

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FIRST)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM 40425
JASON P. STELLY II,)	
United States Air Force,	)	21 April 2023
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **28 June 2023**. The record of trial was docketed with this Court on 28 February 2023. From the date of docketing to the present date, 52 days have elapsed. On the date requested, 120 days will have elapsed.

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

Respectfully submitted,



DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 21 April 2023.

Respectfully submitted,



DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
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 40425
JASON P. STELLY II, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

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

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

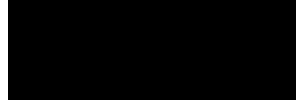


OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



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 21 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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SECOND)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM 40425
JASON P. STELLY II,)	
United States Air Force,	)	20 June 2023
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his second enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **28 July 2023**. The record of trial was docketed with this Court on 28 February 2023. From the date of docketing to the present date, 112 days have elapsed. On the date requested, 150 days will have elapsed.

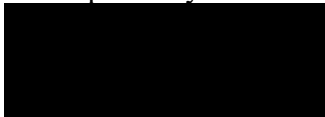
On 11 October 2022, Appellant was tried by a general court-martial composed of a military judge alone at Spangdahlem Air Base, Germany. Consistent with his pleas, the military judge found Appellant guilty of one charge and one specification of wrongful possession of child pornography, in violation of Article 134, Uniform Code of Military Justice UCMJ. Record (R.) at 11, 69. A separate specification of wrongfully distributing the same was withdrawn and dismissed with prejudice. *Id.* The military judge sentenced Appellant to a reprimand, reduction to E-1, total forfeiture of all pay and allowances, 16 months confinement, and a dishonorable discharge. R. at 108. The convening authority disapproved the total forfeitures of all pay and allowances and waived automatic forfeitures for the benefit of a dependent. *See* Record of Trial (ROT) Vol. 1, Convening Authority Decision on Action. The convening authority denied requests to defer reduction in grade and defer adjudged and automatic forfeitures. *Id.*

The record of trial consists of four volumes. The transcript is 109 pages. There are three Prosecution Exhibits, five Defense Exhibits, and ten Appellate Exhibits. Appellant is currently in confinement.

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

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

Respectfully submitted,



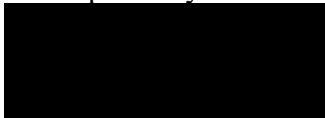
DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 20 June 2023.

Respectfully submitted,



DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



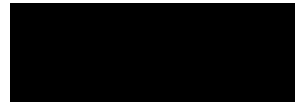
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40425
JASON P. STELLY II, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

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

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

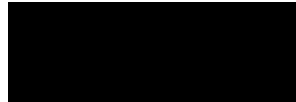


OLIVIA B. HOFF, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



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 21 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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (THIRD)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM 40425
JASON P. STELLY II,)	
United States Air Force,	)	20 July 2023
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his third enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **27 August 2023**. The record of trial was docketed with this Court on 28 February 2023. From the date of docketing to the present date, 142 days have elapsed. On the date requested, 180 days will have elapsed.

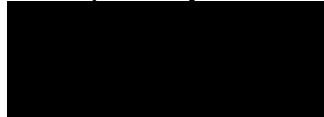
On 11 October 2022, Appellant was tried by a general court-martial composed of a military judge alone at Spangdahlem Air Base, Germany. Consistent with his pleas, the military judge found Appellant guilty of one charge and one specification of wrongful possession of child pornography, in violation of Article 134, Uniform Code of Military Justice UCMJ. Record (R.) at 11, 69. A separate specification of wrongfully distributing the same was withdrawn and dismissed with prejudice. *Id.* The military judge sentenced Appellant to a reprimand, reduction to E-1, total forfeiture of all pay and allowances, 16 months confinement, and a dishonorable discharge. R. at 108. The convening authority disapproved the total forfeitures of all pay and allowances and waived automatic forfeitures for the benefit of a dependent. *See* Record of Trial (ROT) Vol. 1, Convening Authority Decision on Action. The convening authority denied requests to defer reduction in grade and defer adjudged and automatic forfeitures. *Id.*

The record of trial consists of four volumes. The transcript is 109 pages. There are three Prosecution Exhibits, five Defense Exhibits, and ten Appellate Exhibits. Appellant is currently in confinement.

