

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

**UNITED STATES**

*Appellee,*

v.

**CHASE J. STANFORD,**

Senior Airman (E-4)

United States Air Force

*Appellant*

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

)  
) Before Panel No. 1

)  
) No. ACM 40327

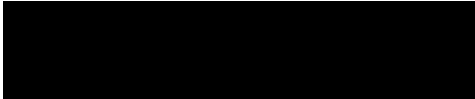
)  
) 13 October 2022

**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 an Assignment of Errors. Appellant requests an enlargement for a period of 60 days, which will end on **22 December 2022**. The record of trial was docketed with this Court on 24 August 2022. From the date of docketing to the present date, 50 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,



SAMANTHA P. GOLSETH, Capt, USAF

Appellate Defense Counsel

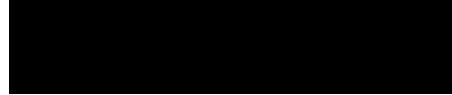
AF/JAJA

United States Air Force



**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 13 October 2022.



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
AF/JAJA  
United States Air Force



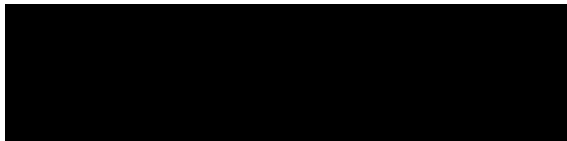
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM 40327
CHASE J. STANFORD, 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.

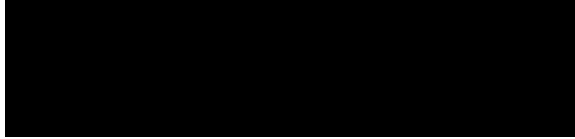


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force

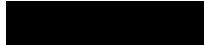


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 14 October 2022.



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



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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME</b>
	)	<b>(SECOND)</b>
v.	)	
	)	Before Panel No. 1
<b>CHASE J. STANFORD,</b>	)	
Senior Airman (E-4)	)	No. ACM 40327
United States Air Force	)	
<i>Appellant</i>	)	
		14 December 2022

**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 30 days, which will end on **21 January 2023**. The record of trial was docketed with this Court on 24 August 2022. From the date of docketing to the present date, 112 days have elapsed. On the date requested, 150 days will have elapsed.

Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Pearl Harbor-Hickam, Hawaii. Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1; Record (R.) at 6. Twelve specifications were litigated. ROT, Vol. 1, EOJ at 1-4. On 25 March 2022, contrary to Appellant’s pleas, the military judge found Appellant guilty of Specifications 1-6 of Charge I and Charge I, negligent dereliction of duty, in violation of Article 92, Uniform Code of Military Justice (UCMJ) (excepting figures from Specification 3 of Charge I and excepting and substituting words and figures from Specification 6 of Charge I); and the Specification of Charge II and Charge II, wrongful use of anabolic steroids, in violation of Article 112a, UCMJ (excepting and substituting words and figures). *Id.*; R. at 733. Consistent with Appellant’s pleas, the military judge found Appellant not guilty of Charge III and its Specification, Charge IV and its

Specification, and Charge V and its Specifications. *Id.* On 25 March 2022, the military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, confined for three months, and discharged with a bad conduct discharge. ROT, Vol. 1, Statement of Trial Results at 5; R. at 753. The convening authority took no action on the findings. ROT, Vol. 1, Convening Authority Decision on Action at 1. The convening authority approved the sentence in its entirety. *Id.* On 12 May 2022, the military judge entered the above findings and sentence in the entry of judgment. ROT, Vol. 1, EOJ. The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. Appellant is not confined.

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

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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 December 2022.



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



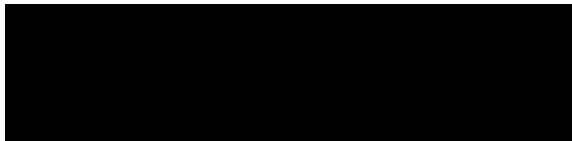
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM 40327
CHASE J. STANFORD, 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.



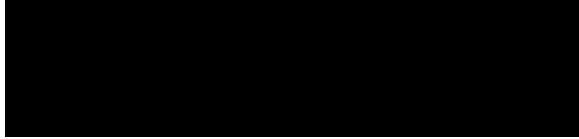
MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force





**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 15 December 2022.



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



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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME (THIRD)</b>
	)	
v.	)	Before Panel No. 1
	)	
<b>CHASE J. STANFORD,</b>	)	No. ACM 40327
Senior Airman (E-4)	)	
United States Air Force	)	
<i>Appellant</i>	)	10 January 2023

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **20 February 2023**. The record of trial was docketed with this Court on 24 August 2022. From the date of docketing to the present date, 139 days have elapsed. On the date requested, 180 days will have elapsed.

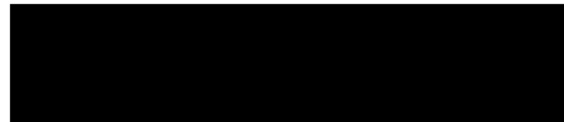
Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Pearl Harbor-Hickam, Hawaii. Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1; Record (R.) at 6. Twelve specifications were litigated. ROT, Vol. 1, EOJ at 1-4. On 25 March 2022, contrary to Appellant’s pleas, the military judge found Appellant guilty of Specifications 1-6 of Charge I and Charge I, negligent dereliction of duty, in violation of Article 92, Uniform Code of Military Justice (UCMJ) (excepting figures from Specification 3 of Charge I and excepting and substituting words and figures from Specification 6 of Charge I); and the Specification of Charge II and Charge II, wrongful use of anabolic steroids, in violation of Article 112a, UCMJ (excepting and substituting words and figures). *Id.*; R. at 733. Consistent with Appellant’s pleas, the military judge found Appellant not guilty of Charge III and its Specification, Charge IV and its

Specification, and Charge V and its Specifications. *Id.* On 25 March 2022, the military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, confined for three months, and discharged with a bad conduct discharge. ROT, Vol. 1, Statement of Trial Results at 5; R. at 753. The convening authority took no action on the findings. ROT, Vol. 1, Convening Authority Decision on Action at 1. The convening authority approved the sentence in its entirety. *Id.* On 12 May 2022, the military judge entered the above findings and sentence in the entry of judgment. ROT, Vol. 1, EOJ. The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. Appellant is not confined.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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 January 2023.



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



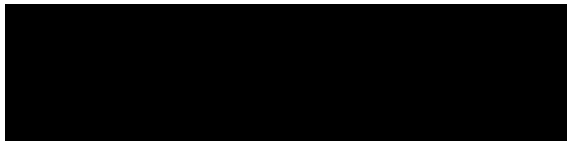
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM 40327
CHASE J. STANFORD, 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.

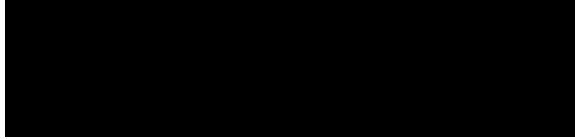


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force

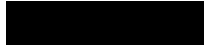


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 11 January 2023.



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





Specification, and Charge V and its Specifications. *Id.* On 25 March 2022, the military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, confined for three months, and discharged with a bad conduct discharge. ROT, Vol. 1, Statement of Trial Results at 5; R. at 753. The convening authority took no action on the findings. ROT, Vol. 1, Convening Authority Decision on Action at 1. The convening authority approved the sentence in its entirety. *Id.* On 12 May 2022, the military judge entered the above findings and sentence in the entry of judgment. ROT, Vol. 1, EOJ. The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. Appellant is not confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

- (1) Undersigned counsel currently represents 17 clients and is presently assigned 13 cases pending brief before this Court. Nine cases pending brief before this Court currently have priority over the present case:
  - a. *United States v. Lopez*, No. ACM 40161 – Undersigned counsel is reviewing the Government’s 105-page answer brief and drafting a reply brief.
  - b. *United States v. Johnson*, No. ACM 40291 – The record of trial consists of 28 prosecution exhibits, 4 defense exhibits, and 23 appellate exhibits. The transcript is 395 pages. Appellant is confined. Counsel has reviewed approximately fifty percent of this record of trial.
  - c. *United States v. Ross*, No. ACM 40289 – The record of trial consists of 11 prosecution exhibits, 1 defense exhibit, 2 court exhibits, and 4 appellate exhibits. The transcript is 130 pages. Appellant is not confined. Counsel has begun review of this record of trial.



- d. *United States v. Hernandez*, No. ACM 40287 – The record of trial consists of 7 prosecution exhibits, 27 defense exhibits, and 10 appellate exhibits. The transcript is 226 pages. Appellant is confined.
- e. *United States v. Gammage*, No. ACM S32731 – The record of trial consists of 3 prosecution exhibits, 4 defense exhibits, and 5 appellate exhibits. The transcript is 105 pages. Appellant is not confined.
- f. *United States v. Portillos*, No. ACM 40305 – The record of trial consists of 4 prosecution exhibits, 8 defense exhibits, 17 appellate exhibits, and 1 court exhibit. The transcript is 124 pages. Appellant is not confined.
- g. *United States v. Goodwater*, No. ACM 40304 – The record of trial consists of 18 prosecution exhibits, 5 defense exhibits, and 26 appellate exhibits. The transcript is 413 pages. Appellant is confined.
- h. *United States v. Manzano-Tarin*, No. ACM S32734 – The record of trial consists of four prosecution exhibits, seven defense exhibits, and four appellate exhibits. The transcript is 75 pages. Appellant is not confined.
- i. *United States v. Bickford*, No. ACM 40326 – The record of trial consists of 42 appellate exhibits, 16 prosecution exhibits, and 1 defense exhibit. The transcript is 744 pages. Appellant is confined.

(2) In addition, before the United States Court of Appeals for the Armed Forces, undersigned counsel has one case pending supplement to the petition for grant of review, *United States v. Brown*, USCA Dkt. No. 23-0101/AF, No. ACM 40066.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. This enlargement of time is

necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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 2023.



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



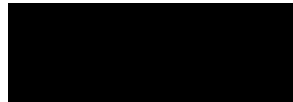
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM 40327
CHASE J. STANFORD, 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.

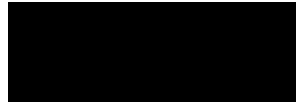


OLIVIA B. HOFF, Capt, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 13 February 2023.



OLIVIA B. HOFF, Capt, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



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

<b>UNITED STATES</b>	)	<b>APPELLANT’S MOTION FOR</b>
<i>Appellee,</i>	)	<b>ENLARGEMENT OF TIME (FIFTH)</b>
	)	
v.	)	Before Panel No. 1
	)	
<b>CHASE J. STANFORD,</b>	)	No. ACM 40327
Senior Airman (E-4)	)	
United States Air Force	)	
<i>Appellant</i>	)	14 March 2023

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

Pursuant to Rule 23.3(m)(3) and (6) 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 30 days, which will end on **21 April 2023**. The record of trial was docketed with this Court on 24 August 2022. From the date of docketing to the present date, 202 days have elapsed. On the date requested, 240 days will have elapsed.

Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Pearl Harbor-Hickam, Hawaii. Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1; Record (R.) at 6. Twelve specifications were litigated. ROT, Vol. 1, EOJ at 1-4. On 25 March 2022, contrary to Appellant’s pleas, the military judge found Appellant guilty of Specifications 1-6 of Charge I and Charge I, negligent dereliction of duty, in violation of Article 92, Uniform Code of Military Justice (UCMJ) (excepting figures from Specification 3 of Charge I and excepting and substituting words and figures from Specification 6 of Charge I); and the Specification of Charge II and Charge II, wrongful use of anabolic steroids, in violation of Article 112a, UCMJ (excepting and substituting words and figures). *Id.*; R. at 733. Consistent with Appellant’s pleas, the military judge found Appellant not guilty of Charge III and its Specification, Charge IV and its

Specification, and Charge V and its Specifications. *Id.* On 25 March 2022, the military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, confined for three months, and discharged with a bad conduct discharge. ROT, Vol. 1, Statement of Trial Results at 5; R. at 753. The convening authority took no action on the findings. ROT, Vol. 1, Convening Authority Decision on Action at 1. The convening authority approved the sentence in its entirety. *Id.* On 12 May 2022, the military judge entered the above findings and sentence in the entry of judgment. ROT, Vol. 1, EOJ. The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. Appellant is not confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

(1) Undersigned counsel currently represents 14 clients and is presently assigned 12 cases pending brief before this Court. Eight cases pending brief before this Court currently have priority over the present case:

- a. *United States v. Johnson*, No. ACM 40291 – The record of trial consists of 28 prosecution exhibits, 4 defense exhibits, and 23 appellate exhibits. The transcript is 395 pages. Appellant is confined. Counsel is currently reviewing this record of trial and beginning to draft the Appellant’s Assignments of Error brief.
- b. *United States v. Ross*, No. ACM 40289 – The record of trial consists of 11 prosecution exhibits, 1 defense exhibit, 2 court exhibits, and 4 appellate exhibits. The transcript is 130 pages. Appellant is not confined. Counsel is currently reviewing this record of trial.

- c. *United States v. Hernandez*, No. ACM 40287 – The record of trial consists of 7 prosecution exhibits, 27 defense exhibits, and 10 appellate exhibits. The transcript is 226 pages. Appellant is confined.
- d. *United States v. Gammage*, No. ACM S32731 – The record of trial consists of 3 prosecution exhibits, 4 defense exhibits, and 5 appellate exhibits. The transcript is 105 pages. Appellant is not confined.
- e. *United States v. Portillos*, No. ACM 40305 – The record of trial consists of 4 prosecution exhibits, 8 defense exhibits, 17 appellate exhibits, and 1 court exhibit. The transcript is 124 pages. Appellant is not confined.
- f. *United States v. Goodwater*, No. ACM 40304 – The record of trial consists of 18 prosecution exhibits, 5 defense exhibits, and 26 appellate exhibits. The transcript is 413 pages. Appellant is confined.
- g. *United States v. Manzano-Tarin*, No. ACM S32734 – The record of trial consists of four prosecution exhibits, seven defense exhibits, and four appellate exhibits. The transcript is 75 pages. Appellant is not confined. Undersigned counsel has begun review of this record of trial and is supervising the review of this record by Mr. Jacob Frankson, a law student extern assigned to the Air Force Appellate Defense Division.
- h. *United States v. Bickford*, No. ACM 40326 – The record of trial consists of 42 appellate exhibits, 16 prosecution exhibits, and 1 defense exhibit. The transcript is 744 pages. Appellant is confined.



(2) In addition, before the United States Court of Appeals for the Armed Forces, undersigned counsel has one case pending petition for grant of review and supplement to the petition for grant of review, *United States v. Lopez*, No. ACM 40161.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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 March 2023.



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



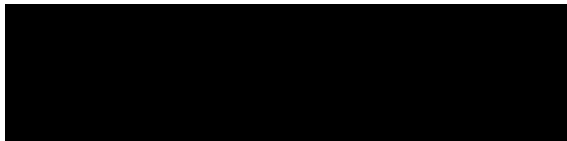
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Senior Airman (E-4)	)	ACM 40327
CHASE J. STANFORD, 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.

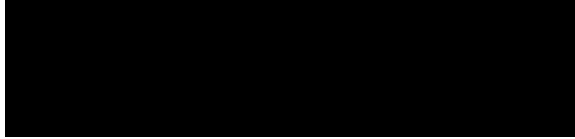


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force

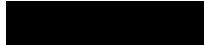


**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force  
Appellate Defense Division on 14 March 2023.



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



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

UNITED STATES	)	No. ACM 40327
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Chase J. STANFORD	)	
Senior Airman (E-4)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 1</b>

On 14 March 2023, counsel for Appellant submitted a Motion for Enlargement of Time (Fifth), 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, case law, and this court's Rules of Practice and Procedure. Accordingly, it is by the court on this 15th day of March, 2023,

**ORDERED:**

Appellant's Motion for Enlargement of Time (Fifth) is **GRANTED**. Appellant's brief will be due **21 April 2023**.

Any subsequent motions for enlargement of time shall, in addition to the matters required under this court's Rules of Practice and Procedure, include a statement as to: (1) whether Appellant was advised of Appellant's right to a timely appeal, (2) whether Appellant was advised of the request for an enlargement of time, and (3) whether Appellant agrees with the request for an enlargement of time.



FOR THE COURT



ANTHONY F. ROCK, Maj, USAF  
Acting Clerk of the Court

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

<b>UNITED STATES</b>	)	APPELLANT’S MOTION FOR
<i>Appellee,</i>	)	ENLARGEMENT OF TIME (SIXTH)
	)	
v.	)	Before Panel No. 1
	)	
<b>CHASE J. STANFORD,</b>	)	No. ACM 40327
Senior Airman (E-4)	)	
United States Air Force	)	
<i>Appellant</i>	)	10 April 2023

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for a sixth enlargement of time (EOT) to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **21 May 2023**. The record of trial was docketed with this Court on 24 August 2022. From the date of docketing to the present date, 229 days have elapsed. On the date requested, 270 days will have elapsed.

Appellant was tried by a general court-martial composed of a military judge alone at Joint Base Pearl Harbor-Hickam, Hawaii. Record of Trial (ROT), Vol. 1, Entry of Judgment (EOJ) at 1; Record (R.) at 6. Twelve specifications were litigated. ROT, Vol. 1, EOJ at 1-4. On 25 March 2022, contrary to Appellant’s pleas, the military judge found Appellant guilty of Specifications 1-6 of Charge I and Charge I, negligent dereliction of duty, in violation of Article 92, Uniform Code of Military Justice (UCMJ) (excepting figures from Specification 3 of Charge I and excepting and substituting words and figures from Specification 6 of Charge I); and the Specification of Charge II and Charge II, wrongful use of anabolic steroids, in violation of Article 112a, UCMJ (excepting and substituting words and figures). *Id.*; R. at 733. Consistent with Appellant’s pleas, the military judge found Appellant not guilty of Charge III and its Specification, Charge IV and its

Specification, and Charge V and its Specifications. *Id.* On 25 March 2022, the military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, confined for three months, and discharged with a bad conduct discharge. ROT, Vol. 1, Statement of Trial Results at 5; R. at 753. The convening authority took no action on the findings. ROT, Vol. 1, Convening Authority Decision on Action at 1. The convening authority approved the sentence in its entirety. *Id.* On 12 May 2022, the military judge entered the above findings and sentence in the entry of judgment. ROT, Vol. 1, EOJ. The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. Appellant is not confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

- (1) Undersigned counsel currently represents 14 clients and is presently assigned 10 cases pending brief before this Court. Six cases pending brief before this Court currently have priority over the present case:
  - a. *United States v. Johnson*, No. ACM 40291 – The record of trial consists of 28 prosecution exhibits, 4 defense exhibits, and 23 appellate exhibits. The transcript is 395 pages. Appellant is not confined. Undersigned counsel is currently reviewing this record of trial and drafting Appellant’s Assignments of Error.
  - b. *United States v. Gammage*, No. ACM S32731 – The record of trial consists of 3 prosecution exhibits, 4 defense exhibits, and 5 appellate exhibits. The transcript is 105 pages. Appellant is not confined. Undersigned counsel has begun to review this record of trial and draft Appellant’s Assignments of Error.
  - c. *United States v. Portillos*, No. ACM 40305 – The record of trial consists of 4 prosecution exhibits, 8 defense exhibits, 17 appellate exhibits, and 1 court exhibit.

The transcript is 124 pages. Appellant is not confined. Counsel has reviewed this record of trial with Appellant's co-counsel, Maj David Bosner, and anticipates filing Appellant's Assignments of Error following supervisory review.

- d. *United States v. Manzano-Tarin*, No. ACM S32734 – The record of trial consists of four prosecution exhibits, seven defense exhibits, and four appellate exhibits. The transcript is 75 pages. Appellant is not confined. Undersigned counsel has reviewed this record of trial and is supervising the drafting of Appellant's Assignments of Error by Mr. Jacob Frankson, a law student extern assigned to the Air Force Appellate Defense Division.
- e. *United States v. Goodwater*, No. ACM 40304 – The record of trial consists of 18 prosecution exhibits, 5 defense exhibits, and 26 appellate exhibits. The transcript is 413 pages. Appellant is confined.
- f. *United States v. Bickford*, No. ACM 40326 – The record of trial consists of 42 appellate exhibits, 16 prosecution exhibits, and 1 defense exhibit. The transcript is 744 pages. Appellant is confined.

(2) In addition to the above priorities, undersigned counsel is awaiting the Government's answer brief in *United States v. Hernandez*, No. ACM 40287, and may file an answer brief. Two issues were raised. Before the United States Court of Appeals for the Armed Forces, undersigned counsel has one case pending petition for grant of review and supplement to the petition for grant of review, *United States v. Lopez*, No. ACM 40161.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant



regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,

A solid black rectangular redaction box covering the signature of Samantha P. Golseth.

SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

A solid black rectangular redaction box covering the contact information, including the address and phone number of Samantha P. Golseth.

**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 April 2023.

[REDACTED]

SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

[REDACTED]

**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 40327
CHASE J. STANFORD, 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.

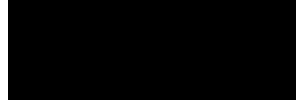


OLIVIA B. HOFF, Capt, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 10 April 2023.



OLIVIA B. HOFF, Capt, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force





judge found Appellant not guilty of Charge III and its Specification, Charge IV and its Specification, and Charge V and its Specifications. *Id.* On 25 March 2022, the military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, confined for three months, and discharged with a bad conduct discharge. ROT, Vol. 1, Statement of Trial Results at 5; R. at 753. The convening authority took no action on the findings. ROT, Vol. 1, Convening Authority Decision on Action at 1. The convening authority approved the sentence in its entirety. *Id.* On 12 May 2022, the military judge entered the above findings and sentence in the entry of judgment. ROT, Vol. 1, EOJ. The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. Appellant is not confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

(1) Undersigned counsel currently represents 15 clients and is presently assigned 8 cases pending brief before this Court. Two cases pending brief before this Court currently have priority over the present case:

a. *United States v. Goodwater*, No. ACM 40304 – The record of trial consists of 18 prosecution exhibits, 5 defense exhibits, and 26 appellate exhibits. The transcript is 413 pages. This Appellant is confined and undersigned counsel is currently reviewing the record of trial.

b. *United States v. Bickford*, No. ACM 40326 – The record of trial consists of 42 appellate exhibits, 16 prosecution exhibits, and 1 defense exhibit. The transcript is 744 pages. Appellant is confined.

(2) In addition to the above priorities, undersigned counsel is awaiting the Government's answer brief in *United States v. Portillos*, No. ACM 40305, *United States v. Gammage*,

No. ACM S32731, and *United States v. Manzano Tarin*, No. ACM S32734, and may file reply briefs. Before the United States Court of Appeals for the Armed Forces, undersigned counsel has one case pending supplement to the petition for grant of review, *United States v. Lopez*, USCA Dkt. No. 23-0164/AF, No. ACM 40161, which is due no later than 22 May 2023.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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 12 May 2023.



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division





**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.	)	
	)	
Senior Airman (E-4)	)	ACM 40327
CHASE J. STANFORD, 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 opposition to Appellant's Motion for Enlargement of Time.

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.

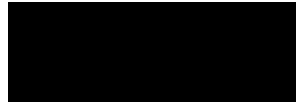


OLIVIA B. HOFF, Capt, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 12 May 2023.



