

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

UNITED STATES	)	No. ACM S32797
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>ORDER</b>
Kelley A. P. STONE	)	
Senior Airman (E-4)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	<b>Panel 1</b>

On 9 December 2024, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 days to submit Appellant's assignments of error. The Government opposed the motion.

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

Accordingly, it is by the court on this 10th day of December, 2024,

**ORDERED:**

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **20 February 2025**.

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



FOR THE COURT



CAROL K. JOYCE  
Clerk of the Court

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

**UNITED STATES,**

*Appellee,*

v.

Senior Airman (E-4)

**KELLEY A. P. STONE,**

United States Air Force,

*Appellant.*

) **APPELLANT’S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (FIRST)**

)

) Before Panel No. 1

)

) No. ACM S32797

)

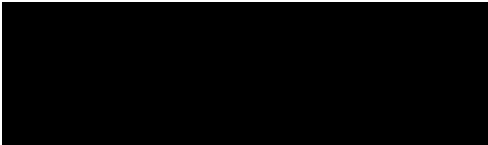
) 9 December 2024

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

Pursuant to Rule 23.3(m)(1) and (2) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **20 February 2025**. The record of trial was docketed with this Court on 23 October 2024. From the date of docketing to the present date, 47 days have elapsed. On the date requested, 120 days will have elapsed.

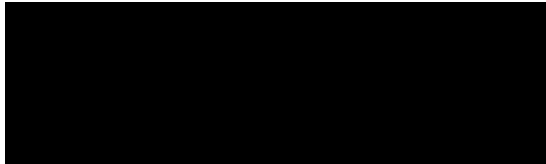
**WHEREFORE**, Appellant respectfully requests that this Court grant the requested enlargement of time.

Respectfully submitted,

  
SAMANTHA M. CASTANIEN, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
1500 West Perimeter Road, Suite 1100  
Joint Base Andrews NAF, MD 20762-6604  
(240) 612-4770  
samantha.castanien.1@us.af.mil

## **CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 9 December 2024.



SAMANTHA M. CASTANIEN, Capt, USAF  
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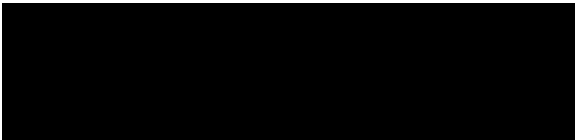
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
Senior Airman (E-4)	)	ACM S32797
KELLEY A.P. STONE, 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.

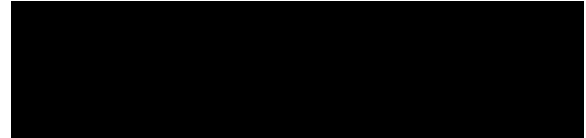
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force  
(240) 612-4800

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 9 December 2024.



MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force  
(240) 612-4800

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

**UNITED STATES,**

*Appellee,*

V.

Senior Airman (E-4)

**KELLEY A. P. STONE,**

United States Air Force,

*Appellant.*

**) APPELLANT'S MOTION**

**) FOR ENLARGEMENT**

) OF TIME (SECOND)

)

) Before Panel No. 1

)

) No. ACM S32797

)

) 10 February 2025

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

Pursuant to Rule 23.3(m)(3) and (4) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **22 March 2025**. The record of trial was docketed with this Court on 23 October 2024. From the date of docketing to the present date, 110 days have elapsed. On the date requested, 150 days will have elapsed.

On 11 June 2024, at a special court-martial convened at Joint Base Pearl Harbor-Hickam, Hawaii, a military judge, consistent with Appellant's pleas, found him guilty of one specification of fraudulent enlistment, in violation of Article 104a, Uniform Code of Military Justice (UCMJ), and one specification of use of a controlled substance and two specifications of distribution of a controlled substance, in violation of Article 112a, UCMJ.<sup>1</sup> R. at 1, 8, 11, 13, 88. The military judge sentenced Appellant to be reprimanded, to be reduced to the grade of E-1, to be confined for a total of 100 days (confinement for each specification running concurrently), and to be discharged with a bad conduct discharge. R. at 103. The convening authority took no action on the findings or

<sup>1</sup> Two additional specifications of Article 112a, UCMJ, were withdrawn and dismissed with prejudice. R. at 102-04.

sentence. Convening Authority Decision on Action – *United States v. Senior Airman Kelley A. P. Stone*.

The trial transcript is 105 pages long and the record of trial (ROT) is an electronic ROT, which is one volume of 386 pages. There are three Prosecution Exhibits, five Defense Exhibits, and four Appellate Exhibits. Appellant is not currently confined.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel's progress on his case. 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.

Through no fault of Appellant, undersigned counsel has been unable complete her review of Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

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

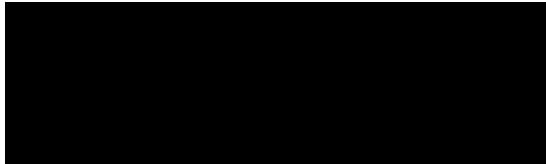
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF  
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Air Force Appellate Defense Division  
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## **CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 10 February 2025.



