

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

UNITED STATES	)	No. ACM 40667
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Carey X. LEDEE-NICHOLLS)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 22 October 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 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 23d day of October, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **3 January 2024**.

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



OLGA STANFORD, *OLGA* Capt, USAF
Commissioner

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 Air Force Government Trial and Appellate Operations Division on 22 October 2024.



JORDAN L. GRANDE, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: jordan.grande@us.af.mil

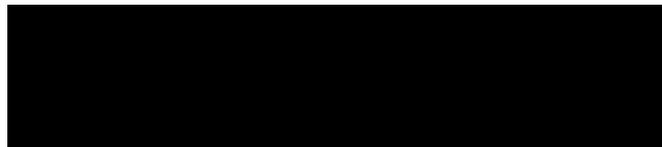
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40667
CAREY X. LEDEE-NICHOLLS, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

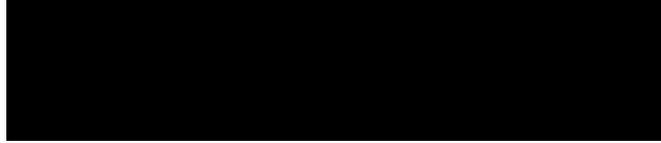
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 23 October 2024.



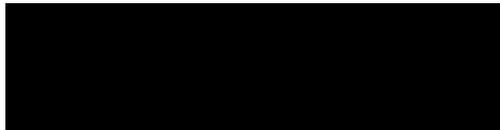
JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
(240) 612-4800

The record of trial consists of one e-ROT with six volumes, three prosecution exhibits, 20 Defense Exhibits, and four Appellate Exhibits; the transcript is 122 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the transcript for this case, but not the entire record.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,



JORDAN L. GRANDE, Capt, USAF
Appellate Defense Counsel
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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 Air Force Government Trial and Appellate Operations Division on 20 December 2024.



JORDAN L. GRANDE, Capt, USAF
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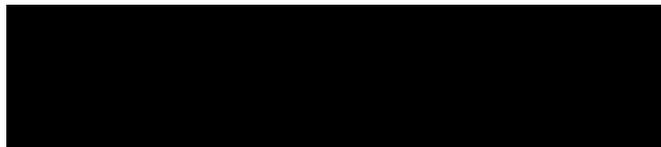
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40667
CAREY X. LEDEE-NICHOLLS, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

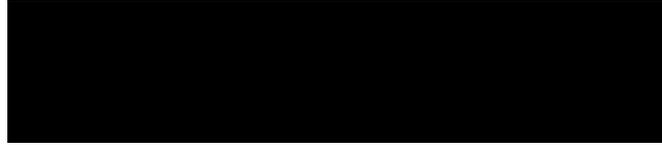
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
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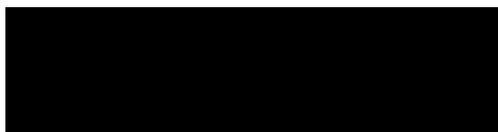
JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
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Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,



JORDAN L. GRANDE, Capt, USAF
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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 Air Force Government Trial and Appellate Operations Division on 24 January 2025.



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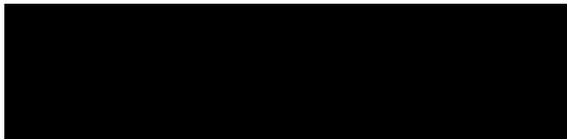
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40667
CAREY X. LEDEE-NICHOLLS, USAF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

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

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

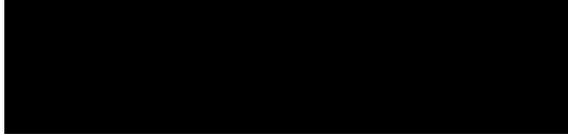
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Counsel Division
Air Force Legal Operations Agency
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 28 January 2025.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Counsel Division
Air Force Legal Operations Agency
United States Air Force
(240) 612-4800

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION
<i>Appellee,</i>	)	FOR ENLARGEMENT
	)	OF TIME (FOURTH)
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
CAREY X. LEDEE-NICHOLLS,	)	No. ACM 40667
United States Air Force,)	
<i>Appellant.</i>	)	23 February 2025

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

Pursuant to Rule 23.3(m)(1) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **3 April 2025**.