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

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

Respectfully submitted,



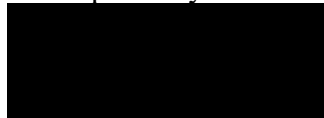
DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 20 July 2023.

Respectfully submitted,



DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



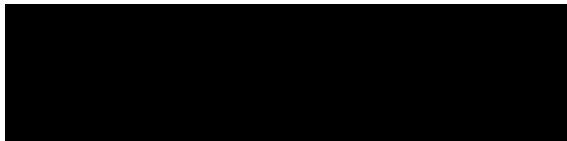
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40425
JASON P. STELLY II, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

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

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

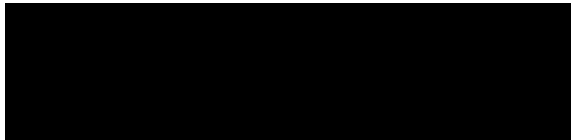


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



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 21 July 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

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FOURTH)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM 40425
JASON P. STELLY II,)	
United States Air Force,	)	18 August 2023
<i>Appellant.</i>)	

**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 his fourth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **26 September 2023**. The record of trial was docketed with this Court on 28 February 2023. From the date of docketing to the present date, 171 days have elapsed. On the date requested, 210 days will have elapsed.

On 11 October 2022, Appellant was tried by a general court-martial composed of a military judge alone at Spangdahlem Air Base, Germany. R. at 1, 9. Consistent with his pleas, the military judge found Appellant guilty of one charge and one specification of wrongful possession of child pornography, in violation of Article 134, Uniform Code of Military Justice UCMJ. R. at 11, 69. A separate specification of wrongfully distributing the same was withdrawn and dismissed with prejudice. R. at 69. The military judge sentenced Appellant to a reprimand, reduction to E-1, total forfeiture of all pay and allowances, 16 months confinement, and a dishonorable discharge. R. at 108. The convening authority disapproved the total forfeitures of all pay and allowances and waived automatic forfeitures for the benefit of a dependent. *See* Record of Trial (ROT) Vol. 1, Convening Authority Decision on Action. The convening authority denied requests to defer



reduction in grade and adjudged and automatic forfeitures. *Id.* The record of trial consists of four volumes. The transcript is 109 pages. There are three Prosecution Exhibits, five Defense Exhibits, and ten Appellate Exhibits. Appellant is currently in confinement.

Counsel is currently assigned 14 cases; 9 cases are pending initial AOE's before this Court. No cases before this Court take priority over the instant case. However, undersigned counsel, who was previously assigned as an Area Defense Counsel, is detailed to two general courts-martial. One trial, *United States v. Maj Anthony R. Lavy*, took place this week (convened on 14 August 2023). The second trial, *United States v. Jaime R. Quinones-Reyes*, is docketed for the week of 28 August 2023. Both trials have taken priority over the instant case.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

Respectfully submitted,


TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force


CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 18 August 2023.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
[REDACTED]

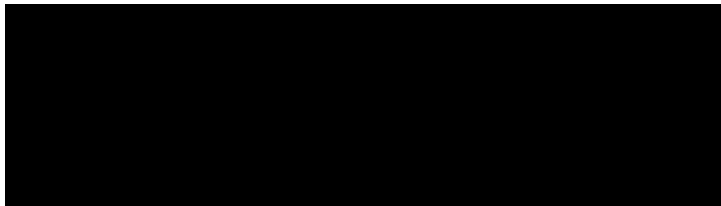
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40425
JASON P. STELLY II, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

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

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

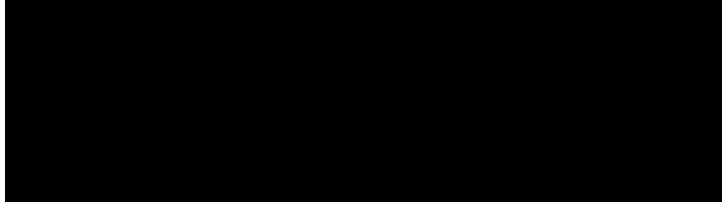


PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



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 21 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



