

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	NOTICE OF DIRECT
<i>Appellee,</i>	)	APPEAL PURSUANT TO
	)	ARTICLE 66(b)(1)(A), UCMJ
v.)	
)	
Staff Sergeant (E-5)	)	No. ACM XXXXX
BRIAN M. WATKINS,)	
United States Air Force,	)	25 June 2024
<i>Appellant.</i>)	

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

From 26 to 29 February 2024, Appellant, Staff Sergeant (SSgt) Brian M. Watkins, was tried by a general court-martial comprised of officer and enlisted members at Hurlburt Field, Florida. R. at 1, 2, 55, 62, 519. Contrary to his pleas, Appellant was convicted of one charge and one specification of damaging non-military property in violation of Article 109, Uniform Code of Military Justice (UCMJ), and one charge and one specification of assault consummated by a battery against an intimate partner in violation of Article 128, UCMJ. R. at 7, 62, 413, 489-90. Consistent with his pleas, the panel members acquitted Appellant of one charge and one specification in violation of Article 113, UCMJ, and one charge and one specification in violation of Article 134, UCMJ. *Id.* The military judge sentenced Appellant to be reduced to the grade of E-4, to forfeit \$2500 pay per month for one month, and to be confined for a total of 20 days (confinement running concurrently). R. at 494, 518.

On 29 May 2024, the Government mailed Appellant the required notice of his right to appeal within 90 days. Pursuant to Article 66(b)(1)(A), UCMJ, 10 U.S.C. § 866(b)(1)(A),

Appellant files his notice of direct appeal with this Court.

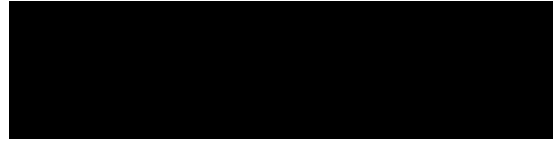
Respectfully submitted,



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
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 25 June 2024.



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
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

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

UNITED STATES	)	No. ACM _____
<i>Appellee</i>)	
)	
v.)	
	)	NOTICE OF
Brian M. WATKINS	)	DOCKETING
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>)	

On 25 June 2024, this court received a notice of direct appeal from Appellant in the above-styled case, pursuant to Article 66(b)(1)(A), Uniform Code of Military Justice, 10 U.S.C. § 866(b)(1)(A).


As of the date of this notice, the court has not yet received a record of trial in Appellant's case.

Accordingly, it is by the court on this 25th day of June, 2024,
ORDERED:

The case in the above-styled matter is referred to Panel 3.
It is further ordered:

The Government will forward a copy of the record of trial to the court forthwith.



FOR THE COURT

TANICA S. BAGMON
Appellate Court Paralegal

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

UNITED STATES)	No. ACM 40639
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Brian M. WATKINS)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 3

On 26 August 2024, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 days to submit Appellant's assignments of error. The Government opposes the motion.

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

Accordingly, it is by the court on this 5th day of September, 2024,

ORDERED:

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

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.

Appellant's counsel is further advised that any future requests for enlargements of time that, if granted, would expire more than 360 days after docketing, will not be granted absent *exceptional circumstances*.



FOR THE COURT,

[Redacted signature block]

OLGA STANFORD, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Staff Sergeant (E-5)

BRIAN M. WATKINS,

United States Air Force,

Appellant.

) **APPELLANT’S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (FIRST)**

)

) Before Panel No. 3

)

) No. ACM 40639

)

) 26 August 2024

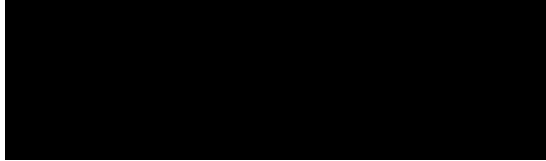
**TO THE HONORABLE, THE JUDGES OF THE UNITED STATES
AIR FORCE COURT OF CRIMINAL APPEALS:**

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **7 November 2024**.

Appellant’s direct appeal was docketed with this Court on 25 June 2024. At the time of docketing, the Court had not received the record of trial and ordered it delivered forthwith. Notice of Docketing, 25 June 2024. The Government forwarded Appellant’s record of trial to this Court on 10 July 2024. From the date of docketing to the present date, 62 days have elapsed. From the date this Court received the record of trial to the present date, 47 days have elapsed. On the date requested, 120 days will have elapsed from the date the Court received the record of trial and 135 days will have elapsed since docketing.

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

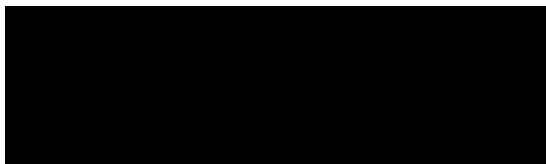
Respectfully submitted,



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
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 26 August 2024.



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
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

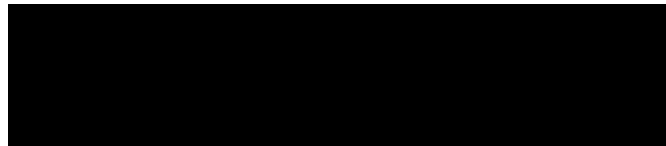
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Staff Sergeant (E-5)	)	ACM 40639
BRIAN M. WATKINS, USAF,)	
<i>Appellant.</i>	)	Panel No. 3

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

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

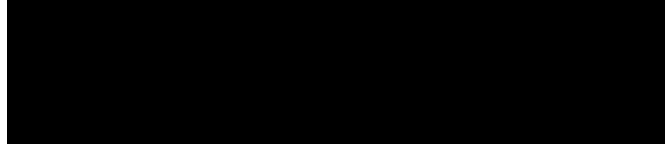
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 28 August 2024.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Staff Sergeant (E-5)

BRIAN M. WATKINS,

United States Air Force,

Appellant.

) **APPELLANT'S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (SECOND)**

)

) Before Panel No. 3

)

) No. ACM 40639

)

) 28 October 2024

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

Pursuant to Rule 23.3(m)(3) and (4) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **7 December 2024**.

Appellant's direct appeal was docketed with this Court on 25 June 2024. At the time of docketing, the Court had not received the record of trial and ordered it delivered forthwith. Notice of Docketing, 25 June 2024. The Government forwarded Appellant's record of trial to this Court on 10 July 2024. From the date of docketing to the present date, 125 days have elapsed. From the date this Court received the record of trial to the present date, 110 days have elapsed. On the date requested, 150 days will have elapsed from the date the Court received the record of trial and 165 days will have elapsed since docketing.

On 29 February 2024, at a general court-martial convened at Hurlburt Field, Florida, a panel of officer and enlisted members found Appellant guilty, contrary to his pleas, of one charge and one specification of willful destruction of non-military property, in violation of Article 109, Uniform Code of Military Justice (UCMJ), and one charge and one specification of assault consummated by battery upon an intimate partner, in violation of Article 128, UCMJ. R. at 1, 58,

62, 489-90. Appellant was acquitted of one specification of reckless operation of vehicle, in violation of Article 113, UCMJ, and one specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 58, 489-90. The military judge sentenced Appellant to be reduced to the grade of E-4, to forfeit \$2,500 pay per month for one month, and to be confined for a total of 20 days (confinement for each specification running concurrently). R. at 518. The convening authority took no action on the findings or sentence. Record of Trial (ROT), Vol. 1, *Convening Authority Decision on Action – United States v. Staff Sergeant Brian M. Watkins*.