Appellant’s case was docketed with this Court on 5 September 2024. From the date of docketing to the present date, 171 days have elapsed. On the date requested, 210 days will have elapsed since docketing.

On 8 March 2024, Appellant was tried by a General Court-Martial sitting as a military judge alone at Ramstein Air Base, Germany. R. at 1. Appellant was convicted consistent with his pleas and pursuant to a plea agreement, R. at 11-12; App. Ex. I, of one Charge with Two Specifications of attempting to commit a lewd act upon a child who had not yet attained the age of 16 years, in violation of Article 80, Uniform Code of Military Justice (UCMJ); and One Charge with One Specification of committing a lewd act upon a child who had not yet attained the age of 16 years, in violation of Article 120b, UCMJ. R. at 83. The military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, confined for a total period of 22 months, and to be dishonorably discharged. R. at 120.

The record of trial consists of one e-ROT with six volumes, three prosecution exhibits, 20 Defense Exhibits, and four Appellate Exhibits; the transcript is 122 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the transcript for this case, but not the entire record.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned 25 cases; 20 cases are pending before this Court (19 cases are pending AOE's); and 1 case is pending before the United States Court of Appeals for the Armed Forces (CAAF). Four cases have priority over the present case:

1. *United States v. Ryder*, No. ACM 40605 – Undersigned counsel is currently finalizing the AOE for this case, which will be filed today.
2. *United States v. Singleton*, No. ACM 40535 – Undersigned counsel is drafting a reply brief, due 25 February 2025. The trial transcript is 1,738 pages long and the record of trial is comprised of twelve volumes containing six Prosecution Exhibits, seventeen Defense Exhibits, one Court Exhibit, and eighty-nine Appellate Exhibits.
3. *United States v. Gale*, Article 62 Appeal – Undersigned counsel is currently preparing an answer to the Government's brief filed 21 February 2025.
4. *United States v. Hahn*, No. ACM 40657 – The record of trial consists of three volumes with four prosecution exhibits, one court exhibit, seven defense exhibits, and five appellate exhibits; the transcript is 81 pages. Lt Col Wilson, AF/JAJA, is assigned as lead counsel to this case, though undersigned counsel has not withdrawn.

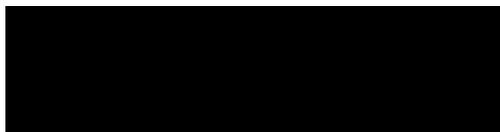
Additionally, undersigned counsel is trial defense counsel for *United States v. Fewell*, docketed for the week of 7 April at Luke Air Force Base, Arizona, which undersigned counsel anticipates will require significant time from now through trial to prepare and litigate. This case

contains multiple allegations of sexual assault, domestic violence, and drug use. There are approximately twenty witnesses currently noticed.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

A solid black rectangular box redacting the signature of the undersigned counsel.

JORDAN L. GRANDE, Capt, USAF
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CERTIFICATE OF FILING AND SERVICE

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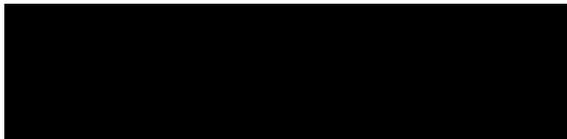
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
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v.)	OF TIME
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Senior Airman (E-4))	ACM 40667
CAREY X. LEDEE-NICHOLLS, USAF,)	
<i>Appellant.</i>)	Panel No. 1
)	

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

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

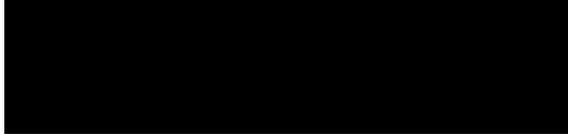
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Counsel Division
Air Force Legal Operations Agency
United States Air Force
(240) 612-4800

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MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Counsel Division
Air Force Legal Operations Agency
United States Air Force
(240) 612-4800

The record of trial consists of one e-ROT with six volumes, three prosecution exhibits, twenty Defense Exhibits, and four Appellate Exhibits; the transcript is 122 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record in this case and has begun drafting the AOE.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned 25 cases; 22 cases are pending before this Court (18 cases are pending AOE's). Undersigned counsel is currently drafting the AOE for this case.