OLIVIA B. HOFF, Capt, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force





judge found Appellant not guilty of Charge III and its Specification, Charge IV and its Specification, and Charge V and its Specifications. *Id.* On 25 March 2022, the military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, confined for three months, and discharged with a bad conduct discharge. ROT, Vol. 1, Statement of Trial Results at 5; R. at 753. The convening authority took no action on the findings. ROT, Vol. 1, Convening Authority Decision on Action at 1. The convening authority approved the sentence in its entirety. *Id.* On 12 May 2022, the military judge entered the above findings and sentence in the entry of judgment. ROT, Vol. 1, EOJ. The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. Appellant is not confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

(1) Undersigned counsel currently represents 20 clients and is presently assigned 8 cases pending brief before this Court. One case pending brief before this Court currently has priority over the present case:

a. *United States v. Bickford*, No. ACM 40326 – The record of trial consists of 42 appellate exhibits, 16 prosecution exhibits, and 1 defense exhibit. The transcript is 744 pages. Appellant is confined. Undersigned counsel has reviewed all pre-trial, post-trial, and allied papers included in the record of trial and is reviewing the transcript. Undersigned counsel will complete review of the sealed materials at the Court on 13 June 2023.

(2) In addition to the above priority, undersigned counsel is drafting a reply brief in *United States v. Manzano Tarin*, No. ACM S32734. Since moving for the seventh enlargement of time in this case, undersigned counsel has filed one answer brief before

the United States Court of Appeals for the Armed Forces (C.A.A.F.) in *United States v. Rocha* (Dkt. No. 23-0134/AF, No. ACM 40134) and two supplements to petitions for grant of review in *United States v. Lopez* (USCA Dkt. No. 23-0164/AF, No. ACM 40161) and *United States v. Rodriguez* (USCA Dkt. No. 23-0166/AF, No. ACM 40218). She was also on leave for two duty days.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete her review of Appellant's case. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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 12 June 2023.



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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.	)	
	)	
Senior Airman (E-4)	)	ACM 40327
CHASE J. STANFORD, 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 opposition to Appellant's Motion for Enlargement of Time.

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.



OLIVIA B. HOFF, Capt, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 13 June 2023.



OLIVIA B. HOFF, Capt, USAF  
Appellate Government Counsel  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force





judge found Appellant not guilty of Charge III and its Specification, Charge IV and its Specification, and Charge V and its Specifications. *Id.* On 25 March 2022, the military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, confined for three months, and discharged with a bad conduct discharge. ROT, Vol. 1, Statement of Trial Results at 5; R. at 753. The convening authority took no action on the findings. ROT, Vol. 1, Convening Authority Decision on Action at 1. The convening authority approved the sentence in its entirety. *Id.* On 12 May 2022, the military judge entered the above findings and sentence in the entry of judgment. ROT, Vol. 1, EOJ. The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. Appellant is not confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

- (1) Undersigned counsel currently represents 20 clients and is presently assigned 10 cases pending brief before this Court. One case pending brief before this Court currently has priority over the present case:
  - a. *United States v. Bickford*, No. ACM 40326 – The record of trial consists of 42 appellate exhibits, 16 prosecution exhibits, and 1 defense exhibit. The transcript is 744 pages. Appellant is not confined. Undersigned counsel will file Appellant’s brief tomorrow, 14 July 2023.
- (2) In addition to the above priority, undersigned counsel was detailed to represent the Appellant in *United States v. Cole*, USCA Dkt. No. 23-0162/AF, a matter in which the United States Court of Appeals for the Armed Forces (C.A.A.F) has granted review. Appellant’s brief and the joint appendix are due in accordance with C.A.A.F.’s order on

26 July 2023. Undersigned counsel did not represent this Appellant before this Court or for his Petition to C.A.A.F. and is familiarizing herself with the record and granted issue.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and she is reviewing Appellant's case, she has yet to complete her review. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time. Furthermore, undersigned counsel believes this will be the last enlargement of time needed.

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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 13 July 2023.



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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.	)	
	)	
Senior Airman (E-4)	)	ACM 40327
CHASE J. STANFORD, USAF,	)	
<i>Appellant.</i>	)	Panel No. 1
	)	

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

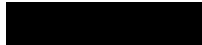
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time.

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.



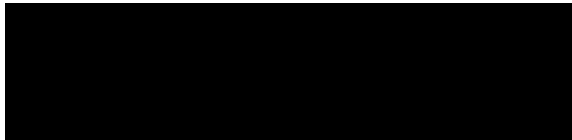
MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force





**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 14 July 2023.



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



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

UNITED STATES	)	No. ACM 40327
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Chase J. STANFORD	)	
Senior Airman (E-4)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 1</b>

On 12 June 2023, counsel for Appellant submitted a Motion for Enlargement of Time (Eighth) 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, case law, and this court's Rules of Practice and Procedure. Accordingly, it is by the court on this 14th day of June, 2023,

**ORDERED:**

Appellant's Motion for Enlargement of Time (Eighth) is **GRANTED**. Appellant shall file any assignments of error not later than 20 July 2023.

Appellant's counsel is advised that given the number of enlargements granted thus far, the court will continue to closely examine any further requests for an enlargement of time.



FOR THE COURT

*[Handwritten signature]*  
[Redacted signature block]

FLEMING/E. KEEFE, Capt, USAF  
Deputy Clerk of the Court



judge found Appellant not guilty of Charge III and its Specification, Charge IV and its Specification, and Charge V and its Specifications. *Id.* On 25 March 2022, the military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, confined for three months, and discharged with a bad conduct discharge. ROT, Vol. 1, Statement of Trial Results at 5; R. at 753. The convening authority took no action on the findings. ROT, Vol. 1, Convening Authority Decision on Action at 1. The convening authority approved the sentence in its entirety. *Id.* On 12 May 2022, the military judge entered the above findings and sentence in the entry of judgment. ROT, Vol. 1, EOJ. The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. Appellant is not confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel also provides the following information:

- (1) Undersigned counsel currently represents 20 clients and is presently assigned 10 cases pending brief before this Court. One case pending brief before this Court currently has priority over the present case:
  - a. *United States v. Bickford*, No. ACM 40326 – The record of trial consists of 42 appellate exhibits, 16 prosecution exhibits, and 1 defense exhibit. The transcript is 744 pages. Appellant is not confined. Undersigned counsel will file Appellant’s brief tomorrow, 14 July 2023.
- (2) In addition to the above priority, undersigned counsel was detailed to represent the Appellant in *United States v. Cole*, USCA Dkt. No. 23-0162/AF, a matter in which the United States Court of Appeals for the Armed Forces (C.A.A.F) has granted review. Appellant’s brief and the joint appendix are due in accordance with C.A.A.F.’s order on

26 July 2023. Undersigned counsel did not represent this Appellant before this Court or for his Petition to C.A.A.F. and is familiarizing herself with the record and granted issue.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and she is reviewing Appellant's case, she has yet to complete her review. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time. Furthermore, undersigned counsel believes this will be the last enlargement of time needed.

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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 13 July 2023.



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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.	)	
	)	
Senior Airman (E-4)	)	ACM 40327
CHASE J. STANFORD, USAF,	)	
<i>Appellant.</i>	)	Panel No. 1
	)	

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

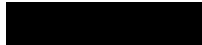
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time.

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.



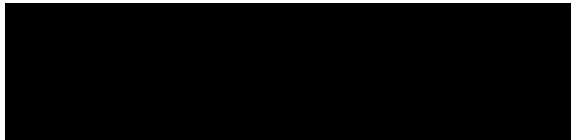
MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force





**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 14 July 2023.



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





judge found Appellant not guilty of Charge III and its Specification, Charge IV and its Specification, and Charge V and its Specifications. *Id.* On 25 March 2022, the military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, confined for three months, and discharged with a bad conduct discharge. R. at 753. The convening authority took no action on the findings. ROT, Vol. 1, Convening Authority Decision on Action. The convening authority approved the sentence in its entirety. *Id.* On 12 May 2022, the military judge entered the above findings and sentence in the entry of judgment. ROT, Vol. 1, EOJ. The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 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 currently represents 24 clients and is presently assigned 17 cases pending brief before this Court. One case pending brief before this Court currently has priority over the present case:

- (1) *United States v. Blackburn*, No. ACM 40303 – Appellant’s reply brief is due 21 August 2023. Undersigned counsel replaced Appellant’s appellate defense counsel who drafted Appellant’s brief. As such, she is familiarizing herself with the record, the ten issues raised, and the Government’s answer which totals 52 pages.

In addition to the above priorities, undersigned counsel has (1) two cases pending filing petition for writ of certiorari before the U.S. Supreme Court (*United States v. Anderson*, No. ACM 39969, due 27 September 2023, and *United States v. Lopez*, No. ACM 40161, due October 15, 2023), and (2) one case pending filing a petition for grant of review before C.A.A.F. (*United States v. Hernandez*, No. ACM 40287, due 14 September 2023). Additionally, undersigned counsel will be on pre-authorized leave for four days during this time-period, from Friday, 11 August 2023 until

Monday, 14 August 2023. Counsel has purchased airline travel for this leave and is using use or lose leave during this time.

Since moving for a ninth enlargement of time, undersigned counsel filed Appellant's brief in *United States v. Bickford*, No. ACM 40326, before this Court and Appellant's brief and a joint appendix for the granted issue in *United States v. Cole*, USCA Dkt. No. 23-0162/AF, before the United States Court of Appeals for the Armed Forces. Undersigned counsel anticipates she will need to reply to the Government's answer in *Cole* and her answer would be due on 15 September 2023.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and she is reviewing Appellant's case, she has yet to complete her review. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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 August 2023.



SAMANTHA P. GOLSETH, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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.	)	
	)	
Senior Airman (E-4)	)	ACM 40327
CHASE J. STANFORD, 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 opposition to Appellant's Motion for Enlargement of Time.

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 390 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 two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 5 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.

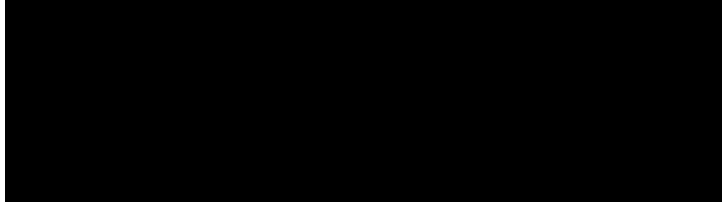


PETE FERRELL, Lt Col, USAF  
Director of Operations  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 14 August 2023.



PETE FERRELL, Lt Col, USAF  
Director of Operations  
Government Trial and Appellate Operations Division  
Military Justice and Discipline Directorate  
United States Air Force







judge found Appellant not guilty of Charge III and its Specification, Charge IV and its Specification, and Charge V and its Specifications. *Id.* On 25 March 2022, the military judge sentenced Appellant to be reprimanded, reduced to the grade of E-1, confined for three months, and discharged with a bad conduct discharge. R. at 753. The convening authority took no action on the findings. ROT, Vol. 1, Convening Authority Decision on Action. The convening authority approved the sentence in its entirety. *Id.* On 12 May 2022, the military judge entered the above findings and sentence in the entry of judgment. ROT, Vol. 1, EOJ. The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. Appellant is not confined.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel currently represents 29 clients and is presently assigned 15 cases pending brief before this Court, but Appellant's case is her number one priority before this Court.

Before the U.S. Supreme Court, undersigned counsel has one case pending petition for writ of certiorari: *United States v. Anderson*, No. ACM 39969.

Before the Court of Appeals for the Armed Forces, undersigned counsel has two priorities:

- (1) *United States v. Cole*, USCA Dkt. No. 23-0162/AF, No. ACM 40189: Undersigned counsel received the Government's answer brief on 5 September 2023 and Appellant's reply brief is due on 15 September 2023. Undersigned counsel estimates this case may be scheduled for hearing in November 2023, which will also require preparation time.
- (2) *United States v. Hernandez*, No. ACM 40287: Undersigned counsel drafted Appellant's petition and supplement, which has been peer reviewed. Undersigned counsel anticipates editing Appellant's supplement, submitting it for leadership review, and filing Appellant's petition and supplement on or around 14 September 2023.

