

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. 1
)	
Specialist 4 (E-4),	)	No. ACM 40557
WESLEY J. TITUS,)	
United States Space Force,	)	29 February 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)(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 **8 May 2024**. The record of trial was docketed with this Court on 9 January 2024. From the date of docketing to the present date, 51 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,

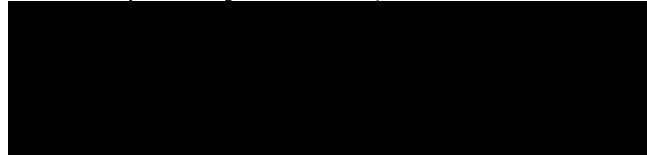


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

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 29 February 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

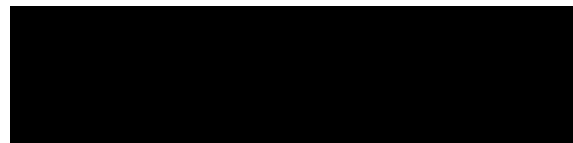
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Specialist 4 (E-4)	)	ACM 40557
WESLEY J. TITUS USSF,)	
<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 1 March 2024.



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

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

UNITED STATES	)	No. ACM 40557
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Wesley J. TITUS)	
Specialist 4 (E-4))	
U.S. Space Force)	
<i>Appellant</i>	)	Panel 1

On 30 April 2024, counsel for Appellant submitted a Motion for Enlargement of Time (Second) requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

In this motion, Appellant's counsel accurately states that the court docketed the record of trial on 9 January 2024. We also note that, given the sentencing date of 14 February 2023, 329 days have passed from sentencing to the date of docketing.

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 7th day of May, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (Second) is **GRANTED**. Appellant shall file any assignments of error not later than **7 June 2024**.

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

Counsel is not required to re-address item (1) in each subsequent motion for enlargement of time.



FOR THE COURT



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 (SECOND)
)	
v.	)	Before Panel No. 1
)	
Specialist 4 (E-4),	)	No. ACM 40557
WESLEY J. TITUS,)	
United States Space Force,	)	30 April 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)(2) and (4) 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 **7 June 2024**. The record of trial was docketed with this Court on 9 January 2024. From the date of docketing to the present date, 112 days have elapsed. On the date requested, 150 days will have elapsed.

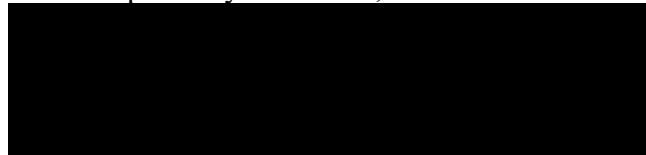
On 13 December 2022 & 14 February 2023, pursuant to his pleas, Specialist (Spc4) Titus J. Wesley was convicted by a general court-martial convened at Schriever Space Force Base, Colorado, of one charge and four specifications of sexual assault in violation of Article 120, Uniform Code of Military Justice. (R. at 132.) The military judge sentenced to Spc4 Titus to be reprimanded, reduced to the grade of E-1, to forfeit of all pay and allowances, to be confined for 22 months, and to be dishonorably discharged. (R. at 142.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action – *United States v. Spc4 Wesley Titus*.)

The record of trial consists of four volumes. The transcript is 142 pages. There are five prosecution exhibits, five defense exhibits, 31 appellate exhibits, and five court exhibits. Spc4 Titus 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,

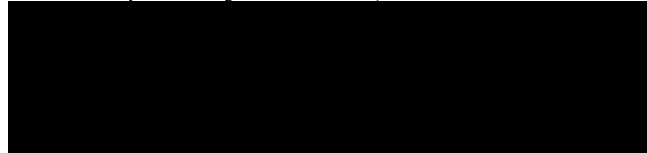


MICHAEL J. BRUZYK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

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 30 April 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

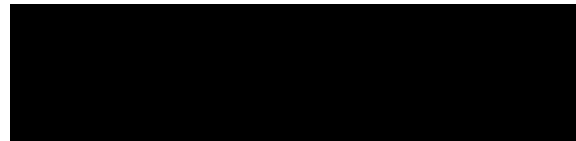
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Specialist 4 (E-4)	)	ACM 40557
WESLEY J. TITUS USSF,)	
<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 1 May 2024.



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

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

UNITED STATES)	No. ACM 40557
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Wesley J. TITUS)	
Specialist 4 (E-4))	
U.S. Space Force)	
<i>Appellant</i>	)	Panel 1

On 30 May 2024, counsel for Appellant submitted a Motion for Enlargement of Time (Third) requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

In this motion, Appellant's counsel accurately states that the court docketed the record of trial on 9 January 2024. We also note, given the sentencing date of 14 February 2023, 329 days have passed from sentencing to the date of docketing.

This court held a status conference on 5 June 2024 to discuss the progress of Appellant's case. Major Brittany M. Speirs represented the Government, and Captain Michael J. Bruzik represented Appellant. Ms. Megan P. Marinos also attended as the Senior Counsel of the Appellate Defense Division. Appellant's counsel confirmed Appellant was advised of his right to a timely appeal, Appellant was provided an update of the status of counsel's progress on his case, Appellant was advised of the request for an enlargement of time, and Appellant agreed with the request for an enlargement of time.

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 5th day of June, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (Third) is **GRANTED**. Appellant shall file any assignments of error not later than **7 July 2024**.

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

Appellant was advised of the request for an enlargement of time, and (4) whether Appellant agrees with the request for an enlargement of time.



FOR THE COURT



OLGA STANFORD, Capt, USAF
Commissioner

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. 1
)	
Specialist 4 (E-4),	)	No. ACM 40557
WESLEY J. TITUS,)	
United States Space Force,	)	30 May 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)(2) and (4) 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 **7 July 2024**. The record of trial was docketed with this Court on 9 January 2024. From the date of docketing to the present date, 142 days have elapsed. On the date requested, 180 days will have elapsed.

