May 2026. MSgt Griffin’s Petition for Writ of Certiorari is due to the United States Supreme Court on 9 August 2026.

2. *United States v. Johnson*, USCA Dkt. 25-0202/AF – The CAAF delivered its opinion in this case on 26 May 2026. SrA Johnson’s Petition for Writ of Certiorari is due to the United States Supreme Court on 24 August 2026. SrA Johnson is not confined.

3. *United States v. Braum*, USCA Dkt. 25-0046/AF – The CAAF delivered its opinion in this case on 8 April 2026. Capt Braum’s Petition for Writ of Certiorari is due to the United States Supreme Court on 1 September 2026.

4. *United States v. Signer*, ACM 25021 – The Government’s answer to MSgt Signer’s AOE brief is currently due on 18 July 2026. MSgt Signer’s reply brief, if any, will be due to this Court on 25 July 2026.

5. *United States v. Washington*, ACM 39761 (rem) – The ROT was returned to this Court and docketed on 25 June 2026. This Court ordered that counsel may submit briefs to address two specified issues in light of the CAAF’s decision in this case no later than 26 July 2026.

Undersigned counsel was detailed to this case on 22 June 2026 and has not completed a review of the record.

6. *United States v. Raines*, ACM 40765 – The Government’s answer to MSgt Raines’s AOE brief is currently due on 20 July 2026. MSgt Raines’ reply brief, if any, will be due to this Court on 27 July 2026.

7. *United States v. Burkhardt-Bauder*, ACM 24011 – The Government’s answer to SrA Burkhardt-Bauder’s AOE brief is currently due on 22 July 2026. SrA Burkhardt-Bauder’s reply brief, if any, will be due to this Court on 29 July 2026.

8. *United States v. Kelly*, ACM 40710 – The Government’s answer to TSgt Kelly’s AOE brief is due on 13 August 2026. TSgt Kelly’s reply brief, if any, will be due to this Court on 20 August 2026.

9. *United States v. Marschalek*, USCA Dkt. No. 26-0221/AF – The Government’s brief in support of TJAG’s certified issues is due to the CAAF on 24 July 2026. SSgt Marschalek’s answer brief will be due to the CAAF on 21 August 2026.

10. *United States v. Marquez*, ACM 40800 – The ROT contains 7 volumes consisting of 5 prosecution exhibits, 4 defense exhibits, 43 appellate exhibits, and 3 court exhibits; the transcript is 833 pages. SrA Marquez is confined. Undersigned counsel has fully reviewed SrA Marquez’s ROT.

11. *United States v. Bush*, ACM 40783 – The ROT contains 9 volumes consisting of 20 prosecution exhibits, 5 defense exhibits, 1 court exhibit, and 45 appellate exhibits; the transcript is 1,782 pages. SrA Bush is confined. Undersigned counsel has fully reviewed SrA Bush's ROT.

12. *United States v. Jackson*, ACM S32819 – The ROT is 1 volume consisting of 12 prosecution exhibits, 6 defense exhibits, 44 appellate exhibits, and 1 court exhibit; the transcript is 1,529 pages. A1C Jackson is not confined. Undersigned counsel has fully reviewed A1C Jackson's ROT.

13. *United States v. Cannon*, ACM 40841 – The ROT is 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined. Undersigned counsel has not completed review of A1C Cannon's ROT.

14. *United States v. McCay*, ACM 40869 – The ROT contains 3 prosecution exhibits, 17 defense exhibits, and 6 appellate exhibits; the transcript is 142 pages. SrA McCay is not confined as a result of his court-martial conviction. Undersigned counsel has not completed review of SrA McCay's ROT.

Through no fault of Appellant, undersigned counsel has been unable to complete his review of Appellant's case due to his work in cases undersigned counsel prioritizes over Appellant's case. Undersigned counsel has reviewed the charge sheet, EoJ, portions of the transcript, and App. Ex. I. An EOT is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

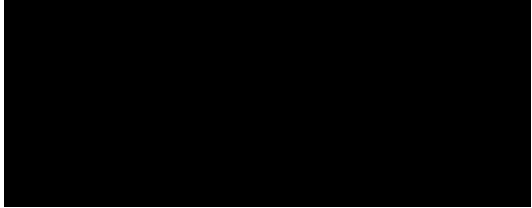
Appellant was advised of his right to speedy appellate review. Appellant has been provided an update of the status of counsel's progress on his case. Appellant was advised of the request for

an EOT. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for an EOT.