Additionally, undersigned counsel will be on pre-authorized leave from 18 September through 5 October 2023. Counsel will be traveling OCONUS and is using use or lose leave.

Since moving for a tenth enlargement of time, undersigned counsel filed a reply brief in *United States v. Blackburn*, No. ACM 40303; initial brief (on further review) in *United States v. Gammage*, No. ACM S32731 (f rev); drafted the petition and supplement detailed above for *United States v. Hernandez*, No. ACM 40287; and assisted in the drafting of the petition for a writ of certiorari in *Martinez, et. al., v. United States*,<sup>1</sup> filed 8 September 2023 in the U.S. Supreme Court.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters. She has reviewed approximately 20% of Appellant's transcript and will continue reviewing Appellant's record of trial at every opportunity. This enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has been advised of his right to a timely appeal and this request for an enlargement of time, and agrees with this request for an enlargement of time.

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

Respectfully submitted,



SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



---

<sup>1</sup> Petitioners include, *inter alia*, *Martinez*, *McCameron*, *Tarnowski*, *Veerathanongdech*, and *Lopez* (No. ACMs 39973, 40005, 40089, 40110, 40161).

**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 8 September 2023.



SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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.	)	
	)	
Senior Airman (E-4)	)	ACM 40327
CHASE J. STANFORD, 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 opposition to Appellant's Motion for Enlargement of Time.

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 420 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 two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 4 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

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



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



**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 September 2023.



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







reduction to E-1, a reprimand, and a bad-conduct discharge. R. at 753. The convening authority took no action on the findings. Convening Authority Decision on Action, 29 April 2022. The convening authority approved the sentence in its entirety. *Id.* On 12 May 2022, the military judge entered the above findings and sentence in the entry of judgment. Entry of Judgment, 12 May 2022. The record of trial consists of 29 prosecution exhibits, 13 defense exhibits, and 59 appellate exhibits. The transcript is 753 pages. SrA Stanford is not confined.

Through no fault of SrA Stanford, undersigned counsel has been on leave and working on other assigned matters. SrA Stanford's case is undersigned counsel's number one priority before this Court and this enlargement of time is necessary to allow undersigned counsel to fully review SrA Stanford's case, advise SrA Stanford regarding potential errors, draft all assignments of error, and receive and incorporate necessary edits. As of the filing of this motion, undersigned counsel has reviewed all unsealed appellate exhibits and approximately 40% of SrA Stanford's transcript (through page 298).

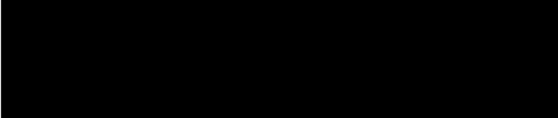

Undersigned counsel requests a period of 30 days in an abundance of caution because she has not completed review of SrA Stanford's case and therefore does not yet know the depth of research and writing that may be required to complete SrA Stanford's assignments of error. Further during this time period, for *United States v. Rocha*, USCA Dkt. No. 23-0134/AF, No. ACM 40134, before the Court of Appeals for the Armed Forces (C.A.A.F.), undersigned counsel will be aiding lead counsel (Major Spencer Nelson) to prepare for oral argument and will herself be preparing to sit second chair during oral argument on 25 October 2023. Additionally, undersigned counsel is lead counsel in *United States v. Cole*, USCA Dkt. No. 23-0162/AF, No. ACM 40189, and will need to prepare for oral argument. *Cole* may be scheduled for oral argument as soon as 8 November 2023. All briefing has been completed in *Cole* and it appears to be the next case in line to be

scheduled for hearing at C.A.A.F.; the next hearing date on C.A.A.F.'s calendar is 8 November 2023. Finally, undersigned counsel will be preparing for and participating in six moot practices between 12 October 2023 and 9 November 2023 for four upcoming oral arguments.

Pursuant to A.F. CT. CRIM. APP. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel currently represents 28 clients and is presently assigned 13 cases pending brief before this Court, but Appellant's case is her number one priority before this Court. Since moving for an eleventh enlargement of time, undersigned counsel filed a brief before this Court in *United States v. Manzano Tarin*, No. ACM S32734 (f rev), reply brief before C.A.A.F. in *United States v. Cole*, USCA Dkt. No. 23-0162/AF, No. ACM 40189, and petition and supplement before C.A.A.F. in *United States v. Hernandez*, USCA Dkt. No. 23-0252/AF, No. ACM 40287. Undersigned counsel was also on leave from 18 September through 5 October 2023, OCONUS and using use or lose leave.

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

Respectfully submitted,

  
SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division  


**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 11 October 2023.



SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**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.	)	
	)	
Senior Airman (E-4)	)	ACM 40327
CHASE J. STANFORD, 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 opposition to Appellant's Motion for Enlargement of Time.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over 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 450 days in length. Appellant's over a 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 over two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 3 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

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



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



**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 October 2023.



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



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

<b>UNITED STATES,</b>	)	<b>BRIEF ON BEHALF OF</b>
<i>Appellee,</i>	)	<b>APPELLANT</b>
	)	
v.	)	Before Panel No. 1
	)	
Senior Airman (E-4)	)	No. ACM 40327
<b>CHASE J. STANFORD,</b>	)	
United States Air Force,	)	9 November 2023
<i>Appellant.</i>	)	

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

**Assignments of Error**

**I.**

**WHETHER THE ENTRY OF JUDGMENT SHOULD BE CORRECTED TO  
ACCURATELY REFLECT THE MILITARY JUDGE’S FINDINGS.**

**II.**

**WHETHER THE EVIDENCE IS FACTUALLY SUFFICIENT TO  
SUPPORT THE PORTION OF CHARGE II AND ITS SPECIFICATION  
WHICH EXTENDS BEYOND 31 MAY 2018.**

**III.**

**WHETHER APPELLANT’S SENTENCE TO A BAD-CONDUCT  
DISCHARGE IS INAPPROPRIATELY SEVERE.**

## Statement of the Case

At Joint Base Pearl Harbor-Hickam, Hawaii, on 9-10 November 2021, and 21-25 March 2022, a military judge sitting as a general court-martial convicted Senior Airman (SrA) Chase J. Stanford, Appellant, contrary to his pleas, of one charge and six specifications of negligent dereliction of duty and one charge and specification of wrongful use of anabolic steroids (Charge II), in violation of Articles 92 and 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. §§ 92, 112a.<sup>1</sup> R. at 733. Consistent with SrA Stanford's pleas, the military judge found him not guilty of three additional charges and five specifications. *Id.* On 9 November 2021, SrA Stanford chose to apply the sentencing rules in effect prior to 1 January 2019. R. at 7. On 25 March 2022, the military judge sentenced Appellant to three months' confinement, reduction to E-1, a reprimand, and a bad-conduct discharge. R. at 753. The convening authority took no action on the findings and approved the sentence in its entirety. Convening Authority Decision on Action, 29 April 2022. The military judge entered the findings and sentence in the Entry of Judgment (EOJ). EOJ, 12 May 2022.

## Statement of Facts

### *Wrongful Use of Anabolic Steroids*

#### a. *A.S.'s Testimony*

SrA Stanford's ex-wife, A.S., testified during SrA Stanford's court-martial that she used anabolic steroids and assisted SrA Stanford to use anabolic steroids. R. at 349-60. The following is a summary of her testimony. A.S. and SrA Stanford began dating in February of 2015. R. at 344. At the time, SrA Stanford had dreams of becoming a bodybuilder and had recently started

---

<sup>1</sup> References to the punitive articles are to the *Manual for Courts-Martial, United States* (2016 ed.) (2016 *MCM*). References to the Rules for Court-Martial (R.C.M.) are to the 2019 *MCM*, unless otherwise noted.



bodybuilding. R. at 348-49. Early on in their relationship, A.S. and SrA Stanford discussed how it was impossible to succeed in a ranked competition without using steroids. R. at 349.

Towards the end of 2016, over a year after they began dating and prior to their marriage, A.S. and SrA Stanford discussed him using steroids. R. at 345, 349. During their discussions, she observed SrA Stanford looking up different types of steroid use and how steroids could be safely used. R. at 349-50. According to A.S., SrA Stanford first tried using testosterone in late-2016 or early-2017. R. at 351. A.S. assisted him by injecting the testosterone. R. at 351. SrA Stanford and A.S. obtained syringes from “Tractor Supply” on one occasion and other steroids were also in pill form. R. at 352, 353. A.S. alleged SrA Stanford used steroids in cycles, taking equal periods of time off to gauge his body’s reaction. R. at 352. In 2017, A.S. took three pictures of SrA Stanford that are depicted at the top of Prosecution Exhibit 11. R. at 353; Pros. Ex. 11. In preparation for competitions, SrA Stanford was also very disciplined in his eating and training. R. at 375-76. He also cut calories and decreased his liquid consumption prior to competitions. R. at 376. Around the same time, A.S. also used anabolic steroids. R. at 359. A.S. made no assertion that SrA Stanford pressured her to use anabolic steroids. *See id.*

A.S. and SrA Stanford legally divorced in August 2019, sharing custody of their daughter afterwards. R. at 346, 373. According to A.S., she was only aware of SrA Stanford using steroids until May of 2018. R. at 353. A.S. had conversations with SrA Stanford when he was in Hawaii about him not coming off testosterone and possible body building competitions, but she could not “say for a fact yes or no” whether he was using steroids in Hawaii. R. at 360. A.S. also could not answer whether the two pictures in Prosecution Exhibit 11 from “June 27, 2018” and “January 10, 2020” were a fair and accurate representation of the way SrA Stanford looked at those times. R. at 354. A.S. picked up their daughter in July of 2020 and took her back to Texas, and A.S. provided no testimony about SrA Stanford’s appearance at that time. R. at 370.

b. *M.H.'s Testimony*

M.H. alleged SrA Stanford used steroids during their dating relationship in 2020 and took syringes from his workplace. R. at 402, 406-08. M.H. first met SrA Stanford in February 2020<sup>2</sup> and their relationship ended in August 2020. R. at 403, 455. According to M.H., SrA Stanford's steroids use occurred towards the beginning and middle of their relationship and by July and August 2020, she did not recall seeing SrA Stanford using any anabolic steroids. R. at 406-08. However, her credibility was questioned repeatedly throughout the trial, resulting in acquittals for all three charges reliant on her testimony and a finding that included SrA Stanford had not used steroids in June 2020. *See, e.g.*, R. at 465-75, 479-80, 733.<sup>3</sup> Beyond the questions raised about

---

<sup>2</sup> M.H. and SrA Stanford's first date was on the day the Super Bowl was held in 2020. R. at 403. The Super Bowl was held in 2020 on 2 February 2020. Jabari Young & Will Feuer, *Kansas City Chiefs win Super Bowl 2020 in come-from-behind victory over San Francisco 49ers*, CNBC (9 Nov. 2023, 11:42 AM), <https://www.cnbc.com/2020/02/02/kansas-city-chiefs-win-super-bowl-2020-in-come-from-behind-win-over-san-francisco-49ers.html>.