On 13 December 2022 & 14 February 2023, pursuant to his pleas, Specialist (Spc4) Titus J. Wesley was convicted by a general court-martial convened at Schriever Space Force Base, Colorado, of one charge and four specifications of sexual assault in violation of Article 120, Uniform Code of Military Justice. (R. at 132.) The military judge sentenced to Spc4 Titus to be reprimanded, reduced to the grade of E-1, to forfeit of all pay and allowances, to be confined for 22 months, and to be dishonorably discharged. (R. at 142.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action – *United States v. Spc4 Wesley Titus*.)

The record of trial consists of four volumes. The transcript is 142 pages. There are five prosecution exhibits, five defense exhibits, 31 appellate exhibits, and five court exhibits. Appellant

is currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the request for an enlargement of time. Appellant has agreed to the request for an enlargement of time.

Undersigned counsel is currently assigned 20 cases; 14 cases are pending initial AOE's before this Court. Of those, the following cases are counsel's highest priorities:

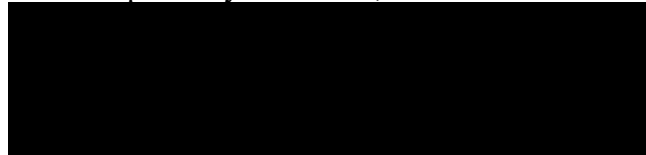
- 1) *United States v. Cassaberry-Folks*, ACM 40444 – The record of trial consists of seven volumes. The transcript is 375 pages. There are four Prosecution Exhibits, three Defense Exhibits, one Court Exhibit and 11 Appellate Exhibits. Undersigned counsel is working towards completion of a final drafted assignment of errors. This case is on its eleventh and final enlargement of time and due for submission on 31 May 2024.
- 2) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its seventh enlargement of time. Undersigned counsel has not yet completed an initial review of the record of trial.
- 3) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 1134 page transcript. This case is on its fifth enlargement of time. Undersigned counsel has not yet completed an initial review of the record of trial.

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,

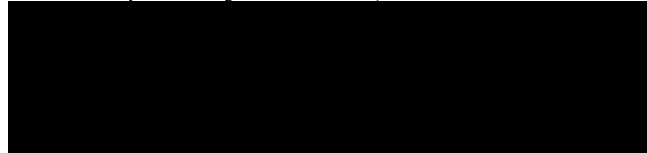


MICHAEL J. BRUZYK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
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(240) 612-4770

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 30 May 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

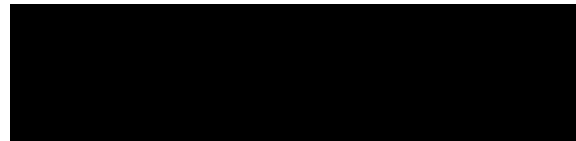
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Specialist 4 (E-4)	)	ACM 40557
WESLEY J. TITUS USSF,)	
<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 31 May 2024.



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

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. 1
)	
Specialist 4 (E-4),	)	No. ACM 40557
WESLEY J. TITUS,)	
United States Space Force,	)	26 June 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)(2) 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 **6 August 2024**. The record of trial was docketed with this Court on 9 January 2024. From the date of docketing to the present date, 169 days have elapsed. On the date requested, 210 days will have elapsed.

On 13 December 2022 & 14 February 2023, pursuant to his pleas, Specialist (Spc4) Titus J. Wesley was convicted by a general court-martial convened at Schriever Space Force Base, Colorado, of one charge and four specifications of sexual assault in violation of Article 120, Uniform Code of Military Justice. (R. at 132.) The military judge sentenced to Spc4 Titus to be reprimanded, reduced to the grade of E-1, to forfeit of all pay and allowances, to be confined for 22 months, and to be dishonorably discharged. (R. at 142.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action – *United States v. Spc4 Wesley Titus*.)

The record of trial consists of four volumes. The transcript is 142 pages. There are five prosecution exhibits, five defense exhibits, 31 appellate exhibits, and five court exhibits. Appellant

is currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Additionally, undersigned counsel has been in communication with Spc4 Titus as to the progress and current status of the case.

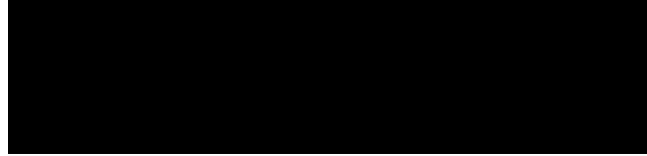
Undersigned counsel is currently assigned 20 cases; 13 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its ninth enlargement of time.
- 2) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 134 page transcript. This case is on its sixth enlargement of time. Counsel has completed an initial review of the record of trial from the remanded hearing.
- 3) *United States v. Johnson*, ACM 40537 – The record of trial is 7 volumes consisting of 19 prosecution exhibits, 4 defense exhibits, 27 appellate exhibits, and 2 court exhibits. The transcript is 605 pages. This case is on its fifth enlargement of time. Counsel has completed an initial review of the record of trial.

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,

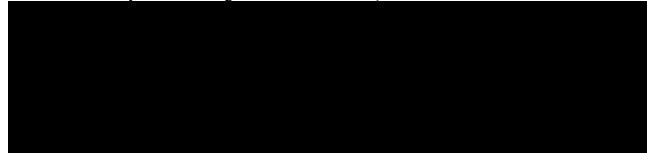


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
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CERTIFICATE OF FILING AND SERVICE

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 26 June 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
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(240) 612-4770

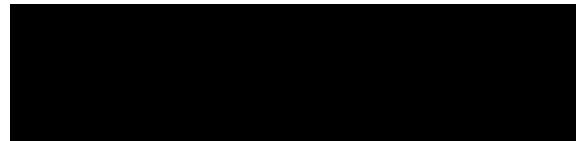
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Specialist 4 (E-4)	)	ACM 40557
WESLEY J. TITUS, USSF,)	
<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 28 June 2024.



