



Privacy Act Release  
General Casework

Provisions of the Privacy Act of 1974 (Title 5, Section 552A of the United States Code) require congressional offices to obtain written permission from an individual before a federal agency can release any specific information to the Senator. Please complete the following Privacy Release Authorization and return it to our office as directed below. Family members, friends or other interested parties generally may not authorize the release of information on your behalf.

#### Constituent Information

**Name:** Mr. Martin Akerman      **Address:** 2001 North Adams Street 440 Arlington, VA 22201

**Preferred Name:**  
Martin

**Date of Birth:**  
[REDACTED]

**Email Address:** [REDACTED]      **Phone Number:** [REDACTED]      **Social Security Number:** [REDACTED]

#### Case Details

Do you currently have an open case for the matter described above with another U. S. Senator or Representative?  
No

**Federal Agency Involved:** US Department of Defense, Office of Special Counsel      **Account/Claim Number:** MA-21-1602

**Date of Birth:** [REDACTED]      **Your Place of Birth:** [REDACTED]

#### Tell us about your case

Briefly describe your situation.

My name is Martin Akerman and I am the Chief Data Officer of the National Guard. I was the Director of Data Strategy at the Department of the Air Force in my previous role. The job of a good CDO is to increase organizational transparency, improve efficiencies and position data for information superiority. This has huge National Security implications in the case of CDO's in the Department of Defense. I am a leading CDO in the Department of Defense, the only one directly representing the 54 States and Territories. The Department of Defense is currently utilizing Prohibited Personnel Practices to push me out. These include falsifying documentation and leveraging a seemingly untouchable Security Clearance process to disqualify me from my position. The OSC appears powerless against the Department of Defense and I am kindly requesting for you to help me get a status on my OSC case including 9 PPPs dating back to the Air Force and through the National Guard. I am also kindly asking you to help me navigate a solution with the Department of Defense through OSC. Our country cannot afford to take our brightest digital talent and destroy them professionally for doing their job exceptionally well. This incentive to maintain

status quo and disincentive to innovate, if left unmitigated, will be the single reason we will not be able to outpace our adversaries and inevitably lose.

I hereby authorize the office of U.S. Senator Tim Kaine to intercede on my behalf, and review all relevant documentation that Senator Kaine or his staff deems necessary in connection with my request for assistance. I further understand that the Senator's office cannot request an application be granted, and expedite requests are reviewed on a case-by-case basis by the agency. The information I have provided is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Kaine is in no way an attempt to violate any federal, state or local law.

Signature: 

Date: FEB, 17, 2022

Please return this form via mail, Email or fax to:

Senator Tim Kaine  
ATTN: Constituent Services  
231 Russell Senate Office Building  
Washington, DC 20510  
fax: (202) 228-6363  
Email: Kaine\_Casework@kaine.senate.gov



NATIONAL GUARD BUREAU  
1636 DEFENSE PENTAGON  
WASHINGTON DC 20301-1636

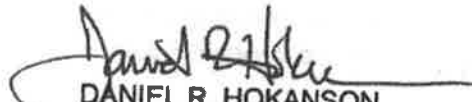
DEC 20 2021

MEMORANDUM FOR ALL NATIONAL GUARD PERSONNEL

Subject: Appointment of a National Guard Bureau Chief Data Officer and Creating Competitive Advantage by positioning Data as a Strategic Asset

Reference: National Guard Strategic Data Management Framework, 08 June 2021

1. In accordance with the reference, I hereby designate Mr. Martin Akerman as the National Guard Bureau (NGB) Chief Data Officer (CDO).
2. The NGB CDO will lead the utilization and governance of data across the National Guard.
3. The NGB CDO, in coordination with the Army National Guard and the Air National Guard, will lead the National Guard's Implementation Plan of the Department of Defense Data Strategy. See the attached "Supporting Department of Defense Data 'Decrees'" for more information.
4. The point of contact is Mr. Martin Akerman; NGB-J6; 703-607-7125.

  
DANIEL R. HOKANSON  
General, USA  
Chief, National Guard Bureau

Attachment:  
As stated

## ATTACHMENT

### SUPPORTING DEPARTMENT OF DEFENSE DATA 'DECREES'

1. The Department of Defense (DoD) released a memorandum, on 05 May 2021, outlining the importance of data management in establishing information superiority and enabling better decision-making. The National Guard plays a key role in the globally integrated and partnered Joint Force, designed and able to out-think, out-maneuver, and out-fight any adversary under conditions of disruptive change.
2. National Guard Bureau is adopting the five DoD Data 'Decrees' as outlined in the DoD memorandum by:
  - a. Maximizing data sharing and rights for data use: all DoD data is an enterprise resource.
  - b. Publishing data assets in the DoD federated data catalog along with common interface specifications.
  - c. Using automated data interfaces that are externally accessible and machine-readable; ensure interfaces use industry-standard, non-proprietary, preferably open-source, technologies, protocols, and payloads.
  - d. Storing data in a manner that is platform and environment-agnostic, uncoupled from hardware or software dependencies.
  - e. Implementing best practices for secure authentication, access management, encryption, monitoring, and protection of data at rest, in transit, and in use.
3. The Joint Force will rapidly integrate, evaluate, and interpret data with artificial intelligence, machine language, and big data analytics. The National Guard Bureau Chief Data Officer will ensure the necessary data assets and expert resources are ready and empowered to help the National Guard achieve Joint All-Domain Operations, Senior Leader Decision Support and Executive Analytics while positioning our data to be visible, accessible, understandable, linked, trusted, interoperable, and secure (VAULTIS).
4. The National Guard will leverage better and faster human and machine-aided decision making to accelerate its response to changes in the operational environment (in collaboration with allies and partners), while adopting a rapid, iterative, and modular approach to capability development that will reduce costs, technology obsolescence, and acquisition risk.

# Attachment B

*"As per the Supreme Court letter on October 12, 2023, and in accordance with Rule 39, the pro per petitioner will seek leave to file the forthcoming petition for a writ of certiorari, without prepayment of costs, by asserting rights under 20 CFR 1002.19, by way of a signed affidavit, to include all elements as outlined under 20 CFR 1002.23(a)(3) - (5), where "No fees or court costs may be charged..." 20 CFR 1002.310. Fees are not due to the Supreme Court of the United States at this time, see Attachment B."*



**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

October 12, 2023

Martin Akerman  
2001 North Adams Street  
Unit 440  
Arlington, VA 22201

RE: Akerman v. Nevada National Guard  
NVSC No.86458

Dear Mr. Akerman:

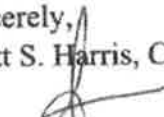
Your application to extend time to file received October 11, 2023 is herewith returned for the following reason(s):

You failed to identify the judgment you are asking the Court to review and to append a copy of the order or opinion as required by Rule 23.3 of this Court's Rules.

It appears that your application to extend time to file a petition for writ of certiorari seeks review of a case originating from the Nevada Supreme Court No. 86458. According to the docket record for No. 86458, the Nevada Supreme Court issued a dispositional order on July 12, 2023 and a petition for en banc reconsideration of this order was filed. The July 12, 2023 denial order must be appended as it is the original order issued by the Nevada Supreme Court. Your application to extend time to file must indicate that the en banc rehearing denial issued on August 1, 2023 was in response to the dispositional order issued by the Nevada Supreme Court on July 12, 2023.

Please note we only need three copies of your application to extend time to file. If and when you do file your petition for writ of certiorari, you must provide an original and 10 copies of your petition for a writ of certiorari, 10 copies of the appendix, and 10 copies of the motion for leave to proceed in forma pauperis. Rule 12.2

Please also note that Rule 39 requires that a notarized affidavit or declaration of indigency must be attached with your motion to proceed in forma pauperis when filing a petition for writ of certiorari. You may use the enclosed form if and when you file your petition for writ of certiorari.

Sincerely,  
Scott S. Harris, Clerk  
By: 

Angela Jimenez  
(202) 479-3392

Enclosures



# Attachment C

*"The Nevada Supreme Court, recognizing the significance and complexity of the matters involved, has granted an NRAP 41(b) extension of 120 days, staying remittitur, and allowing the Petitioner until November 29, 2023, for the filing of a petition for a writ of certiorari with this Court, see Attachment C."*



IN THE SUPREME COURT OF THE STATE OF NEVADA

MARTIN AKERMAN,  
Petitioner,  
vs.  
NEVADA NATIONAL GUARD,  
Respondent.