<sup>3</sup> For example, M.H. alleged SrA Stanford raped and physically assaulted her on or about 23 August 2020. Charge Sheet, 19 May 2021. On 23 August 2020, M.H. and SrA Stanford were in an argument because she believed he was cheating on her. R. at 487. At the time, M.H. told her cousin that SrA Stanford was attempting to harm himself but not her and that he had "changed" because his daughter had left. Pros. Ex. 14, 16. She also told SrA Stanford's First Sergeant, mother, and ex-wife that SrA Stanford had just been trying to hurt himself. R. at 500-01, 506-08; Def. Ex. G. However, M.H.'s narrative of this incident changed days later after SrA Stanford allegedly threatened to take legal action against M.H. R. at 454, 496-97. It was after this that M.H. told her mother and a friend, and then testified under oath during the court-martial, that a photograph of her bruised face showed a bruise that SrA Stanford gave her on 23 August 2020. R. at 465-74; Def. Ex. D-E. M.H. testified during the court-martial that in 2020, prior to 23 August 2020, she did not have any black eyes or injuries to her head or face. R. at 53. However, the photographs of her bruised face were from a spearfishing accident that had occurred earlier in May 2020. R. at 471. One of the photographs she sent to her mother had been cropped to remove her smile. R. at 471-72; Def. Ex. C-D. Following the alleged incident on 23 August 2020, M.H. went to stay with her cousin and he did not recall seeing any bruises on M.H.'s face. R. at 631. M.H. also provided inconsistent narratives of how SrA Stanford allegedly raped her (R. at 479-80) and how SrA Stanford allegedly bruised her legs (R. at 630, 684). Moreover, while M.H. stated her legs were also bruised by SrA Stanford on 23 August 2020, she received a pre-scheduled physical examination on 24 August 2020 and reported no injuries or bruising. R. at 518. M.H. stated her panties were ripped in the rape, she bled, and that she used her t-shirt and her panties to wipe up his semen, however, her panties were not ripped when examined, no blood was found, and the only place semen was located was in the interior crotch of her underwear (when she submitted her

M.H.'s credibility, her specific claim about the means of SrA Stanford's alleged steroid use was contradicted by SrA Stanford's supervisor, who testified there are inventory and ordering protocols for medical supplies (the unit disperses medical supplies on a as ordered basis and there are no stockpiles of unaccounted for syringes) and no syringes were ever known to be missing from SrA Stanford's workplace. R. at 667-72.

c. *M.W.'s Testimony*

M.W., SrA Stanford's First Sergeant, testified that she became the First Sergeant for SrA Stanford's unit in May of 2020. R. at 324. M.W. testified SrA Stanford appeared to lose weight throughout the time that she was his First Sergeant. R. at 331-32, 334. However, she acknowledged that being under investigation is stressful and that during this same time-period, gyms were closed due to the COVID-19 pandemic and individuals were quarantined on a regular basis. R. at 335.

d. *The Military Judge's Findings*

The military judge found SrA Stanford guilty of wrongful use of anabolic steroids, on divers occasions, by exceptions and substitutions, narrowing the end date of the alleged timeframe from "23 August 2020" to "31 May 2020."<sup>4</sup> R. at 733. The EOJ, however, states "24 August 2020."<sup>5</sup> EOJ, 12 May 2022.

---

clothing for forensic analysis after subsequent consensual sex with SrA Stanford). R. at 481, 486, 493, 655-60.

<sup>4</sup> "Guilty, except the words and figures, '23 August 2020.' Substituting therefore, the words and figures, '31 May 2020.' Of the accepted [sic] words: Not Guilty. Of the substituted words and figures: Guilty." R. at 733.

<sup>5</sup> "G, except the words and figures: '24 August 2020,' substituting therefore the words and figures '31 May 2020.' Of the excepted words and figures: NG; of the substituted words and figures: G." EOJ, 12 May 2022. SrA Stanford's Statement of Trial Results also contains this error.

## *Dereliction of Duty*

### *a. Firearms seized in February 2019*

On 3 February 2019, Honolulu Police Department (HPD) responded to SrA Stanford's house after receiving a call that a firearm was being discharged. R. at 267. HPD observed a firearm being discharged and searched SrA Stanford's house, locating five firearms. R. at 269. HPD suspected two of the firearms had been fired. *Id.* All five firearms were ultimately seized as evidence after a firearms registration check on the other three firearms determined they were unregistered. R. at 279; Pros. Ex. 5.

There was a requirement in the State of Hawaii for residents or "other person[s] arriving in the State who brought or by any other manner caused to be brought into the State a firearm" to register their firearms. R. at 283.<sup>6</sup> Joint Base Pearl Harbor-Hickam Instruction 5530.1B also required personnel register their firearms with the State of Hawaii within five days of taking possession.<sup>7</sup> Pros. Ex. 9. HPD searched for SrA Stanford's firearm registration in Hawaii and their query returned no results. R. at 289-90.

Military members sometimes registered their firearms weeks, even months, after they arrived in Hawaii. R. at 293. When a military member's firearm registration was delayed, HPD did not take any action to notify military authorities. R. at 294. However, here, the Air Force was made aware of the 3 February 2019 incident and resulting weapons seizure, and SrA Stanford was administratively demoted in April 2019. Pros. Ex. 27.

---

<sup>6</sup> The military judge took judicial notice of the relevant Hawaii Revised Statute providing this requirement. R. at 235; App. Ex. XI at 27.

<sup>7</sup> A Security Forces witness testified that beginning in January or February 2021, he briefed incoming members to Joint Base Pearl Harbor-Hickam of this requirement as part of a newcomer's orientation. R. at 302, 306. However, SrA Stanford attended his newcomer's orientation on 12 June 2018 and no evidence was presented regarding the contents of that presentation. R. at 302; Pros. Ex. 8 at 3.

b. *Firearm seized in May 2021*

On 6 May 2021, Security Forces also seized SrA Stanford's handgun from the base armory, where it was being held as a courtesy for SrA Stanford. R. at 302; Pros. Ex. 6.<sup>8</sup> This handgun was registered on base when it was placed in the armory on 24 August 2020. Pros. Ex. 7 at 2-3. No evidence was presented regarding the off-base registration status of this weapon after February 2019. *See* R. at 290.

All six firearms were shipped to Hawaii in SrA Stanford's household goods shipment. Pros. Ex. 1.

c. *The Military Judge's Findings*

The military judge found SrA Stanford guilty of each specification of Charge I, making exceptions for Specification 3. R. at 733. For Specification 3, the military judge decided SrA Stanford was not guilty of the figures "AK-47" and "R-O" (sic). *Id.* The EOJ correctly states "RO", but incorrectly states "AK-74." EOJ, 12 May 2022.

***SrA Stanford's Service History***

SrA Stanford joined the United States Air Force in September 2012. Pros. Ex. 25. In his over nine years of active-duty service, which included six months of combat service, he received numerous awards and decorations, to include receiving quarterly awards and recognition from multiple commanders. Pros. Ex. 25; Def. Ex. L. SrA Stanford's enlisted performance reports also reflect his performance regularly exceeded expectations. Pros. Ex. 26.

While SrA Stanford received nonjudicial punishment for attempting to communicate with M.H. on or about 14 September 2020 when he had been ordered to have no contact with her,

---

<sup>8</sup> SrA Stanford voluntarily turned his handgun into the base armory on 24 August 2020 after M.H. reported that SrA Stanford was not being aggressive to her but was suicidal and threatening to kill himself. R. at 324-25, 329, 341; Pros. Ex. 16.

SrA Stanford's performance in his primary duties continued to "exceed most, if not all expectations." Pros. Ex. 26 at 15; Pros. Ex. 28. Moreover, it should be noted the evidence of this alleged violation was not consistent during SrA Stanford's court-martial. M.H. alleged she missed a FaceTime call from "*Chase Stanford*[\*\*\*\*]@Gmail.com" on 14 September 2020 and that Prosecution Exhibit 19 documents this attempted call. R. at 525-26 (emphasis added). However, M.H.'s cousin, N.C., testified differently. N.C. testified that M.H. told him SrA Stanford called her from a phone number that she *did not recognize* and that she had answered the call and heard his voice. R. at 631. Further, there is evidence in this case to suggest that M.H. altered other photos from her cellphone in support of her allegations against SrA Stanford. *See* R. at 472 (M.H. admitted one photograph was cropped); *compare* Def. Ex. C, *with* Def. Ex. D.

## **Argument**

### **I.**

#### **THE ENTRY OF JUDGMENT SHOULD BE CORRECTED TO ACCURATELY REFLECT THE MILITARY JUDGE'S FINDINGS.**

##### *Standard of Review*

Proper completion of post-trial processing is a question of law this Court reviews *de novo*. *United States v. Sheffield*, 60 M.J. 591, 593 (A.F. Ct. Crim. App. 2004) (citing *United States v. Kho*, 54 M.J. 63 (2000)).

##### *Law and Analysis*

R.C.M. 1111(a) requires a military judge to enter into the record of trial the judgment of the court to reflect the result of the court-martial, as modified by any post-trial actions, rulings, or orders. The EOJ should consist of a summary of each charge and specification and the findings or other disposition of each charge and specification. R.C.M. 1111(b)(1).

SrA Stanford's EOJ twice incorrectly states the military judge's findings. First, the EOJ incorrectly states the findings for Specification 3 of Charge I, stating "AK-74" when the military judge's finding stated "AK-47." *Compare* EOJ, 12 May 2022, *with* R. at 733. Second, the EOJ incorrectly states the findings for the Specification of Charge II, stating "24 August 2020" when the military judge's finding stated, "23 August 2020." *Id.*

R.C.M. 1111(f)(5) instructs that the EOJ shall be made available to the public. Service members are entitled to records that correctly reflect the results of court-martial proceedings. *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.C.M.R. 1988). When an error exists, this Court may modify a judgment in the performance of its duties and responsibilities or remand the case for correction by a military judge. R.C.M. 1111(c)(2)-(3). In cases where post-trial documents have contained errors, this Court has directed the publication of corrected EOJs and court-martial orders (CMO).<sup>9</sup> *See, e.g., United States v. Novelli*, No. ACM 40103, 2022 CCA LEXIS 403, at \*9 (A.F. Ct. Crim. App. 12 Jul. 2022) (directing corrected EOJ to reflect (1) the Appellant was found guilty of lesser included offenses and not guilty of charged greater offenses, and (2) which set of words were excepted and substituted when a set of words occurred twice within the specifications); *United States v. Goldman*, No. ACM 39939, 2022 CCA LEXIS 43, at \* 11, 14-17 (A.F. Ct. Crim. App. 20 Jan. 2022) (directing corrected EOJ to reflect that charges were dismissed with prejudice); *United States v. Maurer*, No. ACM 39737, 2020 CCA LEXIS 25 (A.F. Ct. Crim. App. 24 Jan. 2020) (order) (directing corrected EOJ to reflect deferment information required pursuant to R.C.M. 1111(b)(3)(A)); *United States v. Rodriguez*, No. ACM 38519 (reh), 2019 CCA LEXIS 35,

---

<sup>9</sup> Under the new rules, the EOJ replaces the CMO as the document containing the result of trial as modified by any convening authority action. *See* R.C.M. 1111; *see also* R.C.M. 1114 (2016 *MCM*).

at \*55-56 (A.F. Ct. Crim. App. 30 Jan. 2019) (directing corrected CMO to correct language in specifications).

**WHEREFORE**, SrA Stanford respectfully requests this Honorable Court order the publication of a corrected EOJ.

## II.

### **THE EVIDENCE IS FACTUALLY INSUFFICIENT TO SUPPORT THE PORTION OF CHARGE II AND ITS SPECIFICATION WHICH EXTENDS BEYOND 31 MAY 2018.**

#### *Standard of Review*

Issues of factual sufficiency are reviewed de novo. *United States v. Washington*, 57 M.J. 394, 399 (C.A.A.F. 2002).

#### *Law and Analysis*

“The test for factual sufficiency is ‘whether, after weighing the evidence in the record of trial and making allowances for not having personally observed the witnesses, the members of the [Court of Criminal Appeals (CCA)] are themselves convinced of the [appellant]’s guilt beyond a reasonable doubt.’” *United States v. Thompson*, 83 M.J. 1, 4 (C.A.A.F. 2022) (quoting *United States v. Turner*, 25 M.J. 324, 325 (C.M.A. 1987)).

A “[CCA] may narrow the scope of an appellant’s conviction to that conduct it deems . . . factually sufficient.” *United States v. English*, 79 M.J. 116, 120 (C.A.A.F. 2019). “Where the CCA narrows the charging language rather than broadening it, such a change does not run afoul of . . . due process concerns.” *Id.* at 122, n.5.