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

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. 1
)	
Specialist 4 (E-4),	)	No. ACM 40557
WESLEY J. TITUS,)	
United States Space Force,	)	30 July 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)(2) 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 **5 September 2024**. The record of trial was docketed with this Court on 9 January 2024. From the date of docketing to the present date, 203 days have elapsed. On the date requested, 240 days will have elapsed.

On 13 December 2022 & 14 February 2023, pursuant to his pleas, Specialist (Spc4) Titus J. Wesley was convicted by a general court-martial convened at Schriever Space Force Base, Colorado, of one charge and four specifications of sexual assault in violation of Article 120, Uniform Code of Military Justice. (R. at 132.) The military judge sentenced to Spc4 Titus to be reprimanded, reduced to the grade of E-1, to forfeit of all pay and allowances, to be confined for 22 months, and to be dishonorably discharged. (R. at 142.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action – *United States v. Spc4 Wesley Titus*.)

The record of trial consists of four volumes. The transcript is 142 pages. There are five prosecution exhibits, five defense exhibits, 31 appellate exhibits, and five court exhibits. Appellant

is not currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Additionally, undersigned counsel has been in communication with Spc4 Titus as to the progress and current status of the case.

Undersigned counsel is currently assigned 20 cases; 13 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

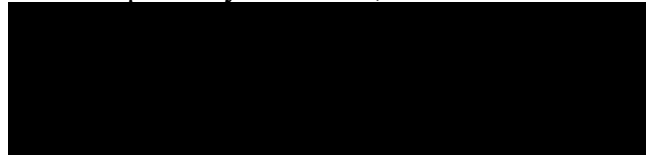
- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its tenth enlargement of time. Counsel has completed reviewing the record of trial and has begun drafting and assignment of errors.
- 2) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 134 page transcript. This case is on its seventh enlargement of time. Counsel has completed an initial review of the record of trial from the remanded hearing.
- 3) *United States v. Jenkins*, ACM S32765 - The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case is on its fifth enlargement of time.

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,

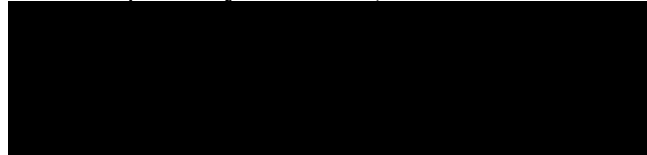


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

CERTIFICATE OF FILING AND SERVICE

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Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
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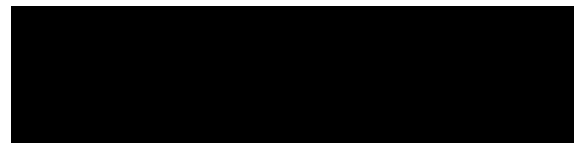
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Specialist 4 (E-4)	)	ACM 40557
WESLEY J. TITUS, USSF,)	
<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 31 July 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,	)	MOTION FOR ENLARGEMENT OF
<i>Appellee,</i>	)	TIME (SIXTH)
)	
v.	)	Before Panel No. 1
)	
Specialist 4 (E-4),	)	No. ACM 40557
WESLEY J. TITUS,)	
United States Space Force,	)	29 August 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)(2) 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 **5 October 2024**. The record of trial was docketed with this Court on 9 January 2024. From the date of docketing to the present date, 233 days have elapsed. On the date requested, 270 days will have elapsed.

On 13 December 2022 & 14 February 2023, pursuant to his pleas, Specialist (Spc4) Titus J. Wesley was convicted by a general court-martial convened at Schriever Space Force Base, Colorado, of one charge and four specifications of sexual assault in violation of Article 120, Uniform Code of Military Justice. (R. at 132.) The military judge sentenced to Spc4 Titus to be reprimanded, reduced to the grade of E-1, to forfeit of all pay and allowances, to be confined for 22 months, and to be dishonorably discharged. (R. at 142.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action – *United States v. Spc4 Wesley Titus*.)

The record of trial consists of four volumes. The transcript is 142 pages. There are five prosecution exhibits, five defense exhibits, 31 appellate exhibits, and five court exhibits. Appellant

is not currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Additionally, undersigned counsel has been in communication with Spc4 Titus as to the progress and current status of the case, but does not have a substantive update at this time.

Undersigned counsel is currently assigned 20 cases; 13 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

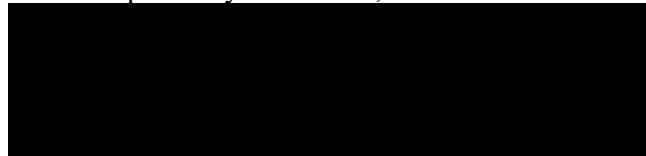
- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its eleventh enlargement of time. Undersigned counsel has not yet completed an initial review of the record of trial.
- 2) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 134 page transcript. This case is on its eighth enlargement of time. Undersigned counsel has completed an initial review of the remanded record of trial.
- 3) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case is in its sixth enlargement of time.