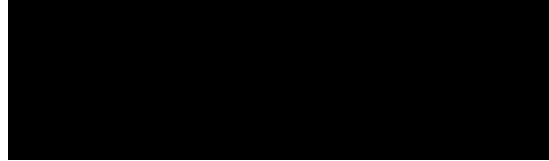
The trial transcript is 519 pages long and the record of trial is five volumes containing 14 Prosecution Exhibits, three Defense Exhibit, 47 Appellate Exhibits, and one Court Exhibit. Appellant is not currently confined.

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

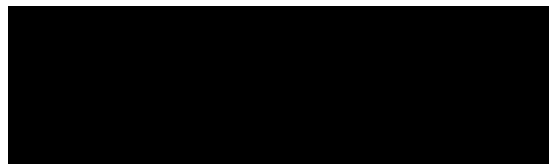
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
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 28 October 2024.



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
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

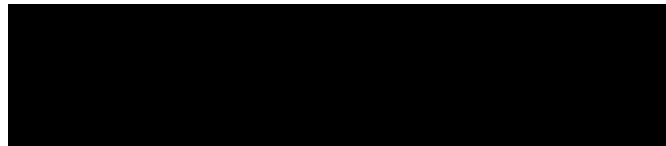
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Staff Sergeant (E-5)	)	ACM 40639
BRIAN M. WATKINS, USAF,)	
<i>Appellant.</i>	)	Panel No. 3

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

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

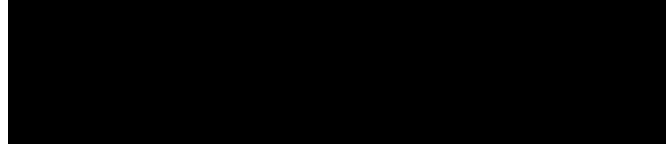
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 28 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,

Appellee,

v.

Staff Sergeant (E-5)

BRIAN M. WATKINS,

United States Air Force,

Appellant.

) **APPELLANT'S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (THIRD)**

)

) Before Panel No. 3

)

) No. ACM 40639

)

) 18 November 2024

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **6 January 2025**.

Appellant's direct appeal was docketed with this Court on 25 June 2024. At the time of docketing, the Court had not received the record of trial and ordered it delivered forthwith. Notice of Docketing, 25 June 2024. The Government forwarded Appellant's record of trial to this Court on 10 July 2024. From the date of docketing to the present date, 146 days have elapsed. From the date this Court received the record of trial to the present date, 131 days have elapsed. On the date requested, 180 days will have elapsed from the date the Court received the record of trial and 195 days will have elapsed since docketing.¹

On 29 February 2024, at a general court-martial convened at Hurlburt Field, Florida, a panel of officer and enlisted members found Appellant guilty, contrary to his pleas, of one charge

¹ This request for an enlargement of time is being filed well in advance to avoid any issues while the Court is closed and while undersigned counsel is out of the office from 22-29 November 2024 and again from 5-6 December 2024.

and one specification of willful destruction of non-military property, in violation of Article 109, Uniform Code of Military Justice (UCMJ), and one charge and one specification of assault consummated by battery upon an intimate partner, in violation of Article 128, UCMJ. R. at 1, 58, 62, 489-90. Appellant was acquitted of one specification of reckless operation of vehicle, in violation of Article 113, UCMJ, and one specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 58, 489-90. The military judge sentenced Appellant to be reduced to the grade of E-4, to forfeit \$2,500 pay per month for one month, and to be confined for a total of 20 days (confinement for each specification running concurrently). R. at 518. The convening authority took no action on the findings or sentence. Record of Trial (ROT), Vol. 1, *Convening Authority Decision on Action* – United States v. Staff Sergeant Brian M. Watkins.

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. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information. Appellate defense counsel is currently assigned 37 cases; 20 cases are pending before this Court (15 cases are pending AOE's), 15 cases are pending before the United States Court of Appeals for the Armed Forces (CAAF), and two cases are pending petitions to the United States Supreme Court. To date, fourteen cases have priority over the present case:

1. *United States v. Casillas*, No. 24-0089/AF – On 29 October 2024, the CAAF ordered additional briefing in this case. Briefs are currently due 9 December 2024.

2. *United States v. Leipart*, No. 24A288 – The CAAF issued a decision in this case on 1 August 2024. Undersigned counsel will file a petition of certiorari to the United States Supreme Court by 29 December 2024.

3. *United States v. Johnson*, No. 24-0004/SF – Undersigned counsel filed this two-issue Grant Brief on 4 November 2024. Any reply brief will be due after the Government files its answer in December.

4. *United States v. Wells*, No. 23-0219/AF – The CAAF issued a decision in this case on 24 September 2024. Undersigned counsel anticipates filing a petition of certiorari to the United States Supreme Court by 23 December 2024, barring any extensions.

5. *United States v. Folts*, No. ACM 40322 – On 26 August 2024, this Court issued an opinion in this appellant’s case. As this Court denied the motion for reconsideration, undersigned counsel is now working with civilian appellate defense counsel on drafting the petition and supplement to the CAAF, due in early December.

6. *United States v. Singleton*, No. ACM 40535 – Undersigned counsel anticipates withdrawing from this case to allow a more available appellate defense counsel to take over. The new counsel has already made an appearance, and withdrawal is pending client consultation and turnover.

7. *United States v. Gray*, No. ACM 40648 – Undersigned counsel has filed her withdrawal in this case, which is pending this Court’s action.

8. *United States v. Kim*, No. ACM 24007 – The record of trial for this direct appeal is five volumes consisting of five Prosecution Exhibits, three Defense Exhibits, 27 Appellate Exhibits, and one court exhibit. The transcript is 421 pages. This appellant is not currently confined. Counsel has not yet completed her review of this appellant’s record.

9. *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. Counsel has not yet completed her review of the record of trial.

10. *United States v. Marin Perez*, No. ACM S32771 – The trial transcript is 108 pages long and the record of trial is an electronic ROT, which is one volume of 381 pages. There are four Prosecution Exhibits, fourteen Defense Exhibits, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

11. *United States v. Marschalek*, No. ACM S32776 – The trial transcript is 198 pages long and the record of trial is comprised of two volumes containing nine Prosecution Exhibits, twelve Defense Exhibits, one Court Exhibit, and three Appellate Exhibits. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

12. *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. Counsel has not yet completed her review of the record of trial.

13. *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. Counsel has not yet completed her review of the record of trial.

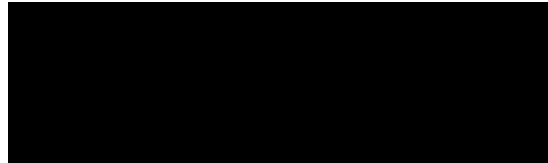
14. *United States v. Tyson*, No. ACM 40617 – The trial transcript is 1244 pages long and the electronic record of trial is three volumes containing 25 Prosecution Exhibits, 14 Defense Exhibits, one Court Exhibit, and 71 Appellate Exhibits. This appellant is not currently confined. Counsel has not yet 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 respectfully requests that this Court grant the requested enlargement of time for good cause shown.