SrA Stanford was convicted of wrongfully using anabolic steroids, a Schedule III controlled substance, at or near the United States, on divers occasions, between on or about 1 October 2016 and on or about 31 May 2020. R. at 733; Charge Sheet, 19 May 2021. However, the evidence in the record does not support the portion of this specification which extends beyond



31 May 2018.

The military judge seemingly believed A.S.'s testimony regarding SrA Stanford's steroids use, however, A.S. was only aware of SrA Stanford using steroids until May of 2018. R. at 352-53. For the timeframe after May 2018, the Government presented evidence that might meet a preponderance of the evidence standard, but not proof beyond a reasonable doubt. Specifically, M.H. testified she observed SrA Stanford using steroids in 2020, however, M.H. was not a credible witness and the military judge acquitted SrA Stanford of all three charges reliant on her testimony. *See supra* at 4. He also excluded June 2020 from his finding on this specification despite M.H.'s testimony. M.H. dated SrA Stanford from February 2020 until August 2020 and alleged that he used steroids towards the beginning and middle of their relationship, however, by July and August 2020, she did not recall seeing him using any anabolic steroids. R. at 403, 406-08, 455. Based on this testimony and basic mathematics, the beginning to middle of their relationship would have comprised February through June 2020, and June 2020 preceded July 2020 when M.H. alleged she no longer recalled him using. Despite this testimony, the military judge narrowed his finding to May 2020, excluding June 2020 as part of his finding on this specification. R. at 733.

A.S. had conversations with SrA Stanford when he was in Hawaii about him not coming off testosterone and possible body building competitions, but she could not "say for a fact yes or no" whether he was using steroids in Hawaii. R. at 360. Further, A.S. could not answer whether the two pictures in Prosecution Exhibit 11 from "June 27, 2018" and "January 10, 2020" were a fair and accurate representation of the way SrA Stanford looked at those times. R. at 354. While it's unclear whether these pictures are even from 2018 and 2020 or if they were just posted later in time, they also do not demonstrate that SrA Stanford was using anabolic steroids after May of 2018, as opposed to simply maintaining muscle mass through other lawful means. Prosecution Exhibit 11. As A.S. testified, SrA Stanford was disciplined in his eating and training, and he would

cut calories and decrease his liquid consumption. R. at 375-76. This is a widely used strategy for bodybuilders because it allows the muscle definition and striations in the muscles to be visible through the skin, with no water in the way.<sup>10</sup> SrA Stanford's visible muscle definition is not in and of itself evidence that he was using anabolic steroids.

Finally, M.W. explained she noticed SrA Stanford lost weight during the time-period from May of 2020 until October 2021. R. at 331, 334-35. However, during this time-period, the gyms were also closed due to the COVID-19 pandemic, SrA Stanford's daughter returned to living with her mother instead of him, he came under investigation, and M.W. agreed being under investigation is a stressful time. R. at 335, 370. This evidence does not support a finding of guilt beyond a reasonable doubt for the portion of the specification which extends beyond 31 May 2018.

The two-year difference between the military judge's narrowed finding of 31 May 2020 and A.S.'s testimony which stated she only knew of his steroids use until 31 May 2018 prejudices SrA Stanford in two ways: (1) the military judge sentenced him for it as demonstrated by the military judge's narrowed findings and (2) his record reflects a conviction for an almost four-year period when the evidence factually supports less than twenty months. In a different context, this Court recently recognized a record that reflected a sentence of over three times the maximum punishment authorized for the offense could theoretically prejudice the appellant in the future. *United States v. Bennett*, No. ACM S32722, 2023 CCA LEXIS 293, \*13-14, (A.F. Ct. Crim. App. 14 July 2023). Like *Bennett*, the inaccuracy of SrA Stanford's record should be corrected to avoid future prejudice because it reflects a period of wrongful drug use that is two times what was proven beyond a reasonable doubt.

---

<sup>10</sup> How Can You Cut Water Weight The Last Week Before A Contest?, Bodybuilding.com (9 Nov. 2023, 11:42 AM), <https://www.bodybuilding.com/content/how-can-you-cut-water-weight-the-last-week-before-a-contest.html>.

**WHEREFORE**, SrA Stanford respectfully requests this Honorable Court narrow the convicted timeframe to between on or about 1 October 2016 and on or about 31 May 2018.

### **III.**

#### **APPELLANT’S SENTENCE TO A BAD-CONDUCT DISCHARGE IS INAPPROPRIATELY SEVERE.**

##### *Standard of Review*

Sentence appropriateness is reviewed de novo. *United States v. Lane*, 64 M.J. 1, 2 (C.A.A.F. 2006).

##### *Law and Analysis*

Under Article 66(d), UCMJ, this Court may only affirm “the sentence or such part or amount of the sentence, as the Court finds correct in law and fact and determines, on the basis of the entire record, should be approved.” Article 66(d)(1), UCMJ, 10 U.S.C. § 866. This Court’s review requires an “individualized consideration of the particular accused on the basis of the nature and seriousness of the offense and the character of the offender.” *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982) (citation and internal quotation marks omitted).

Recently, in *United States v. Kerr*, No. 202200140, 2023 CCA LEXIS 434, at \*9 (N-M. Ct. Crim. App. 17 Oct. 2023), the Navy-Marine Corps Court of Criminal Appeals determined an Appellant’s sentence to a bad-conduct discharge was inappropriately severe and set aside the bad-conduct discharge. In *Kerr*, the Appellant pleaded guilty to stealing military property (an explosive flashbang and two gas canisters) and a fellow Marine’s personally owned vehicle (a Lexus sedan). *Id.* at \*2-3. The Appellant caused substantial property damage to the car and the loss of his fellow Marine’s government-issued gear, which caused his fellow Marine to have to repay the Government for the lost property and pay for alternate means of transportation. *Id.* at \*3. However, the Court determined that, despite the seriousness of the offenses, the Appellant’s

eight months' confinement sentence, by itself, reflects "the seriousness of the offenses committed, promotes respect for the law, provides just punishment for the offenses, promotes adequate deterrence of misconduct, protects others from future crimes by Appellant, and serves to rehabilitate Appellant." *Id.* at \*8 (citing R.C.M. 1002(f)(3)(A)-(F)). The court found that the matters in extenuation and mitigation (Appellant's exemplary service and mental health history) made a bad-conduct discharge inappropriate. *Id.* Here, by comparison, the offenses are not as egregious and SrA Stanford's service history provides ample justification to determine a bad-conduct discharge is an inappropriately severe sentence.

First, while SrA Stanford was convicted of using anabolic steroids on divers occasions, anabolic steroid use is extremely common in weight trainers in the United States (*see* R. at 349), and there was no evidence that this use was blatantly reckless. If A.S.'s testimony is believed – and A.S. seemingly was believed here vice M.H. because the military judge excluded June 2020 from his findings and acquitted SrA Stanford of each specification reliant on M.H.'s testimony – SrA Stanford was attempting to safely use steroids, gauging his body's reaction. R. at 349-50, 352, 733; *see supra* at 11. Moreover, while A.S. alleged she also used steroids with SrA Stanford during their relationship, no evidence was presented that he pressured A.S. to use. *See* R. at 359. Similarly, no evidence was introduced that it had an impact on his work performance. Instead, the evidence demonstrates he consistently performed well and was coined by multiple commanders. *See, e.g.,* Pros. Ex. 26 at 7-16; Def. Ex. L at 11, 15. Finally, while M.H. alleged use by SrA Stanford in 2020, the military judge's findings – where he acquitted SrA Stanford of every allegation by M.H., including steroids use in June 2020 – demonstrate M.H. was not a credible witness. R. at 733. M.H.'s claim that SrA Stanford took syringes from the military is no exception and was wholly unsupported. *Compare* R. at 406-08, *with* R. at 667-72 (contrary to M.H.'s claim,

SrA Stanford's supervisor testified there are inventory and ordering protocols for medical supplies and no syringes were ever known to be missing).

Second, while SrA Stanford was convicted of failing to register six firearms, no evidence was presented that SrA Stanford's failure to register was knowing or deliberate. Even when a military member's firearm registration is delayed, HPD does not take any action to notify military authorities, suggesting the violation is not perceived as severe. R. at 294. Moreover, here when the Air Force was notified, the Air Force's response was to administratively demote SrA Stanford for the reckless discharge of his firearm, taking no action on the failure to register his firearms until preferring charges over two years after the fact. Pros. Ex. 27; Charge Sheet, 19 May 2021; App. Ex. LI at 9-10. This delay in charging and punishment suggests the Air Force did not perceive the alleged violations as severe. Finally, despite being administratively demoted for the February 2019 incident, SrA Stanford's evaluation assessing his on- and off-duty conduct for the rating period spanning February 2019 through March 2020 recommended him for promotion. Pros. Ex. 26 at 13-14.

SrA Stanford's sentence to three months' confinement appropriately addressed the seriousness of the offenses he was convicted of, ensured his rehabilitation, and provided for specific deterrence, general deterrence, and social retribution. R.C.M. 1001(g). Indeed, divorced from the acquitted allegations, the allegation of drug use and dereliction of duty may not have merited anything beyond non-judicial punishment or a summary court-martial, where a punitive discharge would not have been an option. Finally, a bad-conduct discharge is inappropriately severe considering SrA Stanford's over nine years of dedicated service and combat service.

**WHEREFORE**, SrA Stanford respectfully requests this Honorable Court reassess his sentence and set aside the bad-conduct discharge portion of the sentence as inappropriately severe.

Respectfully submitted,

A solid black rectangular redaction box covering the signature of Samantha P. Golseth.

SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

A solid black rectangular redaction box covering contact information, including a phone number and email address.

**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 9 November 2023.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Samantha P. Golseth.

SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

A large black rectangular redaction box covering contact information, including a phone number and email address.

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

UNITED STATES,	)	
<i>Appellee,</i>	)	ANSWER TO ASSIGNMENTS
	)	OF ERROR
v.	)	
	)	ACM 40327
Senior Airman (E-4)	)	
CHASE J. STANFORD, USAF	)	Panel No. 1
<i>Appellant.</i>	)	

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

**ISSUES PRESENTED**

**I.**

**WHETHER THE ENTRY OF JUDGMENT SHOULD BE  
CORRECTED TO ACCURATELY REFLECT THE  
MILITARY JUDGE’S FINDINGS?**

**II.**

**WHETHER THE EVIDENCE IS FACTUALLY SUFFICIENT  
TO SUPPORT THE PORTION OF CHARGE II AND ITS  
SPECIFICATION WHICH EXTENDS BEYOND 31 MAY  
2018?**

**III.**

**WHETHER APPELLANT’S SENTENCE TO A BAD-  
CONDUCT DISCHARGE IS INAPPROPRIATELY  
SEVERE?**

**STATEMENT OF THE CASE**

The United States generally accepts Appellant’s Statement of the Case.

**STATEMENT OF FACTS**

Facts necessary to the disposition of this case are discussed in the specific issues below.



## ARGUMENT

### I.

#### **THIS COURT SHOULD MODIFY THE ENTRY OF JUDGMENT, WHICH CONTAINS TWO CLERICAL ERRORS OF THE MILITARY JUDGE'S EXCEPTED FINDINGS.**

##### *Additional Facts*

Charge I, Specification 3 states Appellant was derelict in the performance of his duties “in that he negligently failed to register his Romarm AK-47 rifle, serial number A1-53432-16 RO, as it was his duty to do.” (Charge Sheet.) The military judge found Appellant guilty of this specification “except the figures, ‘AK-47’ and ‘RO.’” (R. at 733.) However, the Entry of Judgment (EOJ) transposes “AK-47” to “AK-74.” (EOJ, ROT, Vol. I.)

Charge II and its specification stated Appellant wrongfully used anabolic steroids on divers occasions “between on or about 1 October 2016 and on or about 23 August 2023.” (Charge Sheet.) The military judge found Appellant guilty of this specification “except the words and figures, ‘23 August 2020.’” Substituting therefore, the words and figures, ‘31 May 2020.’” (R. at 733.) However, the EOJ states the excepted date as “24 August 2020,” vice “23 August 2020.” (EOJ, ROT, Vol. I.)