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. Counsel's current top priority is *United States v. Hilton*, which counsel has begun drafting an assignment of errors for in coordination with

civilian counsel. Following this, counsel will be working to complete an assignment of errors in *United States v. Martinez* as expediently as possible. Additionally, over the previous enlargement of time, counsel was at work on a reply brief for *United States v. Saul*, ACM 40341, a case which has been granted for review before the Court of Appeals for the Armed Forces. 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,

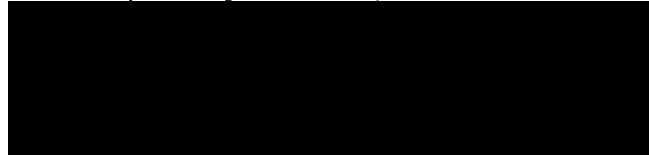


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

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 29 August 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
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Appellate Defense Division
United States Air Force
(240) 612-4770

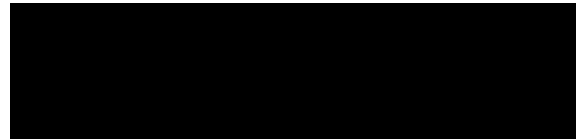
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Specialist 4 (E-4)	)	ACM 40557
WESLEY J. TITUS, USSF,)	
<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.

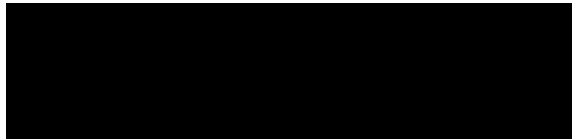
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 4 September 2024.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
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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. 1
)	
Specialist 4 (E-4),	)	No. ACM 40557
WESLEY J. TITUS,)	
United States Space Force,	)	28 September 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)(2) 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 **4 November 2024**. The record of trial was docketed with this Court on 9 January 2024. From the date of docketing to the present date, 263 days have elapsed. On the date requested, 300 days will have elapsed.

On 13 December 2022 & 14 February 2023, pursuant to his pleas, Specialist (Spc4) Titus J. Wesley was convicted by a general court-martial convened at Schriever Space Force Base, Colorado, of one charge and four specifications of sexual assault in violation of Article 120, Uniform Code of Military Justice. (R. at 132.) The military judge sentenced to Spc4 Titus to be reprimanded, reduced to the grade of E-1, to forfeit of all pay and allowances, to be confined for 22 months, and to be dishonorably discharged. (R. at 142.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action – *United States v. Spc4 Wesley Titus*.)

The record of trial consists of four volumes. The transcript is 142 pages. There are five prosecution exhibits, five defense exhibits, 31 appellate exhibits, and five court exhibits. Appellant

is not currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Additionally, undersigned counsel has been in communication with Spc4 Titus as to the progress and current status of the case, but does not have a substantive update at this time.

Undersigned counsel is currently assigned 20 cases; 13 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its twelfth enlargement of time. Undersigned counsel has completed review of the record of trial and is working on an assignment of errors with civilian counsel.
- 2) *United States v. Martinez*, ACM 39903 (reh) – The record of trial from the remanded hearing consists of three volumes. The transcript is 134 pages. There are five prosecution exhibits, one defense exhibit, and 15 appellate exhibits. The record of trial from the initial trial consists of 11 prosecution exhibits, 24 defense exhibits, 81 appellate exhibits, and includes a 134 page transcript. This case is on its ninth enlargement of time. Undersigned counsel is working towards completion on an assignment of errors.
- 3) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case is in its seventh enlargement of time.

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. Counsel's current top priority is *United*

States v. Hilton, which counsel has been working on an assignment of errors with civilian counsel. Concurrently with this, counsel has been working towards completion of an assignment of errors in *United States v. Martinez*. Counsel is also in preparation for oral arguments before the Court of Appeals for the Armed Forces in *United States v. Saul*, ACM 40341. These priorities have prevented counsel from dedicating the time necessary to begin work on the case at bar. 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,

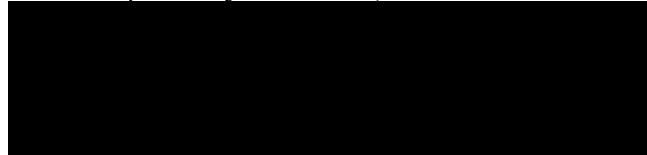


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Appellate Defense Counsel
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United States Air Force
(240) 612-4770

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 28 September 2024.

Respectfully submitted,



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United States Air Force
(240) 612-4770

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Specialist 4 (E-4)	)	ACM 40557
WESLEY J. TITUS, USSF,)	
<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 to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 300 days in length. Appellant's nearly year long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two thirds of the 18 month standard for this Court to issue a decision, which only leaves about 8 months combined for the United States and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

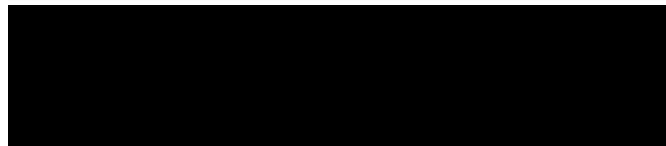
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 1 October 2024.



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

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. 1
)	
Specialist 4 (E-4),	)	No. ACM 40557
WESLEY J. TITUS,)	
United States Space Force,	)	28 October 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)(2) 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 **4 December 2024**. The record of trial was docketed with this Court on 9 January 2024. From the date of docketing to the present date, 293 days have elapsed. On the date requested, 330 days will have elapsed.

On 13 December 2022 & 14 February 2023, pursuant to his pleas, Specialist (Spc4) Titus J. Wesley was convicted by a general court-martial convened at Schriever Space Force Base, Colorado, of one charge and four specifications of sexual assault in violation of Article 120, Uniform Code of Military Justice. (R. at 132.) The military judge sentenced to Spc4 Titus to be reprimanded, reduced to the grade of E-1, to forfeit of all pay and allowances, to be confined for 22 months, and to be dishonorably discharged. (R. at 142.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action – *United States v. Spc4 Wesley Titus*.)

The record of trial consists of four volumes. The transcript is 142 pages. There are five prosecution exhibits, five defense exhibits, 31 appellate exhibits, and five court exhibits. Appellant

is not currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Additionally, undersigned counsel has been in communication with Spc4 Titus as to the progress and current status of the case, but does not have a substantive update at this time.