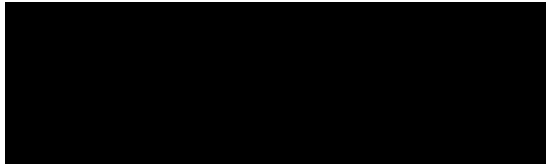
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
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 18 November 2024.



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
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

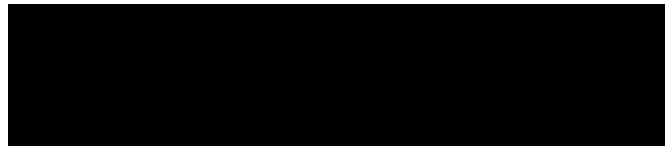
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Staff Sergeant (E-5)	)	ACM 40639
BRIAN M. WATKINS, USAF,)	
<i>Appellant.</i>	)	Panel No. 3

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

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

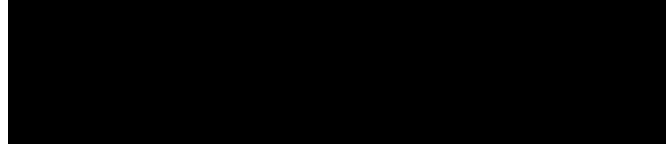
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 20 November 2024.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Staff Sergeant (E-5)

BRIAN M. WATKINS,

United States Air Force,

Appellant.

) **APPELLANT’S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (FOURTH)**

)

) Before Panel No. 3

)

) No. ACM 40639

)

) 23 December 2024

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

Pursuant to Rule 23.3(m)(3) and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **5 February 2025**.

This Court docketed Appellant’s direct appeal on 25 June 2024. At the time of docketing, the Court had not received the record of trial and ordered it delivered forthwith. Notice of Docketing, 25 June 2024. The Government forwarded Appellant’s record of trial to this Court on 10 July 2024. From the date of docketing (25 June 2024) to the present date, 181 days have elapsed. From the date this Court received the record of trial (10 July 2024) to the present date, 166 days have elapsed. On the date requested, 210 days will have elapsed from the date the Court received the record of trial and 225 days will have elapsed since docketing.

On 29 February 2024, at a general court-martial convened at Hurlburt Field, Florida, a panel of officer and enlisted members found Appellant guilty, contrary to his pleas, of one charge and one specification of willful destruction of non-military property, in violation of Article 109, Uniform Code of Military Justice (UCMJ), and one charge and one specification of assault consummated by battery upon an intimate partner, in violation of Article 128, UCMJ. R. at 1, 58,

62, 489-90. Appellant was acquitted of one specification of reckless operation of vehicle, in violation of Article 113, UCMJ, and one specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 58, 489-90. The military judge sentenced Appellant to be reduced to the grade of E-4, to forfeit \$2,500 pay per month for one month, and to be confined for a total of 20 days (confinement for each specification running concurrently). R. at 518. The convening authority took no action on the findings or sentence. Record of Trial (ROT), Vol. 1, *Convening Authority Decision on Action – United States v. Staff Sergeant Brian M. Watkins*.

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. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information. Appellate defense counsel is currently assigned 38 cases; 20 cases are pending before this Court (16 cases are pending AOE's), 16 cases are pending before the Court of Appeals for the Armed Forces (CAAF), and two cases are pending petitions to the United States Supreme Court. Eleven cases have priority over the present case:

1. *United States v. Leipart*, No. 24A288 – Since Appellant's last enlargement of time, undersigned counsel wrote the petition for a writ of certiorari and secured printing. The petition will be filed by 29 December 2024.

2. *United States v. Folts*, No. 25-0043/AF – Since Appellant's last enlargement of time, undersigned counsel wrote and finalized the supplement to the petition for grant of review with civilian counsel. The three-issue supplement will be filed by 26 December 2024.

3. *United States v. Johnson*, No. 24-0004/SF – The Government filed its Answer in this case on 20 December 2024. Undersigned counsel is currently working the Reply Brief, which is due 30 December 2024. Oral argument is anticipated to occur at the end of January 2025.

4. *United States v. Casillas*, No. 24-0089/AF – Since Appellant’s last enlargement of time, undersigned counsel wrote and filed the supplemental briefing ordered for three issues. Undersigned counsel is now preparing for oral argument, scheduled for 14 January 2025.

5. *United States v. Kim*, No. ACM 24007 – The record of trial for this direct appeal is five volumes consisting of five Prosecution Exhibits, three Defense Exhibits, 27 Appellate Exhibits, and one court exhibit. The transcript is 421 pages. This appellant is not currently confined. Counsel has not yet completed her review of this appellant’s record.

6. *United States v. Wells*, No. 24A520 – The CAAF issued a decision in this case on 24 September 2024. The petition for a writ of certiorari to the United States Supreme Court is due 21 February 2025.

7. *United States v. Thomas*, No. ACM 22083 – The record of trial for this direct appeal 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. Counsel has not yet completed her review of the record of trial.

8. *United States v. Marin Perez*, No. ACM S32771 – The trial transcript is 108 pages long and the record of trial is an electronic ROT, which is one volume of 381 pages. There are four Prosecution Exhibits, fourteen Defense Exhibits, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

9. *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. Counsel has not yet completed her review of the record of trial.

10. *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. Counsel has not yet completed her review of the record of trial.

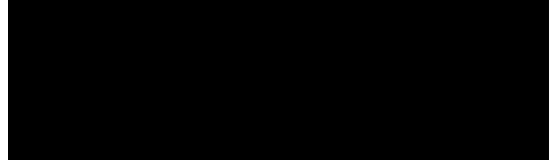
11. *United States v. Tyson*, No. ACM 40617 – The trial transcript is 1244 pages long and the electronic record of trial is three volumes containing 25 Prosecution Exhibits, 14 Defense Exhibits, one Court Exhibit, and 71 Appellate Exhibits. This appellant is not currently confined. Counsel has not yet 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.

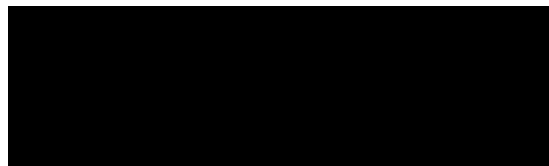
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
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 23 December 2024.



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
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

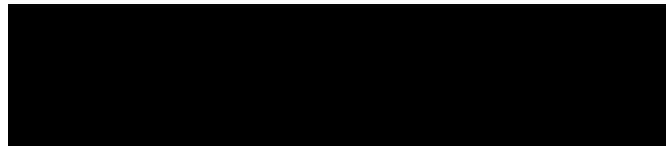
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Staff Sergeant (E-5)	)	ACM 40639
BRIAN M. WATKINS, USAF,)	
<i>Appellant.</i>	)	Panel No. 3

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

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

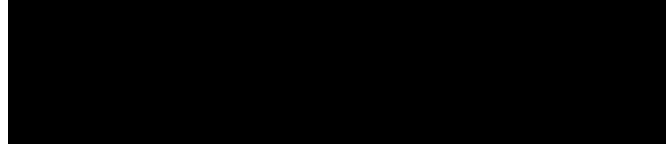
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 23 December 2024.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Staff Sergeant (E-5)

BRIAN M. WATKINS,

United States Air Force,

Appellant.