WHEREFORE, Appellant requests that this Honorable Court grant the requested EOT.



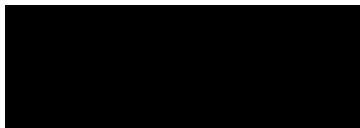
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



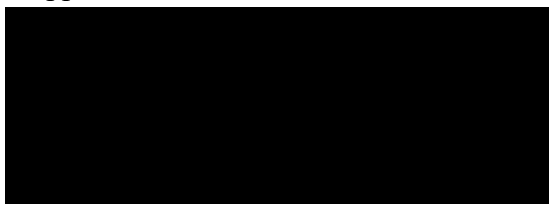
CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 7 July 2026.

Respectfully Submitted,

A black rectangular box redacting the signature of Joshua L. Lopes.

JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel

A large black rectangular box redacting the contact information of Joshua L. Lopes.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO APPELLANT'S MOTION
	)	FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Technical Sergeant (E-6)	)	
ZACHARY J. GERDES,	)	No. ACM S32836
United States Air Force,	)	
<i>Appellant.</i>	)	9 July 2026

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

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

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

[REDACTED]

HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 9 July 2026.

[REDACTED]

HEATHER R. BEZOLD, Maj, USAF
Appellate Government Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

v.

Technical Sergeant (E-6)

ZACHARY J. GERDES

United States Air Force

Appellant

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

)
) Before Panel No. 1

)
) No. ACM S32836

)
) 10 August 2026

)

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

Pursuant to Rules 23.3(m)(1), 24.3(a)(1), and 24.3(b) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file an assignments of error (AOE) brief. Appellant requests an enlargement for a period of thirty days, which will end on **20 September 2026**. The record of trial (ROT) was docketed with this Court on 25 September 2025. From the date of docketing to the present date, 319 days have elapsed. On the date requested, 360 days will have elapsed.

On 10 April 2025, Appellant was tried by a special court-martial composed of a military judge alone at Royal Air Force Lakenheath, United Kingdom. Appellant was found guilty, consistent with his pleas and pursuant to a plea agreement, of one specification of attempt to commit a lewd act upon a child, in violation of Article 80, Uniform Code of Military Justice, 10 U.S.C. § 880. Trial Tr. at 60; Charge Sheet; Entry of Judgment (EoJ); App. Ex. I.

The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-4, and to be removed from the service with a bad conduct discharge. R. at 95. The convening authority took no exception to the findings or the sentence and denied Appellant's request for



DENIED

12 AUG 2026

deferment of reduction in grade. Convening Authority Decision on Action – *United States v. TSgt Zachary J. Gerdes*.

The trial transcript is ninety-six pages. The ROT is 547 pages and contains 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits. Appellant is not confined.

Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following information. Maj Flanagan is currently assigned [description of cases]. To date, the present case is Maj Flanagan's highest priority.

Capt Lopes is currently assigned forty-seven cases; thirty-nine cases are pending before this Court (four cases are pending reply briefs, seven cases are pending decision, and twenty-eight cases are pending initial brief), three cases are pending before the Court of Appeals for the Armed Forces (CAAF), four cases are pending before the United States Supreme Court, and one case is at the trial level. To date, Capt Lopes has the following cases prioritized over the present case:

1. *United States v. Griffin*, USCA Dkt. No. 26-0162 – The CAAF denied MSgt Griffin's petition for review on 11 May 2026. MSgt Griffin's Petition for Writ of Certiorari is due to the United States Supreme Court on 8 October 2026.
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4. *United States v. Signer*, ACM 25021 – The Government filed its answer to MSgt Signer’s AOE brief on 27 July 2026. MSgt Signer’s reply brief is due to this Court on 14 August 2026.

5. *United States v. Raines*, ACM 40765 – The Government filed its answer to MSgt Raines’s AOE brief on 20 July 2026. MSgt Raines’s reply brief is due to this Court on 10 August 2026.

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12. *United States v. Cannon*, ACM 40841 – The ROT is 1 volume consisting of 2 prosecution exhibits, 6 defense exhibits, 61 appellate exhibits, and 1 court exhibit; the transcript is 848 pages. A1C Cannon is confined. Undersigned counsel has not completed review of A1C Cannon's ROT.