Undersigned counsel is currently assigned 20 cases; 11 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

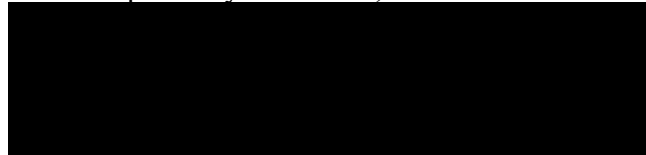
- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its thirteenth enlargement of time. Counsel has completed reviewing the record of trial and has begun drafting and assignment of errors.
- 2) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case is in its eighth enlargement of time.
- 3) *United States v. Titus*, ACM 40557 – This is 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. Over the past thirty days counsel has had to balance several competing priorities. Counsel was busy preparing for oral arguments before the Court of Appeals for the Armed Forces (CAAF) in *United States v. Saul*, ACM 40341. Additionally, counsel submitted assignments of error to this Court in both *United States v. Martinez* and *United States v. Cepeda*. Finally, counsel submitted a supplement to petition for review to the CAAF in *United States v. Schneider*. Since completion of these, Counsel has been working through pending deadlines before the CAAF for *United States v. Bates* and *United States*

v. Vargo, while attempting to take leave between 30 October 2024 and 5 November 2024. 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,

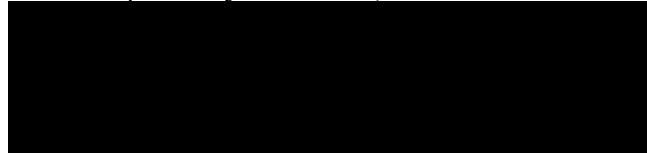


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
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United States Air Force
(240) 612-4770

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 28 October 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Specialist 4 (E-4)	)	ACM 40557
WESLEY J. TITUS, USSF,)	
<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 to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 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.

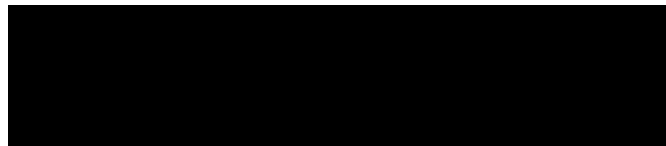
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 29 October 2024.



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

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. 1
)	
Specialist 4 (E-4),	)	No. ACM 40557
WESLEY J. TITUS,)	
United States Space Force,	)	27 November 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)(2) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for his ninth enlargement of time to file an Assignment of Errors (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **3 January 2025**. The record of trial was docketed with this Court on 9 January 2024. From the date of docketing to the present date, 323 days have elapsed. On the date requested, 360 days will have elapsed.

On 13 December 2022 & 14 February 2023, pursuant to his pleas, Specialist (Spc4) Titus J. Wesley was convicted by a general court-martial convened at Schriever Space Force Base, Colorado, of one charge and four specifications of sexual assault in violation of Article 120, Uniform Code of Military Justice. (R. at 132.) The military judge sentenced to Spc4 Titus to be reprimanded, reduced to the grade of E-1, to forfeit of all pay and allowances, to be confined for 22 months, and to be dishonorably discharged. (R. at 142.) The convening authority took no action on the findings or sentence. (Convening Authority Decision on Action – *United States v. Spc4 Wesley Titus*.)

The record of trial consists of four volumes. The transcript is 142 pages. There are five prosecution exhibits, five defense exhibits, 31 appellate exhibits, and five court exhibits. Appellant

is not currently in confinement. Appellant has been advised of his right to a timely appeal, as well as the request for an enlargement of time. Appellant has agreed to the request for an enlargement of time. Additionally, undersigned counsel has been in communication with Spc4 Titus as to the progress and current status of the case.

Undersigned counsel is currently assigned 20 cases; 11 cases are pending initial AOE's before this Court. Undersigned counsel's top priorities are as follows:

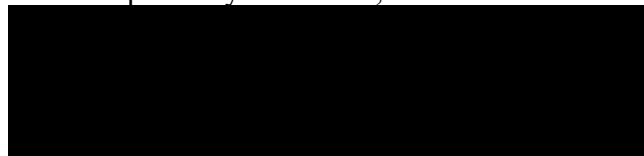
- 1) *United States v. Hilton*, ACM 40500 – The record of trial consists of 15 volumes. The transcript is 2747 pages. There are 29 prosecution exhibits, 22 defense exhibits, two court exhibits, and 102 appellate exhibits. This case is on its thirteenth enlargement of time. Counsel has completed reviewing the record of trial and has begun drafting and assignment of errors.
- 2) *United States v. Jenkins*, ACM S32765 – The record of trial consists of three volumes stored in electronic format. The transcript is 138 pages. There are four prosecution exhibits, one defense exhibit, four appellate exhibits, and one court exhibit. This case is in its ninth enlargement of time. Counsel has identified three issues and is working towards completion of an assignment of errors.
- 3) *United States v. Titus*, ACM 40557 – This is the instant case.