) **APPELLANT’S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (FIFTH)**

)

) Before Panel No. 3

)

) No. ACM 40639

)

) 21 January 2025

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

Pursuant to Rule 23.3(m)(3) and (6) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **7 March 2025**.

This Court docketed Appellant’s direct appeal on 25 June 2024. At the time of docketing, the Court had not received the record of trial and ordered it delivered forthwith. Notice of Docketing, 25 June 2024. Fifteen (15) days later, on 10 July 2024, the Government forwarded Appellant’s record of trial to this Court. Rule 18(d)(2) of the Joint Rules of Appellate Procedure directs that “an appellant’s brief shall be filed no later than 60 days” after the Government provides a complete record, including a verbatim transcript, to the Court and the defense. From the date this Court received the record of trial on 10 July 2024 to the present date, 195 days have elapsed. On the date requested, 240 days will have elapsed from the date the Court received the record of trial. From the date this Court docketed Appellant’s case without the complete record of trial to the present date, 210 days have elapsed, and on the requested date, 255 days will have elapsed.

On 29 February 2024, at a general court-martial convened at Hurlburt Field, Florida, a panel of officer and enlisted members found Appellant guilty, contrary to his pleas, of one charge

and one specification of willful destruction of non-military property, in violation of Article 109, Uniform Code of Military Justice (UCMJ), and one charge and one specification of assault consummated by battery upon an intimate partner, in violation of Article 128, UCMJ. R. at 1, 58, 62, 489-90. Appellant was acquitted of one specification of reckless operation of vehicle, in violation of Article 113, UCMJ, and one specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 58, 489-90. The military judge sentenced Appellant to be reduced to the grade of E-4, to forfeit \$2,500 pay per month for one month, and to be confined for a total of 20 days (confinement for each specification running concurrently). R. at 518. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Staff Sergeant Brian M. Watkins*.

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. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Appellate defense counsel is currently assigned 38 cases; 19 cases are pending before this Court (16 cases are pending AOE's), 17 cases are pending before the United States Court of Appeals for the Armed Forces (CAAF), and two cases are pending before the United States Supreme Court (one is pending a petition).

Since Appellant's last request for an extension of time, undersigned counsel filed the petition for certiorari for *United States v. Leipart* with the United States Supreme Court, filed with the CAAF the three-issue supplement to the petition for grant of review in *United States v. Folts*, No. 25-0043/AF, along with a reply, filed two additional petitions and supplements to the CAAF (*United States v. Scott* and *United States v. Lawson*), and completed the reply brief, along with two

motions and their associated replies, in *United States v. Johnson*, No. 24-0004/SF, also for the CAAF. Undersigned counsel also completed oral argument in *United States v. Casillas*, No. 24-0089/AF. To date, eight cases have priority over the present case:

1. *United States v. Johnson*, No. 24-0004/SF – Undersigned counsel is preparing for oral argument, scheduled for 29 January 2025.

2. *United States v. Wells*, No. 24A520 – The CAAF issued a decision in this case on 24 September 2024. From the date of decision, this appellant has 90 days to file a petition of certiorari to the United States Supreme Court. 28 U.S.C. § 1259(3); Supreme Court Rule 13(1). Due to undersigned counsel's schedule, undersigned counsel requested a 60-day extension to file the petition for *Wells*. Supreme Court Rule 13(5). Thus, undersigned counsel will file a petition of certiorari to the United States Supreme Court by 21 February 2025. Undersigned counsel intends to work *Wells* simultaneously with *United States v. Kim*, No. ACM 24007. Undersigned counsel will begin briefing *Wells* following *Johnson*, and then turn to *Kim*.

3. *United States v. Kim*, No. ACM 24007 – The record of trial for this direct appeal is five volumes consisting of five Prosecution Exhibits, three Defense Exhibits, 27 Appellate Exhibits, and one Court Exhibit. The transcript is 421 pages. This appellant is not currently confined. Counsel has not yet completed her review of this appellant's record.

4. *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. Counsel has not yet completed her review of the record of trial.

5. *United States v. Marin Perez*, No. ACM S32771 – The trial transcript is 108 pages long and the record of trial is an electronic ROT, which is one volume of 381 pages. There are four

Prosecution Exhibits, fourteen Defense Exhibits, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Counsel has not yet completed her review of the record of trial.

6. *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. Counsel has not yet completed her review of the record of trial.

7. *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. Counsel has not yet completed her review of the record of trial.

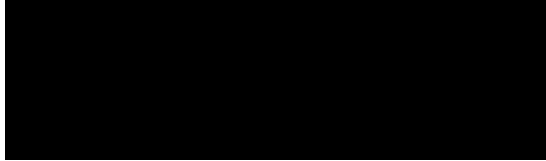
8. *United States v. Tyson*, No. ACM 40617 – The trial transcript is 1,244 pages long and the electronic record of trial is three volumes containing 25 Prosecution Exhibits, 14 Defense Exhibits, one Court Exhibit, and 71 Appellate Exhibits. This appellant is not currently confined. Counsel has not yet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

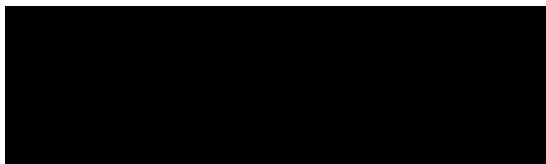
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
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 21 January 2025.



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
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

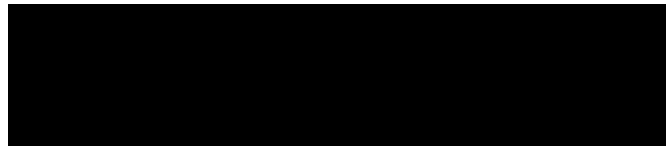
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Staff Sergeant (E-5)	)	ACM 40639
BRIAN M. WATKINS, USAF,)	
<i>Appellant.</i>	)	Panel No. 3

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

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

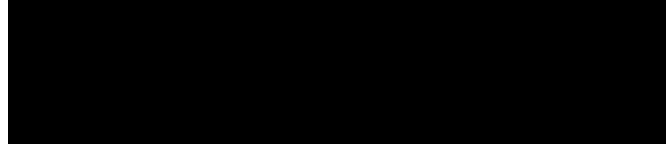
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force
Appellate Defense Division on 21 January 2025.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	APPELLANT’S MOTION
<i>Appellee,</i>	)	FOR ENLARGEMENT
	)	OF TIME (SIXTH)
v.)	
	)	Before Panel No. 3
Staff Sergeant (E-5))	
BRIAN M. WATKINS,	)	No. ACM 40639
United States Air Force,)	
<i>Appellant.</i>	)	24 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 (6) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **6 April 2025**.