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR WITHDRAWAL OF
<i>Appellee,</i>	)	APPELLATE DEFENSE COUNSEL
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM 40425
JASON P. STELLY II,)	
United States Air Force,	)	22 August 2023
<i>Appellant.</i>)	

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

Pursuant to Rules 12(b), 12.4, and 23.3(h) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. Captain Trevor Ward has been detailed substitute counsel in undersigned counsel’s stead and filed a pleading on Appellant’s behalf on 18 August 2023. A thorough turnover of the record between counsel has been completed. The undersigned counsel will be departing from the Air Force Appellate Defense Division and beginning a new assignment on 5 September 2023.

Appellant has been advised of this motion to withdraw as counsel and consents to undersigned counsel’s withdrawal. A copy of this motion will be delivered to Appellant following its filing.

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

Respectfully submitted,



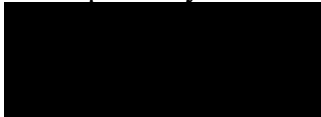
DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 22 August 2023.

Respectfully submitted,



DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR WITHDRAWAL OF
<i>Appellee,</i>	)	APPELLATE DEFENSE COUNSEL
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM 40425
JASON P. STELLY II,)	
United States Air Force,	)	22 August 2023
<i>Appellant.</i>)	

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

Pursuant to Rules 12(b), 12.4, and 23.3(h) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel respectfully requests to withdraw as counsel in the above-captioned case. Captain Trevor Ward has been detailed substitute counsel in undersigned counsel’s stead and filed a pleading on Appellant’s behalf on 18 August 2023. A thorough turnover of the record between counsel has been completed. The undersigned counsel will be departing from the Air Force Appellate Defense Division and beginning a new assignment on 5 September 2023.

Appellant has been advised of this motion to withdraw as counsel and consents to undersigned counsel’s withdrawal. A copy of this motion will be delivered to Appellant following its filing.

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

Respectfully submitted,



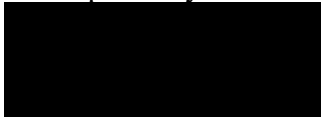
DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 22 August 2023.

Respectfully submitted,



DAVID L. BOSNER, Maj, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (FIFTH)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM 40425
JASON P. STELLY II,)	
United States Air Force,	)	19 September 2023
<i>Appellant.</i>)	

**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 his fifth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **26 October 2023**. The record of trial was docketed with this Court on 28 February 2023. From the date of docketing to the present date, 203 days have elapsed. On the date requested, 240 days will have elapsed.

On 11 October 2022, Appellant was tried by a general court-martial composed of a military judge alone at Spangdahlem Air Base, Germany. R. at 1, 9. Consistent with his pleas, the military judge found Appellant guilty of one charge and one specification of wrongful possession of child pornography, in violation of Article 134, Uniform Code of Military Justice UCMJ. R. at 11, 69. A separate specification of wrongfully distributing the same was withdrawn and dismissed with prejudice. R. at 69. The military judge sentenced Appellant to a reprimand, reduction to E-1, total forfeiture of all pay and allowances, 16 months confinement, and a dishonorable discharge. R. at 108. The convening authority disapproved the total forfeitures of all pay and allowances and waived automatic forfeitures for the benefit of a dependent. *See* Record of Trial (ROT) Vol. 1, Convening Authority Decision on Action. The convening authority denied requests to defer

reduction in grade and adjudged and automatic forfeitures. *Id.* The record of trial consists of four volumes. The transcript is 109 pages. There are three Prosecution Exhibits, five Defense Exhibits, and ten Appellate Exhibits. Appellant is currently in confinement.