Through no fault of Appellant, undersigned counsel has been working on other assigned matters and has yet to complete an in-depth review of Appellant's case. Counsel has been busy working towards completion of an assignment of errors for *United States v. Jenkins*. The brief for that case is due to this Court on 5 December 2024, and Counsel anticipates working through the Thanksgiving weekend to complete it. Additionally, counsel has been working with civilian counsel in *United States v. Hilton*, which required him to dedicate time to coordinate the transmission of sealed exhibits. Counsel has had to balance his work before this Court with other

priorities before the Court of Appeals for the Armed Forces (CAAF). On 13 November 2024, counsel submitted a supplement for petition for review to the CAAF in *United States v. Bates*. This supplement addressed five issues. Additionally, counsel submitted a supplement for petition for review and a response to motion to dismiss to the CAAF in *United States v. Vargo* on 20 November 2024. Counsel worked through the weekend on 16 November 2024 in order to comply with the deadline set by the CAAF, while tending to a lingering illness that required him to go home from the office on multiple days. Additionally, counsel was on leave between 30 October 2024 and 5 November 2024. These circumstances and priorities have prevented counsel from being able to dedicate the time necessary for this case beyond a preliminary review. 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,

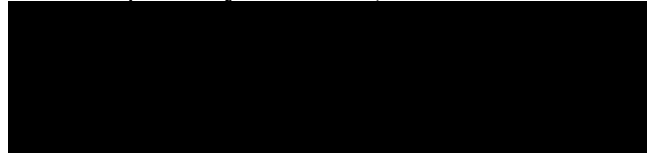


MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
(240) 612-4770

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 27 November 2024.

Respectfully submitted,



MICHAEL J. BRUZIK, Capt, USAF
Appellate Defense Counsel
Appellate Defense Division
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(240) 612-4770

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

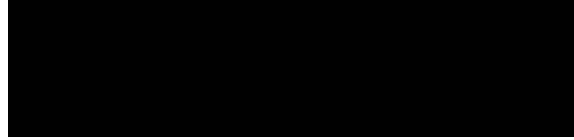
UNITED STATES,)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Specialist 4 (E-4)	)	ACM 40557
WESLEY J. TITUS, USSF,)	
<i>Appellant.</i>	)	Panel No. 1
)	

**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 to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 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.

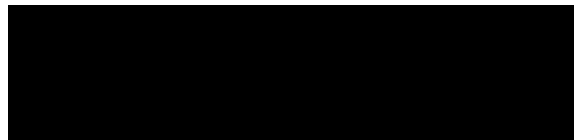
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division
Military Justice and Discipline
United States Air Force
(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 3 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,	)	MERITS BRIEF
<i>Appellee,</i>)	
	)	Before Panel No. 1
v.)	
	)	No. ACM 40557
Specialist (E-4),)	
WESLEY J. TITUS,	)	20 December 2024
United States Space Force,)	
<i>Appellant.</i>)	

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

Submission of Case Without Specific Assignment of Error

The undersigned appellate defense counsel attests that he, on behalf of Appellant, carefully examined the record of trial in this case. Appellant does not admit the findings and sentence are correct in law and fact, but submits the case to this Honorable Court on its merits with no specific assignment of errors during this stage of appellate processing.

Respectfully submitted,

[Redacted Signature]

ANTHONY J. GHIOTTO, Lt Col, USAFR
Appellate Defense Counsel
Air Force Appellate Defense Division
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Joint Base Andrews NAF, MD 20762-6604
Office: (240) 612-4770
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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 20 December 2024.



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

UNITED STATES)	No. ACM 40557
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Wesley J. TITUS)	
Specialist 4 (E-4))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 14 February 2023, a general court-martial composed of a military judge sitting alone convicted Appellant, in accordance with his pleas and pursuant to a plea agreement, of three specifications of sexual assault, and one specification of abusive sexual contact, in violation of Article 120, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 920.¹ The adjudged sentence was a dishonorable discharge, confinement for 22 months, forfeiture of all pay and allowances, reduction to the grade of E-1, and a reprimand. The convening authority took no action on the findings or sentence and provided the language for the reprimand.

On 10 April 2023, the trial judge signed the entry of judgment.

The record of trial contains a seven-page Memorandum for Record, signed by Captain (Capt) CT as trial counsel and addressed to all reviewing authorities, explaining the post-trial processing chronology. Attached to this memorandum is a ten-page email exchange between the legal office and the trial judge. On 27 June 2023, over two months after the military judge entered the judgment in Appellant's case, Capt CT requested the trial judge "correct the attached incomplete/defective transcript from [this case] due to significant portions of the recorded audio being inaudible and unable to be accurately transcribed." On 14 July 2023, the trial judge responded acknowledging the request and explained he had made "good progress" in his "attempt to recreate the transcript." On 17 July 2023, the trial judge provided an edited transcript. While he had "very detailed notes for the providency inquiry and plea inquiry," he did not have detailed notes for the remainder of the trial, including sentencing witness testimony and arguments by the parties.

¹ Unless otherwise noted, references in this order to the UCMJ and Rules for Courts-Martial are to the *Manual for Courts-Martial, United States* (2019 ed.).

The final version of the trial transcript² contains several references of extended periods of time (identified in brackets) flagged as inaudible. These inaudible segments include portions of the plea agreement inquiry and the entire testimony of sentencing witnesses for both parties. Those witness testimonies are either paraphrased or indicated as “not accounted for in this transcript.” Sentencing arguments for both parties are similarly indicated as “not accounted for in the transcript.” Nonetheless, the court reporter certified the transcript and the record of trial on 2 November 2023.

On 20 December 2024, Appellant submitted his case on its merits, with no specific assignments of error, to this court for review. As part of this court’s Article 66(d), UCMJ, 10 U.S.C. § 866(d), review, we discovered the record included a nonverbatim transcript of the general court-martial proceeding that took place on 14 February 2023 at Peterson Space Force Base, Colorado. We also discovered the disc purporting to contain the audio recording of this same proceeding was substantially inaudible.³

“Whether a record is complete and a transcript is verbatim are questions of law that this Court reviews *de novo*.” *United States v. Davenport*, 73 M.J. 373, 376 (C.A.A.F. 2014) (citation omitted). Rule for Courts-Martial (R.C.M.) 1112(b) provides that “[t]he record of trial in every general and special court-martial shall include . . . [a] substantially verbatim recording of the court-martial proceedings except sessions closed for deliberations and voting”

“Court-martial proceedings may be recorded by videotape, audiotape, or other technology from which sound images may be reproduced to accurately depict the court-martial.” R.C.M. 1112(a); *see also* R.C.M. 1116(b)(1)(A) (requiring the Government to submit a verbatim transcript of the proceedings to appellate defense counsel or to afford appellate defense counsel the means by which to transform the audio recording of the proceedings into a verbatim transcript; *i.e.*, “voice recognition software or similar means”).