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Through no fault of Appellant, undersigned counsel have been unable to complete review of Appellant's case due to work in other assigned cases. Maj Flanagan is currently reviewing Appellant's ROT but has not reviewed the audio/video files attached to the record or the exhibits that were sealed by the Preliminary Hearing Officer. Capt Lopes has reviewed the charge sheet, EoJ, portions of the transcript, and App. Ex. I. Undersigned counsel have identified two potential AOE's that require further research and consultation with Appellant before filing. An EOT is necessary to allow counsel to complete review of Appellant's case and advise him regarding potential errors. Counsel anticipate filing Appellant's AOE brief, if any, by X date.

Appellant has provided limited consent to disclose the following information required by this Court: Appellant was advised of his right to speedy appellate review; Appellant was advised

of counsel's progress on his case; Appellant was advised of the request for this enlargement of time; Appellant agrees to necessary requests for EOTs, to include this request.

WHEREFORE, Appellant requests that this Honorable Court grant the requested EOT.

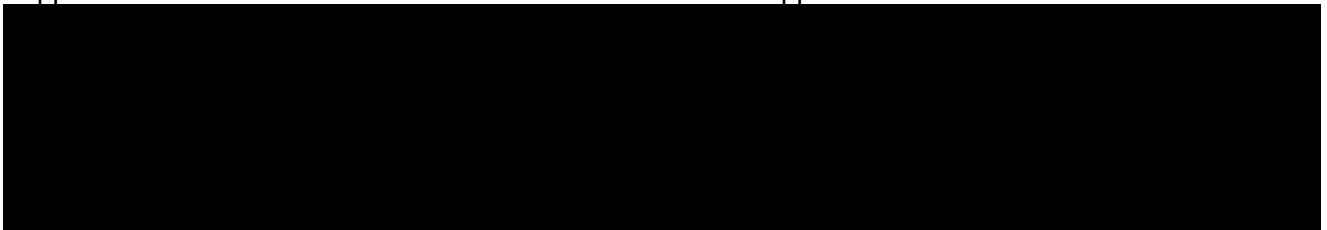
Respectfully submitted,



BRIAN E. FLANAGAN, Maj, USAF
Appellate Defense Counsel



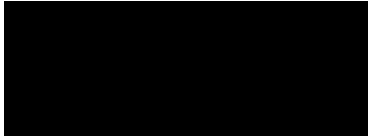
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



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 Government Trial and Appellate Operations Division on 10 August 2026.

Respectfully Submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO APPELLANT'S MOTION
	)	FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 1
Technical Sergeant (E-6)	)	
ZACHARY J. GERDES,	)	No. ACM S32836
United States Air Force,	)	
<i>Appellant.</i>	)	12 August 2026

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

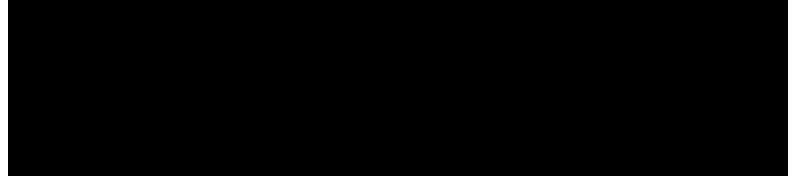
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 360 days in length. Appellant's nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 6 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

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



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel

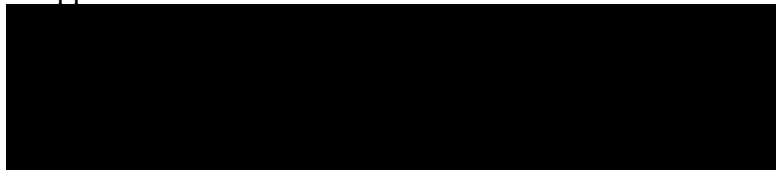


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 12 August 2026.



REGINA HENENLOTTER, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

v.

Technical Sergeant (E-6)

ZACHARY J. GERDES

United States Air Force

Appellant

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

)
) Before Panel No. 1

)
) No. ACM S32836

)
) 12 August 2026

)

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

Pursuant to Rules 23.3(m)(1), 24.3(a)(1), and 24.3(b) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file an assignments of error (AOE) brief. Appellant requests an enlargement for a period of thirty days, which will end on **20 September 2026**. The record of trial (ROT) was docketed with this Court on 25 September 2025. From the date of docketing to the present date, 321 days have elapsed. On the date requested, 360 days will have elapsed.

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GRANTED

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deferment of reduction in grade. Convening Authority Decision on Action – *United States v. TSgt Zachary J. Gerdes*.