Counsel is currently assigned 15 cases; 12 cases are pending initial AOE's before this Court. One case before the Court of Appeals for the Armed Forces has priority over this case: *United States v. Smith*. On 6 September 2023, C.A.A.F. granted on one issue. In accordance with C.A.A.F.'s order, Appellant's initial brief is due on 6 October 2023. In addition, one case before this court has priority over this case:

- (1) *United States v. Knodel*, 40018 – The record of trial is seven volumes, consisting of 18 prosecution exhibits, 62 defense exhibits, 24 appellate exhibits, and one court exhibit; the transcript is 727 pages. The *Dubay* record of trial is an additional seven volumes, consisting of 48 appellate exhibits; the transcript is 1,475 pages. Undersigned counsel has completed a review of the *Dubay* Transcript.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

Respectfully submitted,

[REDACTED]

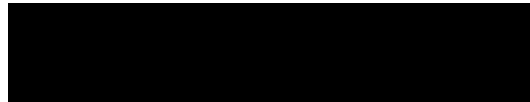
TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 19 September 2023.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Trevor N. Ward.

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

A small black rectangular redaction box covering contact information.

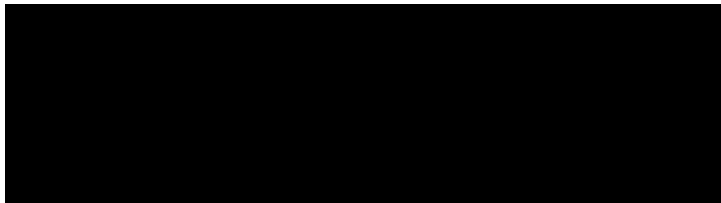
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40425
JASON P. STELLY II, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

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

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

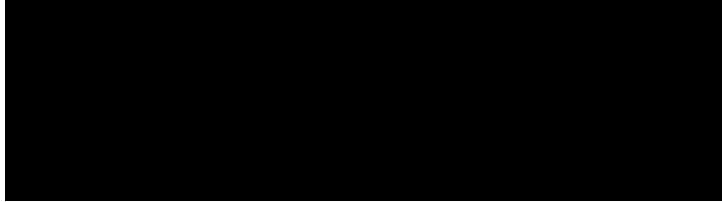


PETE FERRELL, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force

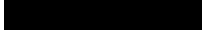


CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 20 September 2023.



PETE FERRELL, Lt Col, USAF
Director of Operations
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

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SIXTH)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM 40425
JASON P. STELLY II,)	
United States Air Force,	)	18 October 2023
<i>Appellant.</i>)	

**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 his sixth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **25 November 2023**. The record of trial was docketed with this Court on 28 February 2023. From the date of docketing to the present date, 232 days have elapsed. On the date requested, 270 days will have elapsed.

On 11 October 2022, Appellant was tried by a general court-martial composed of a military judge alone at Spangdahlem Air Base, Germany. R. at 1, 9. Consistent with his pleas, the military judge found Appellant guilty of one charge and one specification of wrongful possession of child pornography, in violation of Article 134, Uniform Code of Military Justice UCMJ. R. at 11, 69. A separate specification of wrongfully distributing the same was withdrawn and dismissed with prejudice. R. at 69. The military judge sentenced Appellant to a reprimand, reduction to E-1, total forfeiture of all pay and allowances, 16 months confinement, and a dishonorable discharge. R. at 108. The convening authority disapproved the total forfeitures of all pay and allowances and waived automatic forfeitures for the benefit of a dependent. *See* Record of Trial (ROT) Vol. 1, Convening Authority Decision on Action. The convening authority denied requests to defer

reduction in grade and adjudged and automatic forfeitures. *Id.* The record of trial consists of four volumes. The transcript is 109 pages. There are three Prosecution Exhibits, five Defense Exhibits, and ten Appellate Exhibits. Appellant is currently in confinement.

Counsel is currently assigned 18 cases; 13 cases are pending initial AOE's before this Court. Two cases before the Court of Appeals for the Armed Forces has priority over this case: (1) *United States v. Smith* and (2) *United States v. Robles*. On 5 October 2023, undersigned counsel submitted the initial brief to CAAF for *United States v. Smith*. On 13 October 2023, undersigned counsel submitted the petition for *United States v. Robles*. Undersigned counsel is presently working on the supplement to that petition. In addition, one case before this court has priority over this case:

- (1) *United States v. Daughma*, 40385 – The record of trial is nine volumes, consisting of 18 prosecution exhibits, five defense exhibits, 64 appellate exhibits, and one court exhibit; the transcript is 841 pages.