This Court docketed Appellant’s direct appeal on 25 June 2024. At the time of docketing, the Court had not received the record of trial and ordered it delivered forthwith. Notice of Docketing, 25 June 2024. Fifteen (15) days later, on 10 July 2024, the Government forwarded Appellant’s record of trial to this Court. Rule 18(d)(2) of the Joint Rules of Appellate Procedure directs that “an appellant’s brief shall be filed no later than 60 days” after the Government provides a complete record, including a verbatim transcript, to the Court and the defense. From the date this Court received the record of trial on 10 July 2024 to the present date, 229 days have elapsed. On the date requested, 270 days will have elapsed from the date the Court received the record of trial. From the date this Court docketed Appellant’s case without the complete record of trial to the present date, 244 days have elapsed, and on the requested date, 285 days will have elapsed.

On 29 February 2024, at a general court-martial convened at Hurlburt Field, Florida, a panel of officer and enlisted members found Appellant guilty, contrary to his pleas, of one charge

and one specification of willful destruction of non-military property, in violation of Article 109, Uniform Code of Military Justice (UCMJ), and one charge and one specification of assault consummated by battery upon an intimate partner, in violation of Article 128, UCMJ. R. at 1, 58, 62, 489-90. Appellant was acquitted of one specification of reckless operation of vehicle, in violation of Article 113, UCMJ, and one specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 58, 489-90. The military judge sentenced Appellant to be reduced to the grade of E-4, to forfeit \$2,500 pay per month for one month, and to be confined for a total of 20 days (confinement for each specification running concurrently). R. at 518. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Staff Sergeant Brian M. Watkins*.

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. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Appellate defense counsel is currently assigned 40 cases; 21 cases are pending before this Court (19 cases are pending AOE's), 17 cases are pending before the United States Court of Appeals for the Armed Forces (CAAF), and two cases are pending before the United States Supreme Court.

Since Appellant's last request for an extension of time, undersigned counsel completed oral argument in *United States v. Johnson*, No. 24-0004/SF (29 Jan. 2025) and wrote and filed the petition of certiorari for *United States v. Wells*, No. 24A520 (pending petition docketing number). She also completed review of the record in *United States v. Kim*, No. ACM 24007, as detailed more below. To date, nine cases have priority over the present case:

1. *United States v. Kim*, No. ACM 24007 – Undersigned counsel completed review of this appellant’s record and is researching and drafting the AOE. While working this appellant’s case, undersigned counsel will be participating in over ten moots; four remain for the following cases: *United States v. Navarro Aguirre*, No. 24-0146/AF; *United States v. Roan*, No. 24-0104; and *United States v. Jenkins*, No. ACM S32765. She will also be attending oral argument at the CAAF for *United States v. Csiti*, No. 24-0175/AF, *United States v. Arroyo*, No. 24-0212, *Navarro Aguirre* and *Roan*, which will absorb the majority of 25 and 26 February 2025.

2. *United States v. Braum*, No. 25-0046/AF – Since Appellant’s last request for an EOT, the CAAF granted review of one issue in this case. The Grant Brief is due Tuesday, 25 February 2025, and while undersigned counsel is not lead on this case, she has been assisting with the joint appendix (JA) and intends to peer review the brief. As part of assembling the JA, undersigned counsel had to travel to the CAAF on 20 February 2025 to review the original record of trial and obtain a new copy of an appellate exhibit for reproduction in the JA. This, in conjunction with filing *Wells* in-person at the Supreme Court, absorbed most of a duty day, preventing work on *Kim*.

3. *United States v. Giles*, No. ACM 40482 – The petition for grant of review was filed on 18 February 2025, along with a request for a 21-day extension to file the supplement to the petition. C.A.A.F. R. 19(a)(5)(A). Undersigned counsel intends to work the supplement to the petition simultaneously with *United States v. Thomas*, No. ACM 22083.

4. *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 counsel has not yet completed her review of this appellant’s record.

5. *United States v. Marin Perez*, No. ACM S32771 - The trial transcript is 108 pages long and the record of trial is an electronic ROT, which is one volume of 381 pages. There are four Prosecution Exhibits, fourteen Defense Exhibits, four Appellate Exhibits, and one Court Exhibit. This appellant is not currently confined. Undersigned counsel has not yet completed her review of this appellant's record.

6. *United States v. Marschalek*, No. ACM S32776 - The trial transcript is 198 pages long and the record of trial is comprised of two volumes containing nine Prosecution Exhibits, twelve Defense Exhibits, one Court Exhibit, and three Appellate Exhibits. This appellant is not currently confined. While the first draft of the AOE was completed in this case, this work was done by a reservist, who is now effectively barred from working. 90 Fed. Reg. 8,251 (Jan. 28, 2025). Undersigned counsel may have to take lead on this case and is alerting the Court out of an abundance of caution that this case may have to take priority over Appellant's case.

7. *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 counsel has not yet completed her review of the record of trial.

8. *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 counsel has not yet completed her review of the record of trial.

9. *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

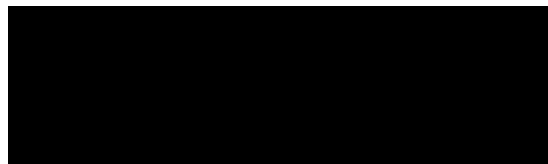
Exhibits, one Court Exhibit, and 71 Appellate Exhibits. This appellant is not currently confined. Undersigned counsel has not yet completed her review of the record of trial.

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.

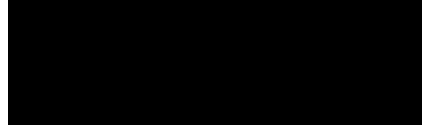
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
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 24 February 2025.



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
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

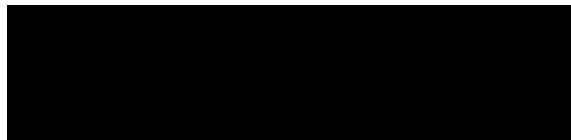
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
)	
Staff Sergeant (E-5)	)	ACM 40639
BRIAN M. WATKINS, USAF,)	
<i>Appellant.</i>	)	Panel No. 3

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

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

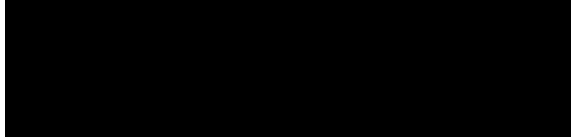
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Counsel Division
Air Force Legal Operations Agency
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 24 February 2025.



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

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

v.

Staff Sergeant (E-5)

BRIAN M. WATKINS,

United States Air Force,

Appellant.

) **APPELLANT’S MOTION**

) **FOR ENLARGEMENT**

) **OF TIME (SEVENTH)**

)

) Before Panel No. 3

)

) No. ACM 40639

)

) 24 March 2025

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

Pursuant to Rule 23.3(m)(3) and (6) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **6 May 2025**.