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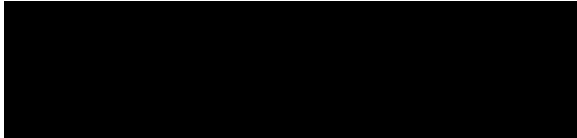
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
Senior Airman (E-4)	)	ACM S32797
KELLEY A.P. STONE, 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.

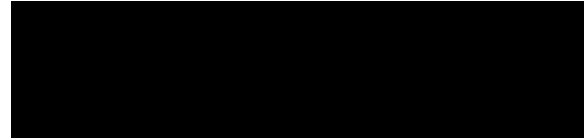
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force  
(240) 612-4800

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 12 February 2025.



MARY ELLEN PAYNE  
Associate Chief, Government Trial and  
Appellate Operations Division  
Military Justice and Discipline  
United States Air Force  
(240) 612-4800

**UNITED STATES,**  
*Appellee,*

v.

Senior Airman (E-4)  
**KELLEY A. P. STONE,**  
United States Air Force,  
*Appellant.*

) **APPELLANT’S MOTION**  
) **FOR ENLARGEMENT**  
) **OF TIME (THIRD)**  
)  
) Before Panel No. 1  
)  
) No. ACM S32797  
)  
) 10 March 2025

Pursuant to Rule 23.3(m)(3) and (4) of this Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **21 April 2025**. The record of trial was docketed with this Court on 23 October 2024. From the date of docketing to the present date, 138 days have elapsed. On the date requested, 180 days will have elapsed.

<sup>1</sup> Two additional specifications of Article 112a, UCMJ, were withdrawn and dismissed with prejudice. R. at 102-04.

sentence. Convening Authority Decision on Action – *United States v. Senior Airman Kelley A. P. Stone*.

The trial transcript is 105 pages long and the record of trial (ROT) is an electronic ROT, which is one volume of 386 pages. There are three Prosecution Exhibits, five Defense Exhibits, and four Appellate Exhibits. Appellant is not currently confined.

Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel's progress on his case. 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.

Through no fault of Appellant, undersigned counsel has been unable complete her review of Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

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

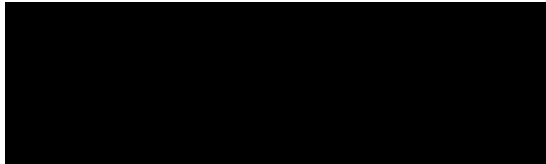
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
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Joint Base Andrews NAF, MD 20762-6604  
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## **CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 10 March 2025.



SAMANTHA M. CASTANIEN, Capt, USAF  
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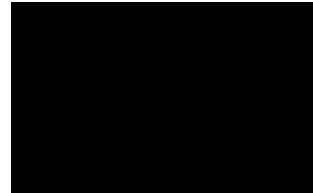
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

<b>UNITED STATES,</b>	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
<b>v.</b>	)	
	)	Before Panel No. 1
	)	
Senior Airman (E-4)	)	No. ACM S32797
<b>KELLEY A.P. STONE,</b>	)	
United States Air Force,	)	
<i>Appellant.</i>	)	11 March 2025

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

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

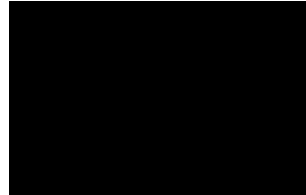
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

**CERTIFICATE OF FILING AND SERVICE**

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



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

**UNITED STATES,**  
*Appellee,*  
  
v.  
  
Senior Airman (E-4)  
**KELLEY A. P. STONE,**  
United States Air Force,  
*Appellant.*

) **APPELLANT’S MOTION**  
) **FOR ENLARGEMENT**  
) **OF TIME (FOURTH)**  
)  
) Before Panel No. 1  
)  
) No. ACM S32797  
)  
) 7 April 2025

Pursuant to Rule 23.3(m)(3) and (6) of this Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **21 May 2025**. The record of trial was docketed with this Court on 23 October 2024. From the date of docketing to the present date, 166 days have elapsed. On the date requested, 210 days will have elapsed.

<sup>1</sup> Two additional specifications of Article 112a, UCMJ, were withdrawn and dismissed with prejudice. R. at 102-04.



sentence. Convening Authority Decision on Action – *United States v. Senior Airman Kelley A. P. Stone*.

The trial transcript is 105 pages long and the record of trial (ROT) is an electronic ROT, which is one volume of 386 pages. There are three Prosecution Exhibits, five Defense Exhibits, and four Appellate Exhibits. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Undersigned counsel is currently assigned 37 cases; 19 cases are pending before this Court (17 cases are pending AOE), and 18 cases are pending before the United States Court of Appeals for the Armed Forces (CAAF). To date, undersigned counsel has nine cases prioritized over the present case:

1. *United States v. Marin Perez*, No. ACM S32771 – The AOE is drafted and is in leadership review prior to filing on or before 9 April 2025.