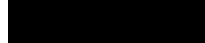
Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature of Trevor N. Ward.

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

A small black rectangular redaction box covering contact information.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 18 October 2023.

Respectfully submitted,

A solid black rectangular redaction box covering the signature of Trevor N. Ward.

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

A solid black rectangular redaction box covering the contact information of Trevor N. Ward.

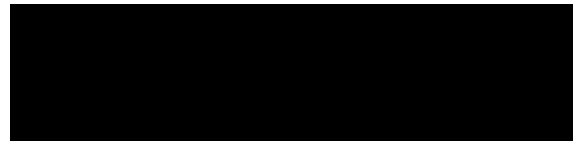
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Senior Airman (E-4)	)	ACM 40425
JASON P. STELLY II, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

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

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



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



CERTIFICATE OF FILING AND SERVICE

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

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SEVENTH)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM 40425
JASON P. STELLY II,)	
United States Air Force,	)	17 November 2023
<i>Appellant.</i>)	

**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 his seventh enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **25 December 2023**. The record of trial was docketed with this Court on 28 February 2023. From the date of docketing to the present date, 262 days have elapsed. On the date requested, 300 days will have elapsed.

On 11 October 2022, Appellant was tried by a general court-martial composed of a military judge alone at Spangdahlem Air Base, Germany. R. at 1, 9. Consistent with his pleas, the military judge found Appellant guilty of one charge and one specification of wrongful possession of child pornography, in violation of Article 134, Uniform Code of Military Justice UCMJ. R. at 11, 69. A separate specification of wrongfully distributing the same was withdrawn and dismissed with prejudice. R. at 69. The military judge sentenced Appellant to a reprimand, reduction to E-1, total forfeiture of all pay and allowances, 16 months confinement, and a dishonorable discharge. R. at 108. The convening authority disapproved the total forfeitures of all pay and allowances and waived automatic forfeitures for the benefit of a dependent. *See* Record of Trial (ROT) Vol. 1, Convening Authority Decision on Action. The convening authority denied requests to defer

reduction in grade and adjudged and automatic forfeitures. *Id.* The record of trial consists of four volumes. The transcript is 109 pages. There are three Prosecution Exhibits, five Defense Exhibits, and ten Appellate Exhibits. Appellant is currently in confinement.

Counsel is currently assigned 18 cases; 14 cases are pending initial AOE's before this Court. Two cases before the Court of Appeals for the Armed Forces (CAAF) have priority over this case: (1) *United States v. Smith* and (2) *United States v. Robles*. On 6 November 2023, undersigned counsel filed the Supplement to Petition for Grant of Review with CAAF for *United States v. Robles*. Yesterday, on 16 November 2023, undersigned counsel filed the Reply Brief with CAAF for *United States v. Smith*. In addition, one case before this court has priority over this case:

(1) *United States v. Daughma*, 40385 – The record of trial is nine volumes, consisting of 18 prosecution exhibits, five defense exhibits, 64 appellate exhibits, and one court exhibit; the transcript is 841 pages. Undersigned counsel has reviewed the unsealed transcript and exhibits and is conducting legal research. In addition, undersigned counsel filed a Consent Motion to Review Sealed Materials, which was granted by this Court on 30 October 2023.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 17 November 2023.

Respectfully submitted,

[REDACTED]

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

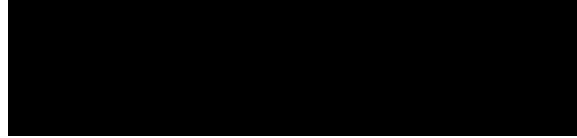
UNITED STATES,	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO APPELLANT'S MOTION
	)	FOR ENLARGEMENT OF TIME
v.)	
)	
Senior Airman (E-4)	)	ACM 40425
JASON P. STELLY II, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

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

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.