This Court docketed Appellant’s direct appeal on 25 June 2024. At the time of docketing, the Court had not received the record of trial and ordered it delivered forthwith. Notice of Docketing, 25 June 2024. Fifteen (15) days later, on 10 July 2024, the Government forwarded Appellant’s record of trial to this Court. Rule 18(d)(2) of the Joint Rules of Appellate Procedure directs that “an appellant’s brief shall be filed no later than 60 days” after the Government provides a complete record, including a verbatim transcript, to the Court and the defense. From the date this Court received the record of trial on 10 July 2024 to the present date, 257 days have elapsed. On the date requested, 300 days will have elapsed from the date the Court received the record of trial. From the date this Court docketed Appellant’s case without the complete record of trial to the present date, 272 days have elapsed, and on the requested date, 315 days will have elapsed.

On 29 February 2024, at a general court-martial convened at Hurlburt Field, Florida, a panel of officer and enlisted members found Appellant guilty, contrary to his pleas, of one charge

and one specification of willful destruction of non-military property, in violation of Article 109, Uniform Code of Military Justice (UCMJ), and one charge and one specification of assault consummated by battery upon an intimate partner, in violation of Article 128, UCMJ. R. at 1, 58, 62, 489-90. Appellant was acquitted of one specification of reckless operation of vehicle, in violation of Article 113, UCMJ, and one specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 58, 489-90. The military judge sentenced Appellant to be reduced to the grade of E-4, to forfeit \$2,500 pay per month for one month, and to be confined for a total of 20 days (confinement for each specification running concurrently). R. at 518. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Staff Sergeant Brian M. Watkins*.

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. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Appellate defense counsel is currently assigned 36 cases; 18 cases are pending before this Court (16 cases are pending AOE), and 18 cases are pending before the United States Court of Appeals for the Armed Forces (CAAF).

Since Appellant's last request for an extension of time, undersigned counsel wrote the brief for *United States v. Kim*, No. ACM 24007, reviewed the record of trial for *United States v. Marin Perez*, No. ACM S32771, filed the supplement to the petition for the grant of review in *United States v. Giles*, No. 25-0100/AF, filed a petition for reconsideration for *United States v. Folts*, No. 25-0043/AF, and completed five peer reviews while participating in five moots. To date, seven cases have priority over the present case:

1. *United States v. Marin Perez*, No. ACM S32771 – Undersigned counsel has completed her review of the record and is researching and drafting the AOE.

2. *United States v. Braum*, No. 25-0046/AF – Since Appellant’s last EOT request, undersigned counsel assisted with compiling the Joint Appendix and peer reviewed the Grant Brief, which was filed on 25 February 2025. Any reply brief will be due at the beginning of April, with which military appellate defense counsel will likely assist.

3. *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 counsel has not yet completed her review of this appellant’s record.

4. *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.

5. *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. Counsel 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. Counsel 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

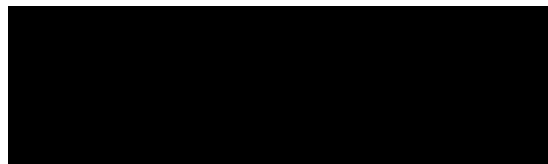
Exhibits, one Court Exhibit, and 71 Appellate Exhibits. This appellant is not currently confined. Undersigned counsel has not yet completed her review of the record of trial.

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.

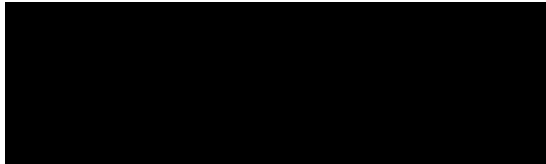
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
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 24 March 2025.



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
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

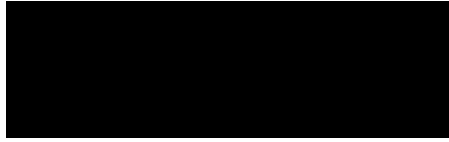
UNITED STATES,	)	UNITED STATES’
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT’S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.)	
)	
	)	Before Panel No. 3
Staff Sergeant (E-5))	
BRIAN M. WATKINS,	)	No. ACM 40639
United States Air Force,)	
<i>Appellant.</i>)	
	)	25 March 2025

**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 opposition to Appellant’s Motion for Enlargement of Time to file an Assignment of Error in this case.

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

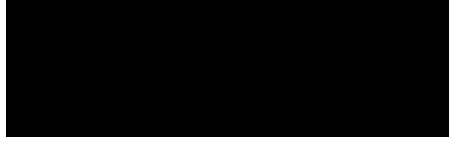
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
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 25 March 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 AIR FORCE
COURT OF CRIMINAL APPEALS**

UNITED STATES)	No. ACM 40639
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Brian M. WATKINS)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 3

On 21 April 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Eighth), requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

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

Accordingly, it is by the court on this 23d day of April, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (Eighth) is **GRANTED**. Appellant shall file any assignments of error not later than **5 June 2025**.

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



FOR THE COURT

[Redacted signature]

OLGA STANFORD, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

V.

Staff Sergeant (E-5)

BRIAN M. WATKINS,

United States Air Force,

Appellant.

) APPELLANT'S MOTION

) FOR ENLARGEMENT

) OF TIME (EIGHTH)

)

) Before Panel No. 3

)

) No. ACM 40639

)

) 21 April 2025

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

Pursuant to Rule 23.3(m)(3) and (6) of this Court's Rules of Practice and Procedure. Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **5 June 2025**.

This Court docketed Appellant’s direct appeal on 25 June 2024. At the time of docketing, the Court had not received the record of trial and ordered it delivered forthwith. Notice of Docketing, 25 June 2024. Fifteen (15) days later, on 10 July 2024, the Government forwarded Appellant’s record of trial to this Court. Rule 18(d)(2) of the Joint Rules of Appellate Procedure directs that “an appellant’s brief shall be filed no later than 60 days” after the Government provides a complete record, including a verbatim transcript, to the Court and the defense. From the date this Court received the record of trial on 10 July 2024 to the present date, 285 days have elapsed. On the date requested, 330 days will have elapsed from the date the Court received the record of trial. From the date this Court docketed Appellant’s case without the complete record of trial to the present date, 300 days have elapsed, and on the requested date, 345 days will have elapsed.

On 29 February 2024, at a general court-martial convened at Hurlburt Field, Florida, a panel of officer and enlisted members found Appellant guilty, contrary to his pleas, of one charge

and one specification of willful destruction of non-military property, in violation of Article 109, Uniform Code of Military Justice (UCMJ), and one charge and one specification of assault consummated by battery upon an intimate partner, in violation of Article 128, UCMJ. R. at 1, 58, 62, 489-90. Appellant was acquitted of one specification of reckless operation of vehicle, in violation of Article 113, UCMJ, and one specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 58, 489-90. The military judge sentenced Appellant to be reduced to the grade of E-4, to forfeit \$2,500 pay per month for one month, and to be confined for a total of 20 days (confinement for each specification running concurrently). R. at 518. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Staff Sergeant Brian M. Watkins*.

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. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel provides the following information. Appellate defense counsel is currently assigned 38 cases; 20 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).