Additionally, undersigned counsel is trial defense counsel for *United States v. Fewell*, docketed for the week of 7 April at Luke Air Force Base, Arizona, which undersigned counsel anticipates will require significant time from now through trial to prepare and litigate. This case contains multiple allegations of sexual assault, domestic violence, and drug use. There are approximately twenty witnesses currently noticed. Undersigned counsel is serving as legal advisor for *In re SSgt Barrios*, a discharge board scheduled to convene on 25 March 2025.

Through no fault of Appellant, undersigned counsel has been unable to complete the brief for Appellant's case. An enlargement of time is necessary to allow counsel to finalize a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,



JORDAN L. GRANDE, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
Email: jordan.grande@us.af.mil

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Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
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Office: (240) 612-4770
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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
Senior Airman (E-4)	)	Before Panel No. 1
CAREY X. LEDEE-NICHOLLS,	)	No. ACM 40667
United States Air Force,)	
<i>Appellant.</i>	)	24 March 2025

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

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

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



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 24 March 2025.



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

The record of trial consists of one e-ROT with six volumes, three prosecution exhibits, twenty Defense Exhibits, and four Appellate Exhibits; the transcript is 122 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record in this case and has begun drafting the AOE.

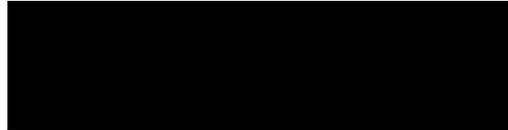
Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: undersigned counsel is currently assigned 27 cases; 22 cases are pending before this Court (18 cases are pending AOE's). Undersigned counsel is currently drafting the AOE for this case. Barring exceptional circumstances, undersigned counsel does not anticipate requesting an additional EOT for Appellant's case. One case has priority over Appellant's case:

1. *United States v. Serjak*, USCA Dkt. No. 25-0120/AF; Crim.App. No. 40392 – The record of trial consists of twelve volumes, fourteen Prosecution Exhibits, ten Defense Exhibits, three Court Exhibits, and eighty-four Appellate Exhibits. Undersigned counsel is currently drafting Appellee's Answer, which is due 21 May 2025.

Through no fault of Appellant, undersigned counsel has been unable to complete the brief for Appellant's case. An enlargement of time is necessary to allow counsel to finalize a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,



JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel
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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 Air Force Government Trial and Appellate Operations Division on 25 April 2025.



JORDAN L. GRANDE, Maj, USAF
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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
	)	Before Panel No. 1
Senior Airman (E-4))	
CAREY X. LEDEE-NICHOLLS,	)	No. ACM 40667
United States Air Force,)	
<i>Appellant.</i>)	
	)	29 April 2025

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

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

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



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
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CERTIFICATE OF FILING AND SERVICE

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Appellate Defense Division on 29 April 2025.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	APPELLANT’S MOTION TO
<i>Appellee,</i>	)	WITHDRAW REVIEW FROM
	)	APPELLATE AND ATTACH
v.)	
	)	Before Panel No. 1
Senior Airman (E-4))	
CAREY X. LEDEE-NICHOLLS,	)	No. ACM 40667
United States Air Force,)	
<i>Appellant.</i>	)	19 May 2025

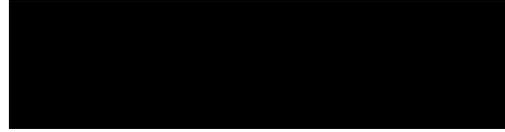
**TO THE HONORABLE, THE JUDGES OF THE
UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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, Appellant moves to withdraw his case from appellate review. Appellant has fully consulted with Major Jordan Grande, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promises of clemency, or otherwise, to withdraw his case from appellate review.

Further, pursuant to Rules 23(b) and 23.3(b), undersigned counsel asks this Court to attach the two-page document appended to this pleading to the record of this proceeding. The appended document, Appellant’s completed DD Form 2330, *Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals*, is necessary to comply with R.C.M. 1115(d) and Rule 16.1 of this Court’s Rules of Practice and Procedure.

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

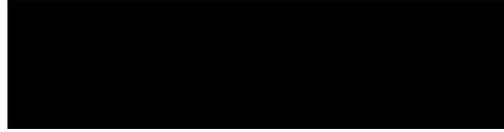
Respectfully submitted,



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