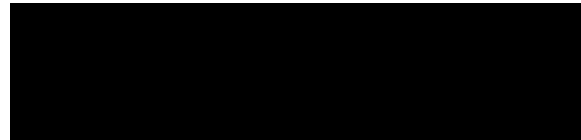


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



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 21 November 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 40425
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Jason P. STELLY, II)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 17 November 2023, counsel for Appellant submitted a Motion for Enlargement of Time (Seventh) requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure. Accordingly, it is by the court on this 21st day of November, 2023,

ORDERED:

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



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (EIGHTH)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM 40425
JASON P. STELLY II,)	
United States Air Force,	)	18 December 2023
<i>Appellant.</i>)	

**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 his eighth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **24 January 2024**. The record of trial was docketed with this Court on 28 February 2023. From the date of docketing to the present date, 293 days have elapsed. On the date requested, 330 days will have elapsed.

On 11 October 2022, Appellant was tried by a general court-martial composed of a military judge alone at Spangdahlem Air Base, Germany. R. at 1, 9. Consistent with his pleas, the military judge found Appellant guilty of one charge and one specification of wrongful possession of child pornography, in violation of Article 134, Uniform Code of Military Justice UCMJ. R. at 11, 69. A separate specification of wrongfully distributing the same was withdrawn and dismissed with prejudice. R. at 69. The military judge sentenced Appellant to a reprimand, reduction to E-1, total forfeiture of all pay and allowances, 16 months confinement, and a dishonorable discharge. R. at 108. The convening authority disapproved the total forfeitures of all pay and allowances and waived automatic forfeitures for the benefit of a dependent. *See* Record of Trial (ROT) Vol. 1, Convening Authority Decision on Action. The convening authority denied requests to defer

reduction in grade and adjudged and automatic forfeitures. *Id.* The record of trial consists of four volumes. The transcript is 109 pages. There are three Prosecution Exhibits, five Defense Exhibits, and ten Appellate Exhibits. Appellant is currently in confinement.

Counsel is currently assigned 18 cases; 14 cases are pending initial AOE's before this Court. One case before the Court of Appeals for the Armed Forces (CAAF) has priority over this case: *United States v. Smith*. Oral argument in that case is scheduled for 16 January 2024. Undersigned counsel is currently preparing for that argument. In addition, one case before this Court has priority over this case:

- (1) *United States v. Daughma*, 40385 – The record of trial is nine volumes, consisting of 18 prosecution exhibits, five defense exhibits, 64 appellate exhibits, and one court exhibit; the transcript is 841 pages. Undersigned counsel has reviewed the unsealed and sealed transcript and exhibits. A review of the sealed exhibits—which was conducted last week—presented additional potential issues which require research.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete his review of Appellant's case. Accordingly, an enlargement of time is necessary to allow undersigned counsel to fully review Appellant's case and advise Appellant regarding potential errors. Appellant was advised of his right to a timely appeal. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature of the appellant.

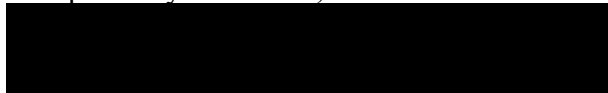
TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

A small black rectangular redaction box covering the contact information of the appellant.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 18 December 2023.

Respectfully submitted,



TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force



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 40425
JASON P. STELLY II, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

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

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.



JOCELYN Q. WRIGHT, 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 20 December 2023.



JOCELYN Q. WRIGHT, Capt, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force



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

UNITED STATES	)	No. ACM 40425
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Jason P. STELLY, II)	
Senior Airman (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 2

On 18 December 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 20th day of December, 2023,

ORDERED:

Appellant's Motion for Enlargement of Time (Eighth) is **GRANTED**. Appellant shall file any assignments of error not later than **24 January 2024**.