Since Appellant's last request for an extension of time, undersigned counsel filed a supplement to the petition for grant of review in two cases, *United States v. Giles*, No. 25-0100/AF, and *United States v. Hogans*, No. 25-0119/AF, filed the AOE for *United States v. Marin Perez*, No. ACM S32771, and completed briefing in *United States v. Braum*, No. 25-0046/AF. To date, five cases have priority over the present case:

1. *United States v. Kim*, No. ACM 24007 – Undersigned counsel is currently working the

Reply brief in this case, which will be submitted to this Court by 25 April 2025.

2. *United States v. Brown*, No. ACM S32777 – This appellant moved to withdraw from appellate review after fully consulting with undersigned counsel after she was able to review the record. Unless and until this Court approves the withdrawal, this case remains prioritized above Appellant's.

3. *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.

4. *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.

5. *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 counsel has not yet completed her review of the record of trial.

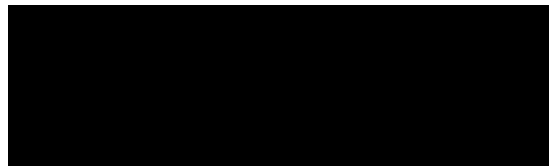
Undersigned counsel is also assisting civilian appellate defense counsel on two cases at the CAAF: *United States v. Folts*, No. 25-0043/AF, and *United States v. Baumgartner*, No. 25-0135/AF. Concurrent briefing for *Folts* is due 23 April 2025 and oral argument is on 20 May 2025, of which civilian counsel will be handling. The supplement to the petition for *Baumgartner* is due 5 May 2025.

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.

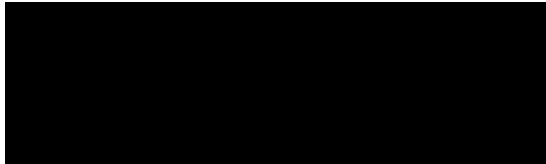
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
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 21 April 2025.



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
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO APPELLANT'S MOTION
	)	FOR ENLARGEMENT OF TIME
)	
v.)	
	)	Before Panel No. 3
Staff Sergeant (E-5))	
BRAIN M. WATKINS,	)	No. ACM 40639
United States Air Force.)	
<i>Appellant</i>	)	23 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 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 over a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 330 days in length. Appellant's 11 month 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

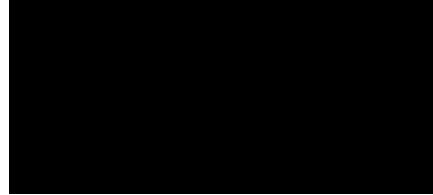
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 23 April 2025.



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

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

UNITED STATES)	No. ACM 40639
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Brian M. WATKINS)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

Appellant’s case was docketed with this court on 25 June 2024 pursuant to Article 66(b)(1)(A), Uniform Code of Military Justice, 10 U.S.C. § 866(b)(1)(A). On 5 September 2024, in response to Appellant’s first request for an enlargement of time, this court stated *inter alia* in its order “that any future requests for enlargements of time that, if granted, would expire more than 360 days after docketing, will not be granted absent *exceptional circumstances*.” Thereafter, the court granted more enlargements of time by Appellant on 29 October 2024, 21 November 2024, 23 December 2024, 22 January 2025, 25 February 2025, 26 March 2025, and 23 April 2025.*

On 23 April 2025, in granting the requested eighth enlargement of time, the court stated in an order that “further request by Appellant for enlargements of time may necessitate a status conference.” Appellant’s brief to the court is currently due on 5 June 2025.

On 19 May 2025, Appellant’s counsel submitted a motion for enlargement of time (Ninth) and requested a status conference. Appellant’s counsel avers that on 5 July 2025, the date Appellant’s brief will be due if his requested enlargement of time is granted, 360 days will then have elapsed since docketing. The Government opposed the motion for the enlargement of time but was silent on the request for status conference.

This court is mandated to process appeals in a timely manner. *See, e.g., United States v. Moreno*, 63 M.J. 129, 137 (C.A.A.F. 2006) (“Ultimately the timely management and disposition of cases docketed at the Courts of Criminal Appeals is a responsibility of the Courts of Criminal Appeals.”). In managing

* The Government opposed all motions for enlargements of time in this case.

its own appellate practice, this court expects counsel to adhere to the fact that the court has this responsibility.

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

Accordingly, it is by the court on this 22d day of May, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (Ninth) is **GRANTED**. Appellant's request for a status conference is **DENIED**. Appellant shall file any assignments of error not later than **5 July 2025**.

Any future request for an enlargement of time may be looked upon unfavorably absent exceptional circumstances.



FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee,

V.

Staff Sergeant (E-5)

BRIAN M. WATKINS,

United States Air Force,

Appellant.

) APPELLANT'S MOTION

) FOR ENLARGEMENT

) OF TIME (NINTH)

)

) Before Panel No. 1

)

) No. ACM 40639

)

) 19 May 2025

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

Pursuant to Rule 23.3(m)(3) and (6) of this Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time (EOT) to file Assignments of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **5 July 2025**.¹ **Appellant requests a status conference** in light of this Court’s Order stating that “any future requests for enlargements of time that, if granted, would expire more than 360 days after docketing, *will not be granted absent exceptional circumstances.*” Order (Sept. 5, 2024) (first emphasis added).

This Court docketed Appellant’s direct appeal on 25 June 2024. At the time of docketing, the Court had not received the record of trial and ordered it delivered forthwith. Notice of Docketing (June 25, 2024). Fifteen (15) days later, on 10 July 2024, the Government forwarded Appellant’s record of trial to this Court. Rule 18(d)(2) of the Joint Rules of Appellate Procedure directs that “an appellant’s brief shall be filed no later than 60 days” after the Government provides a complete record, including a verbatim transcript, to the Court and the defense. From the date this

¹ This EOT is being filed well in advance to alleviate any concerns that may arise while the Court is closed on 26 May 2025 and while undersigned counsel is on leave out of the country from 30 May 2025 to 7 June 2025.

Court received the record of trial on 10 July 2024 to the present date, 313 days have elapsed. On the date requested, 360 days will have elapsed from the date the Court received the record of trial. From the date this Court docketed Appellant's case without the complete record of trial to the present date, 328 days have elapsed, and on the requested date, 375 days will have elapsed.

On 29 February 2024, at a general court-martial convened at Hurlburt Field, Florida, a panel of officer and enlisted members found Appellant guilty, contrary to his pleas, of one charge and one specification of willful destruction of non-military property, in violation of Article 109, Uniform Code of Military Justice (UCMJ), and one charge and one specification of assault consummated by battery upon an intimate partner, in violation of Article 128, UCMJ. R. at 1, 58, 62, 489-90. Appellant was acquitted of one specification of reckless operation of vehicle, in violation of Article 113, UCMJ, and one specification of possession of child pornography, in violation of Article 134, UCMJ. R. at 58, 489-90. The military judge sentenced Appellant to be reduced to the grade of E-4, to forfeit \$2,500 pay per month for one month, and to be confined for a total of 20 days (confinement for each specification running concurrently). R. at 518. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action – *United States v. Staff Sergeant Brian M. Watkins*.

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. 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 36 cases; 18 cases are pending before this Court (14 cases are pending AOE's), and 18 cases are pending before the United States Court of Appeals for the Armed Forces (CAAF). Since Appellant's last request for an extension

of time, undersigned counsel filed reply briefs in two cases, *United States v. Kim*, No. ACM 24007, and *United States v. Marin Perez*, No. ACM S32771, reviewed the records in *United States v. Ziesche*, No. ACM S32777, and *United States v. Stone*, No. ACM S32797,² and drafted one of errors assigned for review (including the facts, reasons to grant, and associated analysis) for the supplement to the petition for grant of review in *United States v. Baumgartner*, No. 25-0135/AF. Undersigned counsel also participated in two moots to support civilian counsel in *United States v. Folts*, No. 25-0043/AF, and assisted civilian counsel with other oral argument preparations (argument at the CAAF is scheduled for 20 May 2025). Additionally, undersigned counsel participated in four moots for *United States v. Cook*, No. 24-0221, scheduled for argument on the same day as *Folts*. To date, three cases have priority over the present case:

1. *United States v. Ziesche*, No. ACM 24022 – The brief for this case is undergoing final review before filing this week.

2. *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.

3. *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 counsel has not yet completed her review of the record of trial.

² The appellant in *Stone* elected to withdraw from appellate review after fully consulting with undersigned counsel.

Without additional time, undersigned counsel will not be able to provide competent representation to Appellant or her other clients. She is the only detailed counsel to Appellant's case, has an established attorney-client relationship with Appellant, and no other Air Force Appellate Defense Counsel is available to take over Appellant's case. However, per this Court's definition of "exceptional circumstances," "routine workload alone" is insufficient to constitute "exceptional circumstances." Order, *United States v. Evangelista*, slip op. at 2 n.3, No. ACM 40531 (Dec. 6, 2024). Undersigned counsel desires to complete review of Appellant's case as soon as possible but has been unable to do so due to her high workload.

But, to be clear, there is nothing "routine" about undersigned counsel's high workload. As the result of (1) two recent Supreme Court filings, (2) a highly unusual volume of cases before the CAAF for the Air Force Appellate Defense Division (including her own docket of 18 cases and the Division's 11³ oral arguments in the last five months, two of which were undersigned counsel's),⁴ (3) the volume of cases coming to the Division for review, and (4) recent disruptions to many of this Division's Reserve judge advocates' ability to perform drills (this includes recent fiscal hurdles and impediments), undersigned counsel has not been able to provide effective assistance of counsel to several of her clients with cases pending before this Court without seeking tenth or higher enlargements of time. These are exceptional circumstances sufficient to justify granting this EOT request.

Furthermore, Appellant has a constitutional right to effective assistance of counsel before this Court. *See, e.g., Diaz v. Judge Advocate General of the Navy*, 59 M.J. 34, 37 (C.A.A.F. 2003) ("An accused has the right to effective representation by counsel through the entire period of

³ This includes the two arguments scheduled for tomorrow, 20 May 2025.

⁴ For the remaining cases before the CAAF, undersigned counsel participated in over eighteen moots to assist her various colleagues.

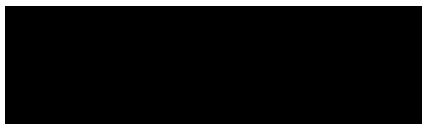
review following trial, including representation before the Court of Criminal Appeals and [the CAAF] by appellate counsel appointed under Article 70, UCMJ, 10 U.S.C. § 870 (2000).”). So do undersigned counsel’s other clients, including those before the CAAF. It is not possible for all those service members’ constitutional right to effective assistance of counsel to be honored without additional extensions of time. Where, as here, an overtaxed appointed defense system renders timely representation impossible, resulting delays are attributable to the Government. *See Vermont v. Brillon*, 556 U.S. 81, 94 (2009).

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.

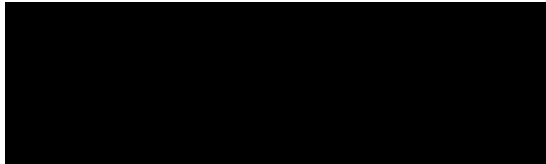
Respectfully submitted,



SAMANTHA M. CASTANIEN, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
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 19 May 2025.



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
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' OPPOSITION
<i>Appellee,</i>	)	TO APPELLANT'S MOTION
	)	FOR ENLARGEMENT OF TIME
)	
v.)	
	)	Before Panel No. 1
Staff Sergeant (E-5))	
BRAIN M. WATKINS,	)	No. ACM 40639
United States Air Force.)	
<i>Appellant</i>	)	20 May 2025

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

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its 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 over a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 360 days in length. Appellant's 12 month 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

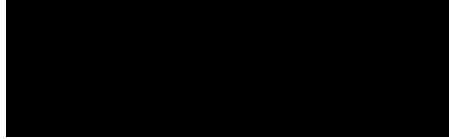
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



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 20 May 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 AIR FORCE
COURT OF CRIMINAL APPEALS**

UNITED STATES)	No. ACM 40639
<i>Appellee</i>)	
)	
v.)	
	)	NOTICE OF PANEL CHANGE
Brian M. WATKINS)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>)	

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

ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from Panel 3 and referred to Panel 1 for appellate review.

This panel letter supersedes all previous panel assignments.



FOR THE COURT

Olga Stanford
OLGA STANFORD, Capt, USAF
Chief Commissioner

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

UNITED STATES)	No. ACM 40639
<i>Appellee</i>)	
)	
v.)	
	)	ORDER
Brian M. WATKINS)	
Staff Sergeant (E-5))	
U.S. Air Force)	
<i>Appellant</i>	)	Panel 1

On 13 June 2025, Appellant submitted a Motion to Withdraw from Appellate Review and Motion to Attach. Specifically, Appellant moved to attach a DD Form 2330, *Waiver / Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals*, signed by Appellant and Appellant's counsel on 13 June 2025.

The Government did not submit any opposition.

Accordingly, it is by the court on this 18th day of June, 2025,

ORDERED:

Appellant's Motion to Withdraw from Appellate Review and Motion to Attach are **GRANTED**. Appellant's case is forwarded to the Appellate Records Branch (JAJM) for further processing accordance with Rules for Courts-Martial 1115(f)(3) and 1201, *Manual for Courts-Martial, United States* (2024 ed.).



FOR THE COURT



ROBERT DRIESSEN, Maj, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	APPELLANT’S MOTION TO
<i>Appellee,</i>	)	WITHDRAW FROM APPELLATE
	)	REVIEW AND ATTACH
v.)	
	)	Before Panel No. 1
Staff Sergeant (E-5))	
BRIAN M. WATKINS,	)	No. ACM 40639
United States Air Force,)	
<i>Appellant.</i>	)	13 June 2025

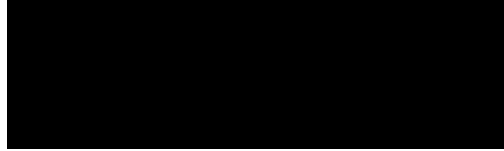
**TO THE HONORABLE, THE JUDGES OF THE
UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

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
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762-6604
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 13 June 2025.



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
Office: (240) 612-4770
Email: samantha.castanien.1@us.af.mil