##### *Standard of Review*

Proper completion of post-trial processing is a question of law subject to *de novo* review. United States v. Sheffield, 60 M.J. 591, 593 (A.F. Ct. Crim. App. 2004).

##### *Law and Analysis*

The Government agrees that the EOJ contains two errors. However, considering the errors are clerical in nature, this Court should use its authority to modify the EOJ under R.C.M.

1111(c)(2) to correctly reflect the Convening Authority’s Decision on Action vice remanding the case for correction. R.C.M. 1111(c)(2) states: “The Judge Advocate General, the Court of Criminal Appeals, and the Court of Appeals of the Armed Forces may modify a judgment in the performance of their duties and responsibilities.”

Here, the two clerical errors in the EOJ are similar to errors found in two recent cases before this Court. In one, United States v. Welsh, 2023 CCA LEXIS 157 (A.F. Ct. Crim. App. 6 April 2023) (unpub. op.), this Court noted that the EOJ cited an arraigned offense as “Art. 128a” vice “Article 128.” This Court modified that EOJ rather than remanding the case. Similarly, in United States v. Heard, 2022 CCA LEXIS 657 (A.F. Ct. Crim. App. 14 November 2022) (unpub. op.), this Court noted that the EOJ cited to an incorrect statute and modified the EOJ rather than remanding the case.<sup>1</sup>

The Government respectfully requests this Court modify the EOJ to reflect the military judge’s findings for Charge I, Specification 3 and Charge II rather than remanding the case for a corrected EOJ.

## II.

### **APPELLANT’S CONVICTION FOR USING STERIODS BEYOND 31 MAY 2018 IS FACTUALLY SUFFICIENT.**

#### *Standard of Review*

This Court reviews issues of factual sufficiency de novo. United States v. Washington, 57 M.J. 394, 399 (C.A.A.F. 2002).

---

<sup>1</sup> In each of these cases, the Court noted that the correct information was listed in each case’s Statement of Trial Results. In the instant case, the Statement of Trial Results correctly states “AK-47” as the excepted language with regards to Charge I, Specification 3, but contains the same “24 August 2020” error regarding the excepted language for Charge II and its specification.

## *Law*

The test for factual sufficiency “is whether, after weighing the evidence in the record of trial and making allowances for not having personally observed the witnesses,” this Court is “convinced of the accused’s guilt beyond a reasonable doubt.” United States v. Reed, 54 M.J. 37, 41 (C.A.A.F. 2000) (quoting United States v. Turner, 25 M.J. 324, 325 (C.M.A. 1987)). This Court’s review of the factual sufficiency of evidence for findings is limited to the evidence admitted at trial. Article 66(d)(1), UCMJ; United States v. Beatty, 64 M.J. 456, 458 (C.A.A.F. 2007) (citations omitted).

In the performance of this review, “the Court of Criminal Appeals applies neither a presumption of innocence nor a presumption of guilt.” Washington, 57 M.J. at 399. While this Court must find that the evidence was sufficient beyond a reasonable doubt, it “does not mean that the evidence must be free of conflict.” United States v. Galchick, 52 M.J. 815, 818 (A.F. Ct. Crim. App. 2000) (citation omitted).

The Specification of Charge II as charged under Article 112a, UCMJ, states that Appellant “did, at or near the United States, on divers occasions, between on or about 1 October 2016 and on or about 23 August 2020, wrongfully use anabolic steroids, a Schedule III controlled substance.” (Charge Sheet, ROT, Volume I.) The military judge found Appellant guilty of this specification “except the words and figures, ‘23 August 2020.’ Substituting therefore, the words and figures, ‘31 May 2020.’” (R. at 733.)

### *Additional Facts<sup>2</sup>*

SSgt A.S. is Appellant's ex-wife. (R. at 344.) The two met in 2015 while assigned to Joint Base San Antonio-Lackland. Their daughter was born in January 2017, and the couple married in March 2018. (R. at 345-46.) In May 2018, Appellant PCS'd to Joint Base Pearl Harbor-Hickam alone after a planned joint spouse assignment fell through. SSgt A.S. originally planned to separate from active duty and move to Hawaii but she ultimately filed for divorce from Appellant in December 2018. The divorce finalized in August 2019. (R. at 346.)

SSgt A.S. testified that Appellant began using anabolic steroids in late 2016 or early 2017. (R. at 351.) SSgt A.S. explained:

The first I remember we talked about the sport of body building throughout our relationship because he had dreams and goals of being a body builder, and we had talked about the fact that to compete on a stage for body building, it is extremely difficult if not near impossible to place at a ranked competition without using steroids. So we had discussed steroids early on in our relationship, but the conversation of him using steroids started right towards the end of his deployment and when he got back in late-2016.

(R. at 349.)

SSgt A.S. stated Appellant used Anavar, Winstrol, and D-Bal, as well as a testosterone base. (Id.) SSgt A.S. stated Appellant received the steroids through the mail and that she personally observed him injected himself in the hip or taking steroids in pill form. (R. at 351-52.) SSgt A.S. said Appellant would use the steroids and testosterone in eight- to 12-week cycles. (R. at 352.) In 2017, Appellant took part in a body building competition. (R. at 353.)

---

<sup>2</sup> Facts contained in this section are also pertinent to Appellant's sentence appropriateness claim in Issue III below.

When asked, “At least to your knowledge, up until the time [Appellant] left Texas in May of 2018, did he continue this process of using steroids, taking a period off, and then cycling back on,” SSgt A.S. responded, “Yes, sir.” (Id.) SSgt A.S., in comparing photos of Appellant in Prosecution Exhibit 10 to photos of Appellant in Prosecution Exhibit 11, agreed that the increase in Appellant’s muscle size shown in Prosecution Exhibit 11 were changes she saw after Appellant began using steroids. (R. at 354.)

SSgt A.S. also stated Appellant spoke to her about how the Air Force drug tested for steroid use. Appellant told her that “due to the expensive nature of the tests, they don’t do steroid testing unless it is command directed,” and that he would make comments like “it is fine, they won’t drug test me because it is expensive.” (R. at 355.)

After Appellant PCS’d to Hawaii, SSgt A.S. said she and Appellant had “conversations about him cruising, which is not coming off of testosterone and going on a low level to ensure that if your testosterone shuts down, you still have some. We also had conversations about possible body building competitions in Hawaii.” (R. at 360.)

Ms. M.H., a track and field athlete, met Appellant in early 2020 and moved in together around March 2020. (R. at 403.) The relationship ended in August 2020. During their relationship, the subject of anabolic steroids arose. Ms. M.H. testified, “As an athlete, kind of talking about performances and things, we would talk about working out a lot and he would ask my opinion on them, and how I felt about them, and then one day he was like, ‘well, I do them.’” (R. at 405.) Ms. M.H. continued, “I expressed my distaste for them, that they were cheating and he then made it known to me that he did use them.” (Id.) Ms. M.H. stated this conversation occurred “in the first month or so” of their relationship. When asked if Appellant was working towards any shows or competitions during that time, Ms. M.H. responded, “With Covid, a lot of

the shows were shut down, so, he was more maintaining, but he had competed in the past.” (R. at 406.) She also stated Appellant was able to go to the gym during their dating relationship.

When asked if she ever saw Appellant possessing or using steroids, Ms. M.H. responded, “Yes.” (Id.) She said, “There was a few times, like after showers at night, he would pull out this box from underneath the sink in the bathroom and it would have syringes and vials in it with liquids in it. He would create a dose and inject it into his upper buttocks.” (Id.) When asked whether this occurred during the beginning, middle or end of their relationship, Ms. M.H. responded, “It was more towards the beginning and middle.” (R. at 407.) Ms. M.H. testified that she expressed disapproval to Appellant for using the substances, but that he would respond by saying “That this was his sport, and it would be as necessary as me running.” (Id.)

When asked if Appellant was still using in the July or August 2020 timeframe, Ms. M.H. responded, “I know that he had the case that had them, but I don’t recall seeing them being used.” (R. at 408.) Ms. M.H. stated that Appellant was still going to the gym consistently during that time.

### *Analysis*

Here, Appellant does not contest the factual or legal sufficiency of his overall conviction for using anabolic steroids on divers occasions. Specifically, Appellant does not contest SSgt A.S’s testimony about his habitual use of steroids from 2016 until he left for Hawaii in May 2018 or the military judge’s guilty finding as to that timeframe.

Instead, Appellant contends the evidence is factually insufficient to support a conviction for using steroids past on or about 31 May 2018 and asks this Court to narrow the convicted timeframe to that date. (App. Br. at 10, 13.) In doing so, Appellant contends that testimony

provided by Ms. M.H. related to his steroid use while in Hawaii is not credible and should be discounted. Appellant is mistaken.

To begin, the military judge at trial was under no obligation to narrow the charged timeframe from on or about 23 August 2020 to on or about 31 May 2020. The evidence shows, even without the testimony of Ms. M.H., that Appellant habitually used steroids on divers occasions while living in Texas from 2016 until 2018. Importantly, as mentioned above, Appellant does not contest this evidence now or claim it is either legally or factually insufficient.

“The longstanding common law rule is that when the factfinder returns a guilty verdict on an indictment charging several acts, the verdict stands if the evidence is sufficient with respect to any one of the acts charged.” United States v. Rodriguez, 66 M.J. 201, 204 (C.A.A.F. 2008). Thus, based on the general verdict rule, the evidence is legally and factually sufficient to show that the steroid use occurred on divers occasions during the charged timeframe irrespective of Ms. M.H.’s testimony. While the military judge decided to narrow the charged timeframe in his findings, he was under no obligation to do so.

Likewise, this Court is under no obligation to further narrow the timeframe as Appellant prays for within this claim. Again, Appellant does not contest that he used steroids on divers occasions during the current charged timeframe of on or about 1 October 2016 and on or about 31 May 2020. While he now claims his divers use was within a certain subset of those dates, the fact remains that he does not contest evidence, namely in the form of SSgt A.S.’s testimony, that he used steroids on divers occasions during the charged timeframe. Pursuant to the general verdict rule, since this uncontested evidence shows Appellant used steroids on divers occasions during the charged timeframe, this Court is under no obligation to further narrow the charged timeframe and should affirm Appellant’s conviction without alternation.

Notably, Appellant provides this Court no case law or precedent which requires this Court to narrow a charged timeframe in a general verdict case involving divers occasions. While Appellant cites to our superior Court's holding in United States v. English, 79 M.J. 116, 120 (C.A.A.F. 2019), that case involved a service court excepting language from a specification that changed the scope of the offense from a "specific force alleged and litigated at [the appellant's] court-martial to a generic, and thus broader, charge that was not presented at trial." Id. Further, the Court's discussion in that case about "narrow[ing] the scope of an appellant's conviction to conduct deemed legally and factually sufficient" cited to cases involving service courts either making changes to a general verdict based on Constitutional grounds or striking "on divers occasions" from a specification and affirming only one instance of an offense. English, 79 M.J. at 120 (*citing* United States v. Piolunek, 74 M.J. 107, 112 (C.A.A.F. 2015); Rodriguez, 66 M.J. at 203). None of these circumstances are in play within this case, and neither English nor any of the cases cited within that case stand for the proposition that this Court must narrow a charged timeframe in a general verdict case involving divers occasions, especially when the appellant does not contest legally and factually sufficient evidence that he committed the offense within the charged timeframe on divers occasions.

Still, even if this Court determines a review of the charged timeframe is pertinent in a general verdict case, the evidence is factually sufficient to show Appellant continued to use steroids in early 2020. As noted above, Ms. M.H. provided clear testimony that she saw Appellant use steroids, talked to Appellant about his use of steroids, expressed her displeasure to Appellant about his use of steroids, and that Appellant admitted to her that he used steroids. (R. at 403-06.) Further, Ms. M.H. testified that Appellant used steroids during the beginning and middle of their relationship, a relationship that lasted from February 2020 until August 2020.