2. *United States v. Hogans*, No. 25-0119/AF – Undersigned counsel was detailed to this case following a reservist's transfer to a different assignment. She is currently completing her review of the record to file the supplement to the petition for grant of review, due 14 April 2025.

3. *United States v. Kim*, No. ACM 24007 – This AOE was filed on 19 March 2025. Undersigned counsel is awaiting the Government's Answer and then will determine whether a reply brief is warranted.

4. *United States v. Brown*, No. ACM S32777 – The trial transcript is 133 pages long and the record of trial is three volumes containing nine Prosecution Exhibits, one Defense Exhibit, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Undersigned has not yet completed her review of the record of trial.

5. *United States v. Thomas*, No. ACM 22083 - The record of trial is four volumes consisting of 14 Prosecution Exhibits, five Defense Exhibits, and 33 Appellate Exhibits. The verbatim transcript is 528 pages. This appellant is not currently confined. Undersigned has not yet completed her review of the record of trial.

6. *United States v. Ziesche*, No. ACM 24022 – The trial transcript is 174 pages long and the record of trial is four volumes comprised of four Prosecution Exhibits, 13 Defense Exhibits, and 16 Appellate Exhibits. This appellant is not currently confined. Undersigned has not yet completed her review of the record of trial.

7. *United States v. Tyson*, No. ACM 40617 – The trial transcript is 1,244 pages long and the electronic record of trial is three volumes containing 25 Prosecution Exhibits, 14 Defense Exhibits, one Court Exhibit, and 71 Appellate Exhibits. This appellant is not currently confined. Undersigned has not yet completed her review of the record of trial.

8. *United States v. Watkins*, No. ACM 40639 - The trial transcript is 519 pages long and the record of trial is five volumes containing 14 Prosecution Exhibits, three Defense Exhibits, 47 Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Undersigned has not yet completed her review of the record of trial.

9. *United States v. Kristopik*, No. ACM 40674 - The trial transcript is 1,311 pages long. The electronic record of trial contains 10 Prosecution Exhibits, 20 Defense Exhibits, 118 Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Undersigned has not yet completed her review of the record of trial.

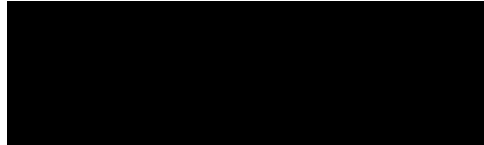
Appellant was advised of his right to a timely appeal. Appellant has been provided an update of the status of undersigned counsel's progress on his case. Appellant was advised of the request for this enlargement of time. Appellant has provided limited consent to disclose a

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

Through no fault of Appellant, undersigned counsel has been unable complete her review of Appellant's case. An enlargement of time is necessary to allow counsel to fully review Appellant's case and advise him regarding potential errors.

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

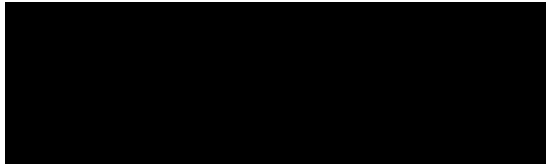
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
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SAMANTHA M. CASTANIEN, Capt, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division  
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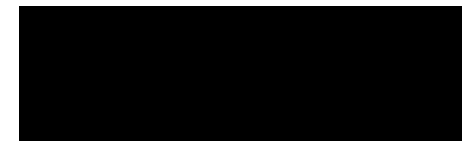
**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 1
Senior Airman (E-4)	)	
<b>KELLEY A. P. STONE,</b>	)	No. ACM S32797
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	8 April 2025

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

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

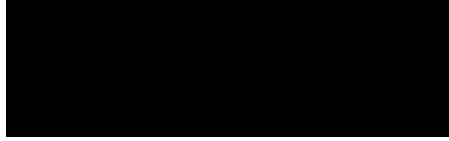
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 8 April 2025.



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

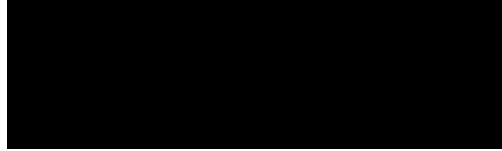
UNITED STATES, ) APPELLANT'S MOTION TO  
Appellee, ) WITHDRAW REVIEW FROM  
 ) APPELLATE AND ATTACH  
v. )  
 ) Before Panel No. 1  
Senior Airman (E-4) )  
KELLEY A. P. STONE, ) No. ACM S32797  
United States Air Force, )  
Appellant. ) 6 May 2025

Pursuant to Rule 16 of the Rules of Practice and Procedure of the United States Air Force Court of Criminal Appeals and Rule for Courts-Martial (R.C.M.) 1115, Appellant moves to withdraw his case from appellate review. Appellant has fully consulted with Captain Samantha Castanien, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promises of clemency, or otherwise, to withdraw his case from appellate review.

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

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

Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF  
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Air Force Appellate Defense Division  
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Office: (240) 612-4770  
Email: samantha.castanien.1@us.af.mil



## **CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Air Force Government Trial and Appellate Operations Division on 6 May 2025.



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