The trial transcript is ninety-six pages. The ROT is 547 pages and contains 3 prosecution exhibits, 15 defense exhibits, and 3 appellate exhibits. Appellant is not confined.

Maj Brian Flanagan was recently detailed to take over this case after considering his and Capt Joshua Lopes's respective dockets. Capt Lopes has not moved to withdraw as counsel yet. Pursuant to A.F. Ct. Crim. App. R. 24.3(b)(2), undersigned counsel provides the following information. Maj Flanagan is currently assigned three cases; two pending before this Court (one pending the Government's Answer and the present case) and one pending before the United States Supreme Court. To date, Maj Flanagan has no cases prioritized over the present case.

Capt Lopes is currently assigned forty-seven cases; thirty-nine cases are pending before this Court (four cases are pending reply briefs, seven cases are pending decision, and twenty-eight cases are pending initial brief), three cases are pending before the Court of Appeals for the Armed Forces (CAAF), four cases are pending before the United States Supreme Court, and one case is at the trial level. To date, Capt Lopes has the following cases prioritized over the present case:

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Through no fault of Appellant, undersigned counsel have been unable to complete review of Appellant's case due to work in other assigned cases. Maj Flanagan is currently reviewing Appellant's ROT but has not reviewed the audio/video files attached to the record or the exhibits that were sealed by the Preliminary Hearing Officer. Capt Lopes has reviewed the charge sheet, EoJ, portions of the transcript, and App. Ex. I. Undersigned counsel have identified two potential AOE's that require further research and consultation with Appellant before filing. An EOT is

necessary to allow counsel to complete review of Appellant's case and advise him regarding potential errors. Counsel anticipate filing Appellant's AOE brief, if any, by 10 September 2026.

Appellant has provided limited consent to disclose the following information required by this Court: Appellant was advised of his right to speedy appellate review; Appellant was advised of counsel's progress on his case; Appellant was advised of the request for this enlargement of time; Appellant agrees to necessary requests for EOTs, to include this request.

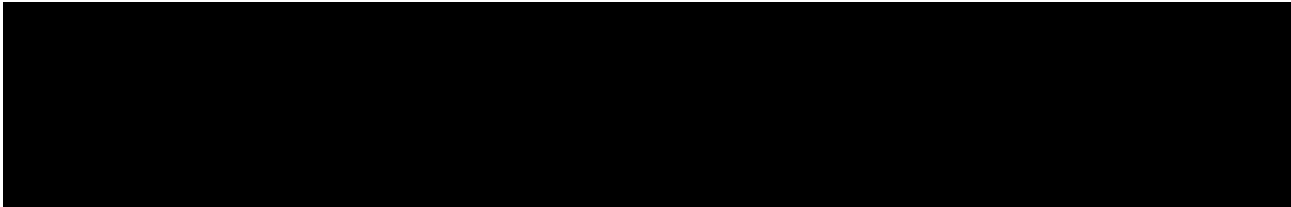
WHEREFORE, Appellant requests that this Honorable Court grant the requested EOT.

Respectfully submitted,



BRIAN E. FLANAGAN, Maj, USAF
Appellate Defense Counsel

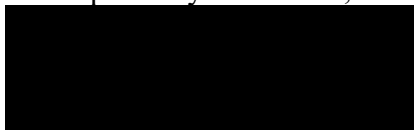
JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



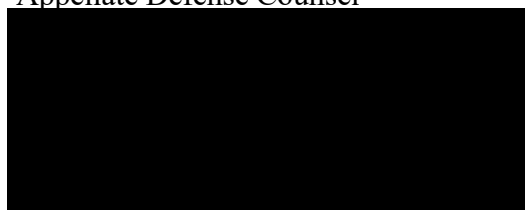
CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 12 August 2026.

Respectfully Submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



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

UNITED STATES	)	No. ACM S32836
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Zachary J. GERDES	)	
Technical Sergeant (E-6)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 1

On 27 August 2026, counsel for Appellant submitted a Consent Motion to Examine Sealed Materials. Specifically, Appellant requests counsel for both parties be permitted to examine Preliminary Hearing Officer (PHO) Exhibits 5, 13, 16, 17, 18, and 21.

The materials listed above were viewed by trial counsel and trial defense counsel at trial.

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.” Rule for Courts-Martial (R.C.M.) 1113(b)(3)(B)(i).