If the record of trial is “incomplete or defective, a court reporter or any party may raise the matter to the trial judge for appropriate corrective action.” R.C.M. 1112(d)(2). The trial judge has four options for correction with respect to an incomplete or defective record of trial: (1) “reconstructing the portion of the record affected;” (2) “dismissing affected specifications;” (3) “reducing the

² The transcript in Appellant’s record of trial consists of 149 pages and includes two Article 39(a), UCMJ, 10 U.S.C. § 839(a), proceedings. The first Article 39(a), UCMJ, proceeding, held on 13 December 2022, was a motions hearing. The second Article 39(a), UCMJ, proceeding, held on 14 February 2023, starts at page 92 of the transcript, and begins the findings portion of Appellant’s guilty plea.

³ The audio recording for the motions hearing on 13 December 2022 was audible and accurately replicated in the transcribed pages for that session.

sentence of the accused;” and (4) “if the error was raised by motion or on appeal by the defense, declaring mistrial as to the affected specifications.” R.C.M. 1112(d)(3)(A)–(D).

With respect to reconstruction, if the attempts to reconstruct the missing portions of the transcript result “in a record that is equivocal such that it leaves uncertainty as to the substance of the lost testimony, it will not suffice.” *United States v. Tate*, 82 M.J. 291, 296 (C.A.A.F. 2022) (citing *Davenport*, 73 M.J. at 378 (holding that where there is no certainty about the substance of missing witness testimony, reconstruction will not cure a defective or incomplete record)).

In Appellant’s case, while the trial judge tried to reconstruct the affected portions of the transcript, his attempt was unsuccessful within the standard set by *Davenport* and *Tate*. In the absence of both the audible audio recording of the 14 February 2023 proceeding and of the verbatim transcript of that session, we are prevented from fully exercising our responsibilities under Article 66(d), UCMJ. Therefore, the court is affording the Government an opportunity to show cause why this court should not return Appellant’s case to The Judge Advocate General for corrective action in accordance with the applicable remedies outlined in R.C.M. 1112(d)(2).

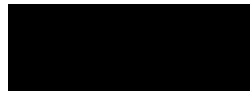
Accordingly, it is by the court on this 5th day of February, 2025,

ORDERED:

Not later than 26 February 2025, counsel for the Government shall **SHOW GOOD CAUSE** as to why this court should not **SET ASIDE** and **DISMISS WITHOUT PREJUDICE** the findings of guilty and sentence and order a rehearing. *See* Article 66(f), UCMJ, 10 U.S.C. § 866(f) (*Manual for Courts-Martial, United States* (2024 ed.)).



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	ANSWER TO SHOW CAUSE
<i>Appellee,</i>	)	ORDER
)	
v.	)	No. ACM 40557
)	
Specialist 4 (E-4)	)	Before Panel 1
WESLEY J. TITUS, USSF,)	
<i>Appellant.</i>	)	26 February 2025

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

This Honorable Court’s 5 February 2025 Order addresses the inaudible recording of significant portions of Appellant’s court-martial. The Show Cause Order affords the United States “an opportunity to show cause why this court should not return Appellant’s case to The Judge Advocate General for corrective action in accordance with the applicable remedies outlined in R.C.M. 1112(d)(2)” and then, in the decretal paragraph, asks why the Court should not set aside and dismiss without prejudice the findings of guilty and sentence and order a rehearing.

ARGUMENT

**THIS COURT SHOULD NOT SET ASIDE THE FINDINGS
AND SENTENCE AND RETURN THE CASE TO THE
CONVENING AUTHORITY BECAUSE APPELLANT DID
NOT OBJECT TO THE RECONSTRUCTED RECORD.**

Standard of Review

Whether a transcript is substantially verbatim, or whether the record of trial is incomplete, are questions of law reviewed de novo. *See United States v. Tate*, 82 M.J. 291, 294 (C.A.A.F. 2022) (citation omitted); *see also United States v. Henry*, 53 M.J. 108, 110 (C.A.A.F. 2000). This Court must decide whether the transcript is substantially verbatim. *See Tate*, 82 M.J. at 294. If it is not, the Court must decide whether the military judge’s remedy upon discovering the malfunction was proper in that it created a substantially verbatim transcript. *Id.*

Law and Analysis

The Court should not return or remand the record. Although the missing audio of the proceedings violates R.C.M. 1112(b)(1), subsection (d)(2) of the same rule provides the remedial options for the parties and the military judge when, as in Appellant's case, the error was discovered prior to certification of the record. The military judge took such corrective action and attempted to reconstruct the record to the best of his abilities. The military judge gave notice to the parties of the proposed corrections and permitted them to examine and respond to the proposed corrections. Both parties provided their inputs. As the Discussion to R.C.M. 1112(d) states, "If both parties agree to the summary or reconstruction of the proceedings, *the proceedings may continue*. If either party objects to the summary or reconstruction, the trial should proceed anew, and the proceedings repeated from the point where the interruption began." *Id.* (emphasis added). In Appellant's case, the parties examined the record as reconstructed, *without objection*.