Here, the military judge's guilty finding is consistent with the evidence presented at trial. Ms. M.H. stated Appellant used steroids in the beginning and middle of their seven-month relationship while also stating she could not be sure if Appellant used in the July or August 2020 timeframe. This timeframe is consistent with the military judge's excepted finding of guilty which shortened the charged timeframe from 23 August 2020 to 31 May 2020.

Yet, Appellant finds fault, arguing that Ms. M.H. was "not a credible witness" and that "the military judge acquitted [Appellant] of all three charges reliant on her testimony." (App. Br. at 11.) Yet, the military judge, who was the finder of fact and had the opportunity to observe Ms. M.H. personally, found Appellant guilty of using steroids during the timeframe in which Ms. M.H. testified that she saw him use and during the timeframe when Appellant admitted to her that he was using.

Here, if the military judge had not found Ms. M.H. credible as to her testimony related to Appellant's drug use, the military judge would have simply shortened the timeframe to May 2018 as Appellant wishes this Court to do. However, the military judge found otherwise, which shows he found Ms. M.H.'s testimony regarding Appellant's continued steroids use in the first half of 2020 credible. Again, the military judge, as the finder of fact, had the opportunity to personally observe Ms. M.H. as she testified and was convinced beyond a reasonable doubt that Appellant continued to use anabolic steroids through on or about 31 May 2020. This Court should not disturb the military judge's finding.

In sum, the evidence adduced at trial shows Appellant wrongfully used anabolic steroids from on or about 1 October 2016 until on or about 31 May 2020. The record shows Appellant continued to use anabolic steroids even after leaving Texas in May 2018 and admitted to Ms. M.H. in early 2020 that he was still using steroids. The military judge was convinced of

Appellant's guilt beyond a reasonable doubt. This Court, after weighing the evidence in the record of trial and making allowances for not personally observing the witnesses, should equally be convinced of Appellant's guilt beyond a reasonable doubt and deny Appellant's claim.

### III.

#### **APPELLANT'S APPROVED SENTENCE IS ENTIRELY APPROPRIATE.**

##### *Standard of Review*

This Court reviews sentence appropriateness de novo. United States v. Lane, 64 M.J. 1, 2 (C.A.A.F. 2006).

##### *Law*

“Sentence appropriateness involves the judicial function of assuring that justice is done and that the accused gets the punishment he deserves.” United States v. Healy, 26 M.J. 394, 395 (C.M.A. 1988). This Court should affirm sentences it finds correct in law and fact and determines, based on the entire record, should be approved. Article 66(c), UCMJ. This Court also has the power to disapprove a mandatory minimum sentence. United States v. Kelly, 77 M.J. 404, 408 (C.A.A.F. 2018).

In order to determine the appropriateness of the sentence, this Court must consider: (1) the particular appellant, (2) the nature and seriousness of the offense, (3) the appellant's record of service, and (4) all matters contained in the record of trial. United States v. Amador, 61 M.J. 619, 626 (A.F. Ct. Crim. App. 2005) (*citing* United States v. Snelling, 14 M.J. 267, 268 (C.M.A. 1982); United States v. Alis, 47 M.J. 817, 828 (A.F. Ct. Crim. App. 1998)).

This determination is separate from an act of clemency, i.e., treating an accused with less rigor than he deserves due to a consideration of mercy. The service appeals courts are not

authorized to engage in exercises of clemency. Healy, 26 M.J. at 396; *see also* United States v. Lacy, 50 M.J. 286, 288 (C.A.A.F. 1999).

### *Analysis*

Convicted of habitually using anabolic steroids over the course of multiple years and failing to register a multitude of firearms, Appellant claims his rightfully-deserved sentence to a bad-conduct discharge is inappropriately severe.<sup>3</sup> (App. Br. 13.) Appellant believes his offenses, if “divorced from the acquitted allegations, . . . may not have merited anything beyond a non-judicial punishment or a summary court-martial,” and that a bad-conduct discharge is “inappropriately severe considering [his] over nine years of dedicated service and combat service.” (Id. at 15.)

Appellant is mistaken. To start, Appellant’s sentence is entirely appropriate. Looking at the facts and circumstances of his crime, as well as Appellant personally, a sentence that includes a bad-conduct discharge is deserved. As described in Issue II above, Appellant habitually used anabolic steroids over the course of multiple years.<sup>4</sup> Worse still, knowing his use was wrongful, Appellant actively researched how to acquire the drugs, how to inject them, and knew he could circumvent being tested for the drugs by the Air Force. Appellant knew the Air Force would not drug test him for steroids, boasting that his drug use was “fine” because drug testing “was expensive” and because “they don’t do steroid testing unless it is command directed.” (R. at 355.) His brazen drug use was calculated, intentional, and habitual. Further, Appellant negligently failed to register not one, but six firearms at Joint Base Pearl Harbor Hickam. His

---

<sup>3</sup> Appellant does not contest the appropriateness of the rest of his approved sentence, which is entirely appropriate considering the severity of Appellant’s crimes.

<sup>4</sup> Even if this Court shortens the charged timeframe to May 2018 as Appellant prays for in Issue II above, Appellant still habitually used steroids in 2016, 2017 and 2018.

indifference to regulations for these firearms, while partaking in his habitual drug use, warrants a rightly-deserved bad-conduct discharge.

Still, Appellant tries to mitigate his actions by essentially stating his offenses were not that serious and should not have warranted anything more than nonjudicial punishment or a summary court-martial. Appellant's statements only highlight how Appellant still fails to understand the gravity of his habitual drug use and the seriousness of him failing to register his litany of weapons. Here, the maximum sentence faced by Appellant highlights the seriousness of this offense. Appellant faced a maximum confinement sentence that included multiple years of confinement, reduction to the grade of E-1, forfeiture of all pay and allowances, and a dishonorable discharge. These were no nonjudicial punishment or summary court-martial level offenses. Yet, Appellant was sentenced to just three months confinement and, though he faced a dishonorable discharge, was sentenced to the lesser bad-conduct discharge. Appellant's sentence was well-deserved and entirely appropriate for his actions.

Next, Appellant continues to make light of his offenses by stating that "anabolic steroid use is extremely common in weight trainers in the United States." (App. Br. at 14.) Yet, Appellant is not a weight trainer – he is an Airman in the United States Air Force who is expected to adhere to the standards, regulations, and laws that expressly prohibit the use of anabolic steroids. This argument, just as his other arguments downplaying the significance of his offenses, is unpersuasive.

With regard to Appellant's attempt to compare his sentence to that of our sister Court's recent unpublished opinion in United States v. Kerr, 2023 CCA LEXIS 434 (N-M. Ct. Crim. App. 17 October 2023) (unpub. op.), this Court is only required to examine sentences in closely related cases. United States v. Anderson, 67 M.J. 703, 705-06 (A.F. Ct. Crim. App. 2009)

(citations omitted). “[A]ppellant bears the burden of demonstrating that any cited cases are ‘closely related’ to his or her case and that the sentences are ‘highly disparate.’” Id. “If the appellant meets that burden then the Government must show that there is a rational basis for the disparity.” Id. Examples of “closely related” cases are those with “coactors involved in a common crime, servicemembers involved in a common or parallel scheme, or some other direct nexus between the servicemembers whose sentences are sought to be compared.” United States v. Lacy, 50 M.J. 286, 288 (C.A.A.F. 1999).

Our superior Court has explained the reason why it makes little sense to compare unrelated cases and why sentence comparison is appropriately rare. “From the mere face of court-martial promulgating orders or similar documents, it is simply not possible to assess the multitude of aggravating and mitigating sentencing factors considered in the cases they represent.” United States v. Ballard, 20 M.J. 282, 285 (C.M.A. 1985). Additionally, if Appellant can ask the Court to consider completely unrelated cases, the United States would have to be allowed to do the same. Id.

Further, when considering disparity, this Court may consider the difference between the actual sentences and potential maximum sentences “for Appellant and his co-actors.” Anderson, 67 M.J. at 706.

Appellant has failed in his burden. The case Appellant cites is not “closely related” to his case. As Appellant acknowledges, that case involved separate offenses in a separate service at a separate base. Kerr involved the theft of government property and another service member’s car, not drug use or firearm offenses. Further, there are no “co-actors” here with which to compare Appellant’s sentence, and the case involves no servicemembers involved in a common or parallel scheme, or some other direct nexus between servicemembers.

Notably, Appellant makes no attempt to explain why his case is “closely related” to that of Kerr. Here, there is no argument to make. The case Appellant cites is not even remotely related to Appellant’s case and falls wholly short of the requirement that the referenced case is “closely related.” Further, Appellant has not demonstrated that an exception to the general rule against directly comparing sentences in non-closely related cases should apply in this case. *See United States v. Wacha*, 55 M.J. 266, 267 (C.A.A.F. 2001); *United States v. LeBlanc*, 74 M.J. 650, 659 (A.F. Ct. Crim. App. 2015). Appellant’s unsupported attempt to compare his case to that of Kerr should be disregarded by this Court.<sup>5</sup>

Finally, Appellant claims his sentence is overly severe “considering [his] over nine years of dedicated service and combat service,” specifically referencing his “six months of combat service, . . . receiving quarterly awards and recognition from multiple commanders,” and enlisted performance reports that show he “regularly exceeded expectations.” (App. Br. at 7, 15.) However, in doing so, Appellant is forced to admit that he received nonjudicial punishment for failing to follow a lawful order. While Appellant now attempts to downplay and question the validity of that action, he did not appeal either the commander’s finding or punishment at the time of that action.

Overall, Appellant’s record shows he has received awards, decorations and performance reviews consistent with an Airman who has served nine years, yet shows nothing exceedingly remarkable or stellar that would warrant overlooking his multiple years of habitual drug use, his indifference to regulations for his firearms, or his past disciplinary actions.

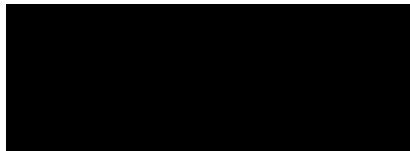
---

<sup>5</sup> As sentence comparison is clearly not appropriate in this case, the Government will not address the application of United States v. Jessie, 79 M.J. 437 (C.A.A.F. 2020) to Appellant’s citation to Kerr. *See United States v. Stafford*, 2023 CCA LEXIS 497, at \*63 (A.F. Ct. Crim. App. 30 November 2023) (unpub. op.).

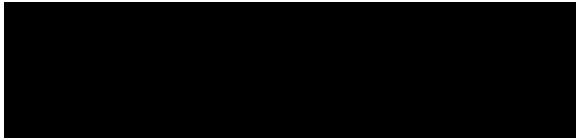
All things considered, Appellant's sentence amounts to a lawful and legally supportable sentence. Evaluating the facts and circumstances in the record of Appellant's case, the seriousness of his offenses, his service record, his particular character and rehabilitative potential, and in consideration of the entire record, this Honorable Court should leave his bad-conduct discharge undisturbed and affirm his entire sentence.

**CONCLUSION**

**WHEREFORE**, this Court should deny Appellant's claims and affirm the findings and sentence.



G. MATT OSBORN, Lt Col, USAF  
Appellate Government Counsel  
Air Force Legal Operations Agency  
United States Air Force

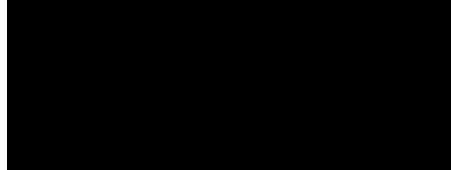


MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Counsel Division  
Air Force Legal Operations Agency  
United States Air Force



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court, appellate counsel, and the Air Force Appellate Defense Division on 11 December 2023 via electronic filing.



G. MATT OSBORN, Lt Col, USAF  
Appellate Government Counsel  
Air Force Legal Operations Agency  
United States Air Force