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]
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FE, Capt, USAF
Acting Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (NINTH)
)	
v.	)	Before Panel No. 2
)	
Senior Airman (E-4),	)	No. ACM 40425
JASON P. STELLY II,)	
United States Air Force,	)	17 January 2024
<i>Appellant.</i>)	

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his ninth enlargement of time to file an Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **23 February 2024**. The record of trial was docketed with this Court on 28 February 2023. From the date of docketing to the present date, 323 days have elapsed. On the date requested, 360 days will have elapsed.

On 11 October 2022, Appellant was tried by a general court-martial composed of a military judge alone at Spangdahlem Air Base, Germany. R. at 1, 9. Consistent with his pleas, the military judge found Appellant guilty of one charge and one specification of wrongful possession of child pornography, in violation of Article 134, Uniform Code of Military Justice UCMJ. R. at 11, 69. A separate specification of wrongfully distributing the same was withdrawn and dismissed with prejudice. R. at 69. The military judge sentenced Appellant to a reprimand, reduction to E-1, total forfeiture of all pay and allowances, 16 months confinement, and a dishonorable discharge. R. at 108. The convening authority disapproved the total forfeitures of all pay and allowances and waived automatic forfeitures for the benefit of a dependent. *See* Record of Trial (ROT) Vol. 1, Convening Authority Decision on Action. The convening authority denied requests to defer

reduction in grade and adjudged and automatic forfeitures. *Id.* The record of trial consists of four volumes. The transcript is 109 pages. There are three Prosecution Exhibits, five Defense Exhibits, and ten Appellate Exhibits. Appellant is not currently confined.

Counsel is assigned 18 cases; 14 cases are pending initial AOE's before this Court. One case before the Court of Appeals for the Armed Forces (CAAF) has priority over this case: *United States v. Smith*. Oral argument in that case was scheduled for 16 January 2024; however, due to inclement weather, it was rescheduled for 24 January 2024. Undersigned counsel is currently preparing for that argument. In addition, two cases before this Court have priority over this case:

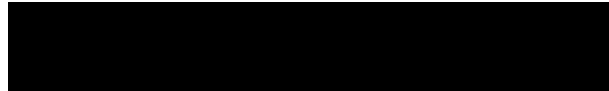
- (1) *United States v. Daughma*, 40385 – The record of trial is nine volumes, consisting of 18 prosecution exhibits, five defense exhibits, 64 appellate exhibits, and one court exhibit; the transcript is 841 pages. Undersigned counsel has reviewed the unsealed and sealed transcript and exhibits, conducted legal research, and is drafting an assignment of errors.
- (2) *United States v. Logan*, ACM 40407 – The record of trial is seven volumes, consisting of seven prosecution exhibits, 12 defense exhibits, 26 appellate exhibits, and three court exhibits. Previously, *United States v. Logan* fell below the instant case in this priority list. With the consent of Appellant, *United States v. Logan* has moved up on undersigned counsel's priority list.

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

consent to disclose a confidential communication with counsel wherein he consented to the request for this enlargement of time.

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

Respectfully submitted,

A large black rectangular redaction box covering the signature of the appellant.

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

A small black rectangular redaction box covering the contact information of the appellant.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 17 January 2024.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Trevor N. Ward.

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force

A small black rectangular redaction box covering contact information.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

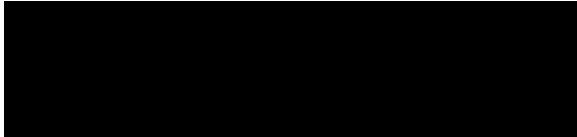
UNITED STATES,	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO APPELLANT'S MOTION
	)	FOR ENLARGEMENT OF TIME
v.)	
)	
Senior Airman (E-4)	)	ACM 40425
JASON P. STELLY II, USAF,)	
<i>Appellant.</i>	)	Panel No. 2
)	

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

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

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.

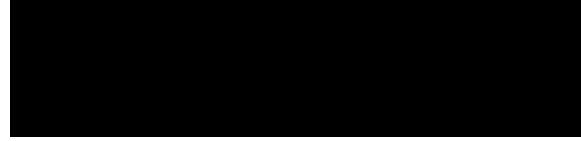


MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force



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 18 January 2024.



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