The court has considered Appellant’s motion, the Government’s consent, and this court’s Rules of Practice and Procedure. The court finds Appellant’s counsel has made a colorable showing that review of the requested sealed materials is necessary to fulfill counsel’s responsibilities.

Accordingly, it is by the court on this 28th day of August, 2026,

ORDERED:

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

Appellate defense counsel and appellate government counsel may view **PHO Exhibits 5, 13, 16, 17, 18, and 21**.

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

No counsel will photocopy, photograph, or otherwise reproduce this material and will not disclose or make available its contents to any other individual without this court's prior written authorization.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	CONSENT MOTION TO EXAMINE
<i>Appellee,</i>	)	SEALED MATERIALS
	)	
v.	)	
	)	Before Panel No. 1
	)	
Technical Sergeant (E-6),	)	No. ACM S32836
Zachary J. GERDES,	)	
United States Air Force,	)	27 August 2026
<i>Appellant.</i>	)	

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

Pursuant to Rule for Courts-Martial (R.C.M.) 1113(b)(3)(B) and Rules 3.2(c) and 23.3(f)(1) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for both parties to examine the following materials, sealed by the preliminary hearing officer (PHO), which both parties had access to at trial:

1. **PHO Exhibit 5:** “HZ Interview Parts 1 & 2, dated 27 Apr 23”
2. **PHO Exhibit 13:** “Government Time Hacks, undated”
3. **PHO Exhibit 16:** “ROI, 31 May 23”
4. **PHO Exhibit 17:** “HZ Objection to Defense MRE 412, 4 Dec 24”
5. **PHO Exhibit 18:** “HZ Request to Seal, 4 Dec 24”
6. **PHO Exhibit 21:** “Preliminary Hearing Recording” Part 2.

In accordance with R.C.M. 1113(b)(3)(B)(i), which requires a colorable showing that examining these materials is reasonably necessary to fulfill appellate counsel’s responsibilities, undersigned counsel asserts that viewing the referenced materials is reasonably necessary to conduct a complete review of the record of trial and to determine whether the record of trial is complete. Ensuring the record of trial is complete is necessary to review whether post-trial

processing was completed correctly. Therefore, examination of the sealed materials is reasonably necessary to fulfill undersigned counsel's responsibilities in this case as counsel cannot perform his duty of representation under Article 70, Uniform Code of Military Justice, 10 U.S.C. § 870, or fulfill his duty to provide effective assistance of counsel without first reviewing the complete record of trial. It is similarly necessary for the Government to review the complete record of trial to prepare to answer any assignments of error from Appellant.

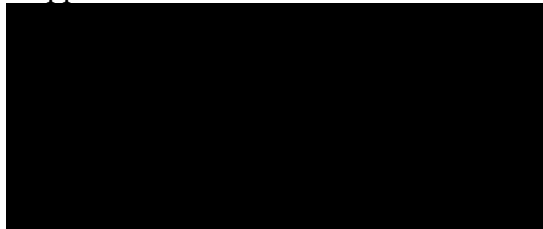
Appellate Government Counsel have been consulted and consent to the motion.

WHEREFORE, Appellant respectfully requests this Court grant this motion and allow both parties to examine the requested sealed materials.

Respectfully submitted,



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel

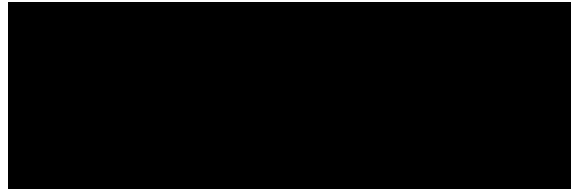


CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 27 August 2026.



JOSHUA L. LOPES, Capt, USAF
Appellate Defense Counsel



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

UNITED STATES	)	No. ACM S32836
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Zachary J. GERDES	)	
Technical Sergeant (E-6)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 1

On 13 September 2026, Appellant submitted a motion to withdraw from appellate review, along with a request to attach Appellant's DD Form 2330, *Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals*, signed by Appellant and Appellant's counsel on 11 September 2026.

The Government did not file a response.

Accordingly, it is by the court on this 17th day of September, 2026,

ORDERED:

Appellant's Motion to Withdraw from Appellate Review and Attach is **GRANTED**. Appellant's case is forwarded to the Appellate Records Branch (JAJM) for further processing in accordance with Rules for Courts-Martial 1115(f)(3) and 1201, *Manual for Courts-Martial, United States* (2024 ed.).



FOR THE COURT



AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner