

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

UNITED STATES)	No. ACM S32798
<i>Appellee</i>)	
)	
v.)	
)	ORDER
Mykal E. MOORE)	
Airman First Class (E-3))	
U.S. Air Force)	
<i>Appellant</i>)	Panel 3

On 16 December 2024, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 days to submit Appellant's assignments of error. The Government opposes the motion.

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 17th day of December, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **25 February 2025**.

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

[Redacted signature]

OLGA STANFORD, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Airman First Class (E-3)

MYKAL E. MOORE,

United States Air Force

Appellant

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

)
) Before Panel No. 3

)
) No. ACM S32798

)
) 16 December 2024

)

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

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **25 February 2025**. The record of trial was docketed with this Court on 28 October 2024. From the date of docketing to the present date, 49 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
(240) 612-4770
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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 Appellate Government Division on 16 December 2024.



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
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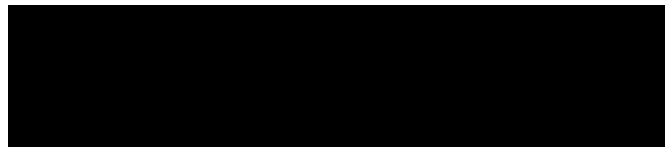
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
v.)	OF TIME
)	
Airman First Class (E-3))	ACM S32798
MYKAL E. MOORE, USAF,)	
<i>Appellant.</i>)	Panel No. 3
)	

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

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

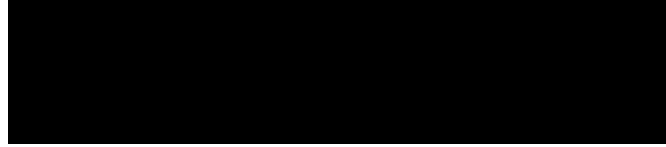
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 16 December 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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Airman First Class (E-3)

MYKAL E. MOORE,

United States Air Force

Appellant

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

) Before Panel No. 3

) No. ACM S32798

) 10 February 2025

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Airman First Class (A1C) Mykal E. Moore (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Moore requests an enlargement for a period of 30 days, which will end on **27 March 2025**. The record of trial was docketed with this Court on 28 October 2024. From the date of docketing to the present date, 105 days have elapsed. On the date requested, 150 days will have elapsed.

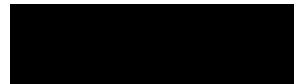
On 8 April 2024, a special court-martial composed of a military judge sitting alone convicted A1C Moore, consistent with his pleas, of one specification of dereliction of duty, in violation of Article 92, Uniform Code of Military Justice, 10 U.S.C. § 892, and one specification of domestic violence, in violation of Article 128b, UCMJ, 10 U.S.C. § 928b. R. at 79; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-1, a bad conduct discharge, and 30 days’ confinement. R. at 114, EOJ. The convening authority took no action on the findings and sentence. Convening Authority Decision on Action.

The record of trial includes two prosecution exhibits, eight defense exhibits, fourteen appellate exhibits, and one court exhibit. The transcript is 116 pages. A1C Moore is not confined.

Through no fault of A1C Moore, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review A1C Moore's case and advise him regarding potential errors. A1C Moore was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

WHEREFORE, A1C Moore respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
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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 Appellate Government Division on 10 February 2025.



MEGAN R. CROUCH, Maj, USAF
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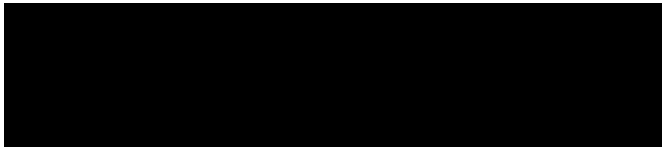
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
v.)	OF TIME
)	
Airman First Class (E-3))	ACM S32798
MYKAL E. MOORE, USAF,)	
<i>Appellant.</i>)	Panel No. 3
)	

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

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

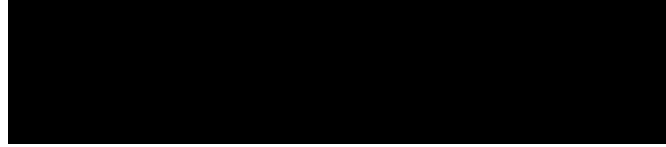
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 12 February 2025.



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

UNITED STATES)	APPELLANT'S MOTION FOR
<i>Appellee,</i>)	ENLARGEMENT OF TIME (THIRD)
)	
v.)	Before Panel No. 3
)	
Airman First Class (E-3))	No. ACM S32798
MYKAL E. MOORE,)	
United States Air Force)	17 March 2025
<i>Appellant</i>)	

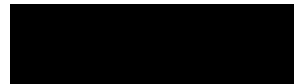
Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court's Rules of Practice and Procedure, Airman First Class (A1C) Mykal E. Moore (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Moore requests an enlargement for a period of 30 days, which will end on **26 April 2025**. The record of trial was docketed with this Court on 28 October 2024. From the date of docketing to the present date, 140 days have elapsed. On the date requested, 180 days will have elapsed.

The record of trial includes two prosecution exhibits, eight defense exhibits, fourteen appellate exhibits, and one court exhibit. The transcript is 116 pages. A1C Moore is not confined.

Through no fault of A1C Moore, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review A1C Moore's case and advise him regarding potential errors. A1C Moore was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

WHEREFORE, A1C Moore respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,



MEGAN R. CROUCH, 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 Appellate Government Division on 17 March 2025.



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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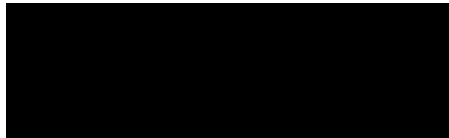
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
)	OF TIME
v.)	
)	
)	Before Panel No. 3
Airman First Class (E-3))	
MYKAL E. MOORE,)	No. ACM S32798
United States Air Force,)	
<i>Appellant.</i>)	
)	18 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.

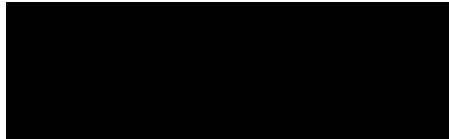
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 18 March 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force
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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Airman First Class (E-3)

MYKAL E. MOORE,

United States Air Force

Appellant

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

) Before Panel No. 3

) No. ACM S32798

) 14 April 2025

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

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court’s Rules of Practice and Procedure, Airman First Class (A1C) Mykal E. Moore (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Moore requests an enlargement for a period of 30 days, which will end on **26 May 2025**. The record of trial was docketed with this Court on 28 October 2024. From the date of docketing to the present date, 168 days have elapsed. On the date requested, 210 days will have elapsed.

On 8 April 2024, a special court-martial composed of a military judge sitting alone convicted A1C Moore, consistent with his pleas, of one specification of dereliction of duty, in violation of Article 92, Uniform Code of Military Justice, 10 U.S.C. § 892, and one specification of domestic violence, in violation of Article 128b, UCMJ, 10 U.S.C. § 928b. R. at 79; Charge Sheet; Entry of Judgment (EOJ). The military judge sentenced him to a reduction to the grade of E-1, a bad conduct discharge, and 30 days’ confinement. R. at 114, EOJ. The convening authority took no action on the findings and sentence. Convening Authority Decision on Action.

The record of trial includes two prosecution exhibits, eight defense exhibits, fourteen appellate exhibits, and one court exhibit. The transcript is 116 pages. A1C Moore is not confined.

Through no fault of A1C Moore, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review A1C Moore's case and advise him regarding potential errors. A1C Moore was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 24 clients and is presently assigned 19 cases pending initial brief before this Court. Four cases currently have priority over the present case:

1. *United States v. Moore*, USCA Dkt. No. 25-0110/AF – The record of trial includes 11 prosecution exhibits, 9 defense exhibits, 40 appellate exhibits, 1 court exhibit, and 674 transcript pages. The Government certified this case to the Court of Appeals of for the Armed Forces (CAAF) on 7 March 2025 and the case was docketed with the CAAF on 10 March 2025. The Government's brief was filed on 9 April 2025. Undersigned counsel is working on the appellant's Answer, which is due on 7 May 2025.
2. *United States v. Boren*, No. ACM 40296 (f rev) – The record of trial includes 10 prosecution exhibits, 28 defense exhibits, 46 appellate exhibits, and 1,034 transcript pages. The appellant's petition and supplement to the CAAF are due on 18 May 2025. Undersigned counsel was not the original counsel for this appellant and therefore must review the appellant's record of trial in conjunction with preparing the appellant's petition and supplement.
3. *United States v. Wilkerson*, No. ACM 40696 – The record of trial includes seven prosecution exhibits, nine defense exhibits, and fifteen appellate exhibits, and 352

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

4. *United States v. Carty*, No. ACM 40699 – The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, and one court exhibit, and 187 transcript pages. The appellant's case was docketed on 21 October 2024. Counsel has not completed her review of the appellant's record of trial.

Since requesting A1C Moore's previous enlargement of time, undersigned counsel completed review of one record of trial (*United States v. Siebert*, No. ACM S32794) and filed two motions to withdraw from appellate review and attach. She began reviewing the record, completed her review of the transcript, and began preparing an Answer to the Government's opening brief for *United States v. Moore*, USCA Dkt. No. 25-0110/AF. Undersigned counsel prepared for and participated as a moot judge in two moot arguments (equaling more than six hours), attended two oral arguments, and advised one client about his right to a direct appeal before this Court. Additionally, undersigned counsel was out of the office from 24 March – 4 April 2025 for personal leave and TDY.

WHEREFORE, A1C Moore respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,



MEGAN R. CROUCH, Maj, 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 Appellate Government Division on 14 April 2025.



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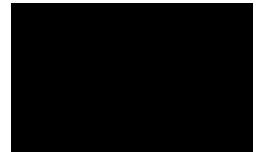
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>)	OPPOSITION TO APPELLANT'S
)	MOTION FOR ENLARGEMENT
)	OF TIME
v.)	
)	
)	Before Panel No. 3
Airman First Class (E-3))	
MYKAL E. MOORE,)	No. ACM S32798
United States Air Force,)	
<i>Appellant.</i>)	
)	15 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.

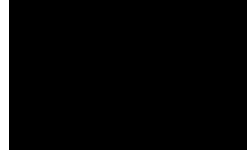
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 15 April 2025.



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

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

UNITED STATES)	No. ACM S32798
<i>Appellee</i>)	
)	
v.)	
)	NOTICE OF PANEL CHANGE
Mykal E. MOORE)	
Airman First Class (E-3))	
U.S. Air Force)	
<i>Appellant</i>)	

It is by the court on this 6th day of May, 2025,

ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from Panel 3 and referred to Panel 2 for appellate review.

This panel letter supersedes all previous panel assignments.



FOR THE COURT

[Redacted signature block]

Chief Commissioner

UNITED STATES)	APPELLANT’S MOTION FOR
<i>Appellee,</i>)	ENLARGEMENT OF TIME (FIFTH)
)	
v.)	Before Panel No. 2
)	
Airman First Class (E-3))	No. ACM S32798
MYKAL E. MOORE,)	
United States Air Force)	16 May 2025
<i>Appellant</i>)	

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Airman First Class (A1C) Mykal E. Moore (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Moore requests an enlargement for a period of 30 days, which will end on **25 June 2025**. The record of trial was docketed with this Court on 28 October 2024. From the date of docketing to the present date, 200 days have elapsed. On the date requested, 240 days will have elapsed.

1

The record of trial includes two prosecution exhibits, eight defense exhibits, fourteen appellate exhibits, and one court exhibit. The transcript is 116 pages. A1C Moore is not confined.

Through no fault of A1C Moore, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review A1C Moore's case and advise him regarding potential errors. A1C Moore was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 24 clients and is presently assigned 19 cases pending initial brief before this Court. Four cases currently have priority over the present case:

1. *United States v. Boren*, No. ACM 40296 (f rev) – The record of trial includes 10 prosecution exhibits, 28 defense exhibits, 46 appellate exhibits, and 1,034 transcript pages. The appellant's petition and supplement to the Court of Appeals of for the Armed Forces (CAAF) are due on 29 June 2025.
2. *United States v. Rocha*, USCA Dkt. No. 25-0157/AF – The record of trial includes 22 prosecution exhibits, 8 defense exhibits, 39 appellate exhibits, and 532 transcript pages. The Government certified this case on 5 May 2025 and the case was docketed with the CAAF on 6 May 2025. The Government's brief is due on 4 June 2025. The appellee's brief is anticipated to be due on 2 July 2025. Undersigned counsel was not the original counsel for this appellee and therefore is currently reviewing the appellee's record of trial.

3. *United States v. Wilkerson*, No. ACM 40696 – The record of trial includes seven prosecution exhibits, nine defense exhibits, and fifteen appellate exhibits, and 352 transcript pages. The appellant’s case was docketed on 10 October 2024. Counsel has completed her review of the appellant’s transcript and is continuing to review the remainder of the record of trial.
4. *United States v. Carty*, No. ACM 40699 – The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, and one court exhibit, and 187 transcript pages. The appellant’s case was docketed on 21 October 2024. Counsel has not completed her review of the appellant’s record of trial.

Since requesting A1C Moore’s previous enlargement of time, undersigned counsel completed her review of the record of trial for *United States v. Boren*, No. ACM 40692 (f rev) and filed a motion for reconsideration in the same case. She also completed her review of the record of trial for *United States v. Moore*, USCA Dkt. No. 25-0110, and filed a motion to compel post-trial discovery and a brief on behalf of the appellee in the same case. She completed her review of the transcript in *United States v. Wilkerson*, No. ACM 40696, and is continuing to review the record of trial in that case. She also began reviewing the record of trial in *United States v. Rocha*, USCA Dkt. No. 25-0157. Undersigned counsel prepared for and participated as a moot judge in two moot arguments. Lastly, undersigned counsel was sick and out of the 21-29 April 2025, limiting her ability to accomplish her work.

WHEREFORE, A1C Moore respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,

A black rectangular redaction box covering the signature of Megan R. Crouch.

MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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Joint Base Andrews NAF, MD 20762-6604
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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 Appellate Government Division on 16 May 2025.



MEGAN R. CROUCH, Maj, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
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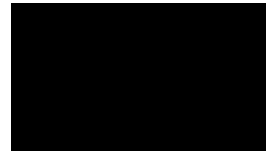
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
)	OPPOSITION TO
<i>Appellee,</i>)	APPELLANT'S MOTION FOR
)	ENLARGEMENT OF TIME
v.)	
)	Before Panel No. 2
Airman First Class (E-3))	
MYKAL E. MOORE)	No. ACM S32798
United States Air Force.)	
<i>Appellant</i>)	20 May 2025

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

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

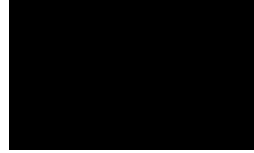
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 20 May 2025.



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

UNITED STATES) APPELLANT’S MOTION FOR
Appellee,) ENLARGEMENT OF TIME (SIXTH)
))
v.) Before Panel No. 2
))
Airman First Class (E-3)) No. ACM S32798
MYKAL E. MOORE,))
United States Air Force) 9 June 2025
Appellant)

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Airman First Class (A1C) Mykal E. Moore (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Moore requests an enlargement for a period of 30 days, which will end on **25 July 2025**. The record of trial was docketed with this Court on 28 October 2024. From the date of docketing to the present date, 224 days have elapsed. On the date requested, 270 days will have elapsed.

1

The record of trial includes two prosecution exhibits, eight defense exhibits, fourteen appellate exhibits, and one court exhibit. The transcript is 116 pages. A1C Moore is not confined.

Through no fault of A1C Moore, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review A1C Moore's case and advise him regarding potential errors. A1C Moore was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 24 clients and is presently assigned 19 cases pending initial brief before this Court. Four cases currently have priority over the present case:

1. *United States v. Boren*, No. ACM 40296 (f rev) – The record of trial includes 10 prosecution exhibits, 28 defense exhibits, 46 appellate exhibits, and 1,034 transcript pages. The appellant's petition and supplement to the Court of Appeals of for the Armed Forces (CAAF) are due on 29 June 2025.
2. *United States v. Rocha*, USCA Dkt. No. 25-0157/AF – The record of trial includes 22 prosecution exhibits, 8 defense exhibits, 39 appellate exhibits, and 532 transcript pages. The Government certified this case on 5 May 2025 and the case was docketed with the CAAF on 6 May 2025. The Government's brief is due on 11 June 2025. The appellee's brief is anticipated to be due on 9 July 2025. Undersigned counsel was not the original counsel for this appellee and therefore is currently reviewing the appellee's record of trial.

3. *United States v. Shirley*, No. ACM 40618 – Counsel was detailed to this case on 20 May 2025. The record of trial includes three prosecution exhibits, two defense exhibits, and eight appellate exhibits, and 153 transcript pages. The appellant’s petition and supplement to the CAAF are due on 18 July 2025.
4. *United States v. Carty*, No. ACM 40699 – The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, and one court exhibit, and 187 transcript pages. The appellant’s case was docketed on 21 October 2024. Counsel has not completed her review of the appellant’s record of trial.

Since requesting A1C Moore’s previous enlargement of time, undersigned counsel began reviewing the record of trial for *United States v. Rocha*, in preparation for the brief on behalf of the appellee. She also completed her review of the record of trial in *United States v. Wilkerson* (No. ACM 40696) and filed the appellant’s motion to withdraw from appellate review in the same case. She began preparing the petition and supplement to the CAAF for *United States v. Boren* (No. ACM 40296 (f rev)). Additionally, she prepared for and participated as a moot judge in two moot arguments. Lastly, undersigned counsel was on leave from 19-22 May 2025, 2 June 2025, 6 June 2025, and out of the office on 23 May 2025 and 26 May 2025 for the family day and Memorial Day federal holiday.

WHEREFORE, A1C Moore respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,



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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 Appellate Government Division on 9 June 2025.



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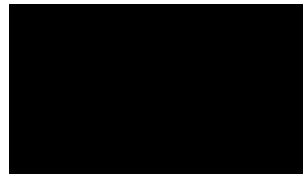
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
)	OPPOSITION TO
<i>Appellee,</i>)	APPELLANT'S MOTION FOR
)	ENLARGEMENT OF TIME
v.)	
)	Before Panel No. 2
Airman First Class (E-3))	
MYKAL E. MOORE,)	No. ACM S32798
United States Air Force.)	
<i>Appellant.</i>)	11 June 2025

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

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

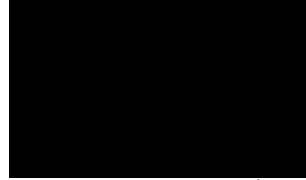
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 11 June 2025.



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UNITED STATES)	APPELLANT’S MOTION FOR
<i>Appellee,</i>)	ENLARGEMENT OF TIME
)	(SEVENTH)
v.)	
)	Before Panel No. 2
Airman First Class (E-3))	
MYKAL E. MOORE,)	No. ACM S32798
United States Air Force)	
<i>Appellant</i>)	14 July 2025

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Airman First Class (A1C) Mykal E. Moore (Appellant) hereby moves for an enlargement of time (EOT) to file his assignments of error. A1C Moore requests an enlargement for a period of 30 days, which will end on **24 August 2025**. The record of trial was docketed with this Court on 28 October 2024. From the date of docketing to the present date, 259 days have elapsed. On the date requested, 300 days will have elapsed.

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The record of trial includes two prosecution exhibits, eight defense exhibits, fourteen appellate exhibits, and one court exhibit. The transcript is 116 pages. A1C Moore is not confined.

Through no fault of A1C Moore, undersigned counsel has been working on other assigned matters and has yet to complete her review of his case. This enlargement of time is necessary to allow undersigned counsel to fully review A1C Moore's case and advise him regarding potential errors. A1C Moore was (1) advised of his right to a timely appeal, (2) updated on the status of undersigned counsel's progress on his case, and (3) advised of undersigned counsel's request for an enlargement of time. He asserts his right to a timely appeal, but recognizing undersigned counsel's workload, he (4) agrees with the request for an enlargement of time.

Undersigned counsel currently represents 32 clients and is presently assigned 19 cases pending initial brief before this Court. Five cases currently have priority over the present case:

1. *United States v. Rocha*, USCA Dkt. No. 25-0157/AF – The record of trial includes 22 prosecution exhibits, 8 defense exhibits, 39 appellate exhibits, and 532 transcript pages. The Government certified this case on 5 May 2025 and the case was docketed with the Court of Appeals of for the Armed Forces (CAAF) on 6 May 2025. The Government filed its brief on 11 June 2025. The appellee's brief is due on 23 July 2025.
2. *United States v. Shirley*, No. ACM 40618 – The record of trial includes three prosecution exhibits, two defense exhibits, and eight appellate exhibits, and 153 transcript pages. The appellant's petition and supplement to the CAAF are due on 18 July 2025.
3. *United States v. Boren*, USCA Dkt. No. 25-0195/AF – The record of trial includes 10 prosecution exhibits, 28 defense exhibits, 46 appellate exhibits, and 1,034 transcript pages. The appellant's supplement to his petition for a grant of review to the CAAF is

due on 29 July 2025.

4. *United States v. Clark*, USCA Dkt. No. 25-0208/AF – Undersigned counsel was recently detailed to the appellant’s case. The record of trial is comprised of 13 volumes containing 19 prosecution exhibits, 1 defense exhibits, 87 appellate exhibits, and 1,579 transcript pages. The appellant’s supplement to her petition for a grant of review to the CAAF is due on 28 July 2025.
5. *United States v. Carty*, No. ACM 40699 – The record of trial includes four prosecution exhibits, two defense exhibits, seventeen appellate exhibits, one court exhibit, and 187 transcript pages. The appellant’s case was docketed with this Court on 21 October 2024. Counsel has not completed her review of the appellant’s record of trial.

Since requesting A1C Moore’s previous enlargement of time, undersigned counsel continued drafting the petition and supplement to the CAAF for *United States v. Boren* (USCA Dkt. No. 25-0195/AF) and began drafting the appellee’s brief for *United States v. Rocha* (USCA Dkt. No. 25-0157/AF). Additionally, undersigned counsel was out of the office from 19-29 June 2025 and 4-9 July 2025 for leave, two federal holidays, and two family days.

WHEREFORE, A1C Moore respectfully requests that this Honorable Court grant the requested enlargement of time.

Respectfully submitted,



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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 Appellate Government Division on 14 July 2025.



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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES’
)	OPPOSITION TO
<i>Appellee,</i>)	APPELLANT’S MOTION FOR
)	ENLARGEMENT OF TIME
v.)	
)	Before Panel No. 2
Airman First Class (E-3))	
MYKAL E. MOORE,)	No. ACM S32798
United States Air Force.)	
<i>Appellant.</i>)	15 July 2025

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

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

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant’s new delay request is granted, the defense delay in this case will be 300 days in length. Appellant’s nearly year long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court’s appellate processing standards. Appellant has already consumed almost two thirds of the 18 month 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.

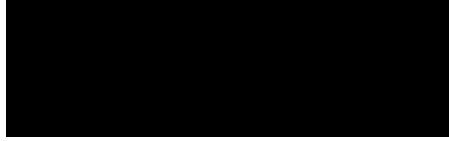
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
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Military Justice and Discipline Directorate
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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 July 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
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**UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS**

UNITED STATES)	No. ACM S32798
<i>Appellee</i>)	
)	
v.)	
)	ORDER
Mykal E. MOORE)	
Airman First Class (E-3))	
U.S. Air Force)	
<i>Appellant</i>)	Panel 2

On 14 July 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Seventh), requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, prior filings in this case, case law, and this court's Rules of Practice and Procedure.

Accordingly, it is by the court on this 16th day of July, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (Seventh) is **GRANTED**. Appellant shall file any assignments of error not later than **24 August 2025**.

Further requests by Appellant for enlargements of time may necessitate a status conference.



FOR THE COURT

[Redacted signature block]

OLGA STANFORD, Capt, USAF
Chief Commissioner

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

UNITED STATES)	No. ACM S32798
<i>Appellee</i>)	
)	
v.)	
)	ORDER
Mykal E. MOORE)	
Airman First Class (E-3))	
U.S. Air Force)	
<i>Appellant</i>)	Panel 2

On 14 August 2025, Appellant submitted a motion to withdraw from appellate review and motion to attach. Specifically, Appellant moved to attach a 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 14 August 2025.

The Government did not submit any opposition.

Accordingly, it is by the court on this 19th day of August, 2025,

ORDERED:

Appellant's Motion to Withdraw from Appellate Review and Motion to Attach dated 14 August 2025 are **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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee,

v.

Airman First Class (E-3)

MYKAL E. MOORE,

United States Air Force

Appellant.

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

Before Panel No. 2

No. ACM S32798

14 August 2025

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

Pursuant to Rule 16 of this Honorable Court's Rules of Practice and Procedure and Rule for Courts-Martial (R.C.M.) 1115, Airman First Class Mykal E. Moore, Appellant, moves to withdraw his case from appellate review. Appellant has fully consulted with undersigned counsel, his appellate defense counsel, regarding this motion and his decision to withdraw. No person has compelled, coerced or induced Appellant by force, promises of clemency, or otherwise, to withdraw his case from appellate review. Further, pursuant to Rules 23(b) and 23.3(b) of this Honorable Court's Rules of Practice and Procedure, the undersigned counsel asks this Court to attach the two-page document appended to this pleading to the record of this proceeding. The appended document is necessary to comply with R.C.M. 1115(d) and R.C.M. 1115(e).

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

Respectfully submitted,



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(240) 612-4770

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via electronic mail to the Court and served on the Appellate Government Division on 14 August 2025.

Respectfully submitted,



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