In Henry, our superior Court found, based upon the now-replaced R.C.M. 1103, that the "requirement that a record of trial be complete and substantially verbatim in order to uphold the validity of a verbatim record sentence is one of jurisdictional proportion that cannot be waived." 53 M.J. at 110-111 (citing United States v. Gray, 7 M.J. 296 (C.M.A. 1979); United States v. Whitney, 23 U.S.C.M.A. 48, 48 C.M.R. 519 (1974)). But Gray discusses neither jurisdiction nor waiver, and Whitney, without citing specific statutory or rule-based support, assumes that such the verbatim requirement is non-waivable based on "Congressional intent" divined from legislative history. *But see* United States v. Avery, 79 M.J. 363, 368, n.8 (C.A.A.F. 2020) (legislative history is not the law and is a "relic from a bygone era of statutory construction" (citation omitted)). The

Court in Whitney *does* cite to the former version of Article 19, UCMJ, 10 U.S.C. § 819,¹ to support its jurisdictional conclusion, as well as United States v. Thompson, 22 U.S.C.M.A. 448, 452, 47 C.M.R. 489 (1973), and United States v. Whitman, 3 U.S.C.M.A. 179, 11 C.M.R. 179 (1953), but none of these authorities directly speak to waiver by an appellant. In fact, the Court in Thompson acknowledged that the failure to secure a verbatim transcript in a general court-martial, “did not constitute reversible error,” and that “an appellate court can remedy an obvious defect in the record without remand if its action does not disadvantage the accused or the government”—a conclusion that makes little sense if such an issue is jurisdictional in the traditional sense and non-waivable. 22 U.S.C.M.A. 448, 453 (citing United States v. Robinson, 459 F.2d 1164 (D.C. Cir. 1972)). Also, these decisions all pre-date the myriad changes to the UCMJ and Manual for Courts-Martial in recent years, as well as the military courts’ evolving views regarding waiver. *See, e.g., United States v. Gladue*, 67 M.J. 311, 314 (C.A.A.F. 2009) (a party may waive any provision, either of contract or statute, intended for his benefit, even including certain Constitutional rights).

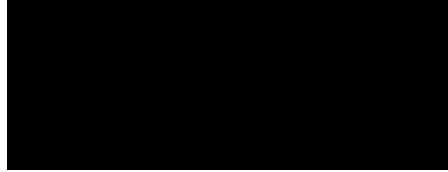
Here, despite this Court having the discretion to return a record of trial to the military judge for correction under R.C.M. 1112, there is no further corrective action the military judge can take regarding the record, other than ordering a rehearing. But no rehearing is appropriate or practical because (1) neither party objected to the reconstructed record, (2) Appellant received the benefit of his plea agreement, (3) he has raised no assignments of error from his court-martial, and, (4) under Article 59(a), UCMJ, there is no error that materially prejudices Appellant’s substantial rights. In sum, by not objecting to the record summary, Appellant has waived this issue.

¹ The former version of Article 19, UCMJ (*jurisdiction* of special court-martial), stated that, in order for a court (that could adjudge a punishment exceeding six months and include a discharge) to have jurisdiction, (1) a complete record of the proceedings must have been made, (2) counsel must have the requisite qualifications under Article 27(b), and (3) a military judge must be detailed (absent any exigency). The new version of Article 19, UCMJ, contains no such language.

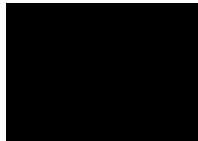
Even if Appellant’s lack of an objection to the judge’s reconstructed record, his negotiated plea agreement and guilty plea, and his decision not to raise any substantive appellate errors are insufficient to find waiver or harmlessness here, the military judge’s reconstruction of the findings portion of the trial is sufficient for this Court to conduct its statutorily mandated review. Thus, if this Court is inclined to order a rehearing, the rehearing should be limited only to sentencing. *See Tate*, 82 M.J. at 298 (ordering a sentencing hearing, but affirming the findings).

Not every omission renders a record of trial incomplete. Instead, this Court assesses “whether the omitted material was ‘substantial,’ either qualitatively or quantitatively.” *United States v. Lashley*, 14 M.J. 7, 9 (C.M.A. 1982). If substantial, the government must overcome a presumption of prejudice. If not, the record is considered complete. *Id.* Here, the record up until pre-sentencing is neither qualitatively nor quantitatively insufficient, and even if it is insufficient, Appellant suffers no prejudice: The transcript contains (1) a full record of the motion hearings, as well as the relevant testimony and arguments of counsel concerning those motions, (R. at 1-91); (2) Appellant’s forum rights and forum choice, (*id.* at 103-05); (3) Appellant’s plea, (*id.* at 105); (4) the dispositive portions of the stipulation of fact inquiry (*id.* at 107-111); (5) the factual basis for Appellant’s plea, which—where brief sections may be missing—can be read alongside the Stipulation of Fact (*id.* at 112-27; *see also* Pros. Ex. 1); (6) the maximum punishment inquiry (R. at 127); (7) an (albeit disjointed) discussion and Appellant’s acceptance of the plea agreement, which can also be read alongside the plea agreement itself (*id.* at 128-32; *see also* App. Ex. 18); and (8) the military judge’s acceptance of Appellant’s plea and the findings of guilt, (R. at 132). The brief omissions contained in this first portion of the trial are not substantial—either qualitatively or quantitatively. But, in any case, the reconstructed record (to which Appellant lodged no objections) sufficiently rebuts any notion of prejudice to Appellant.

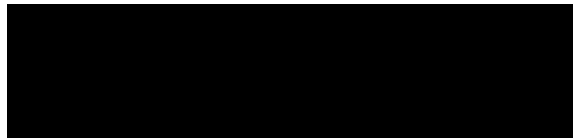
For the foregoing reasons, the Court should find the lack of a complete record to be waived or harmless beyond a reasonable doubt and decline to return or remand the record. If return or remand is indeed appropriate, this Court should only order a rehearing on the sentence and affirm the findings portion of the trial. *See* R.C.M. 1203(e)(3).



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CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and the Air Force Appellate Defense Division on 26 February 2025 via electronic filing.



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