No. 86458

**FILED**

SEP 29 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER GRANTING MOTION

Petitioner's pro se motion to stay the remittitur pending the filing of a petition for a writ of certiorari with the United States Supreme Court is granted. NRAP 41(b). Issuance of the notice in lieu of remittitur is stayed until November 29, 2023. If the clerk of this court receives written notice by November 29, 2023, from the clerk of the United States Supreme Court that petitioner has filed a petition for a writ of certiorari, the stay shall continue in effect until final disposition of the certiorari proceedings. If such notice is not received by November 29, 2023, the remittitur shall issue.

It is so ORDERED.

*[Signature]*, C.J.

cc: Martin Akerman  
Nevada National Guard



# Attachment D1

*"The Nevada Supreme Court issued a dispositional order on a Petition for Writ of Habeas Corpus and Replevin on June 2, 2023. The Petitioner then requested specification in remittitur on June 28, 2023, which raised federal questions, as detailed in Attachment D1."*



IN THE SUPREME COURT OF THE STATE OF NEVADA

Martin Akerman, Pro Se,  
Petitioner, Pro Per

v.

Gen. Ondra L. Berry,  
Adjutant General of the Nevada National Guard,  
et. al.,  
Respondents.

Case No. 86458  
June 28, 2023

Rehearing Denied

**FILED**

**JUN 28 2023**

ELIZABETH A. BROCKIN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

REQUEST FOR SPECIFICATION IN REMITTITUR

I am writing to you as the Pro Se petitioner in the above captioned case, seeking clarification on an essential aspect of the impending remittitur from the Supreme Court of Nevada.

**AUTHORITY OVER GENERAL GARDUNO**

The crux of my petition revolves around the actions of General Garduno, a Brigadier General of the Nevada Air National Guard, during a specific period wherein I was subject to Civil Forfeiture and False Imprisonment. The remittitur would significantly benefit from a definitive resolution on whether General Garduno was acting under the direct authority of the Governor of Nevada, the Department of the Air Force, or was possibly framed by civilian members of the Department of Defense. This inquiry is not merely academic but carries real consequences for the next steps in my legal journey.

RECEIVED  
JUN 28 2023  
ELIZABETH A. BROCKIN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

23-20644





A clear understanding of General Garduno's authority would shape the future course of my petition, specifically whether it should be filed under the jurisdiction of the Air Force Court of Criminal Appeals or another relevant appellate body.

#### **PATH FORWARD IN MILITARY OR CIVIL APPEAL**

In addition to the above, I seek to appeal the decision of the Nevada Supreme Court not to hear my Petition for Writ of Habeas Corpus and Replevin. As such, I would greatly appreciate it if the remittitur could address the Court's rationale for this decision, providing me with a clear path forward in the appeal process.

The Nevada Constitution, in Article 6, Section 1, assigns this Supreme Court appellate jurisdiction in all cases. The statutory law of Nevada reflects this Constitutional jurisdictional provision. Both NRS 412.288, discussing the imposition and enforcement of disciplinary punishment without court-martial, and NRS 412.296, detailing the appeal process to superior authority, do not confer jurisdictional authority over such matters to the district courts. Instead, they are distinctly under the authority of this Supreme Court.

I understand the gravity of this request and the potentially significant implications it carries for the remittitur process. Yet, I firmly believe that these specifications would considerably contribute to the clarity and completeness of the judicial proceedings, enabling the pursuit of justice through the most appropriate channels.



**CERTIFICATION AND ATTACHMENT**

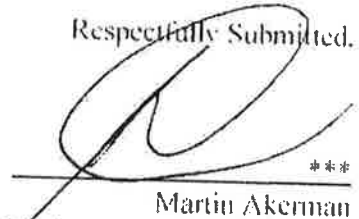
Enclosed, please find a copy of the recent correspondence from the Air Force Court of Criminal Appeals concerning my petition. Furthermore, I certify that a copy of this letter was submitted via the Electronic Case Filing (ECF) system to the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Appeals for the Fourth Circuit. An additional copy was sent via email to the Air Force Court of Criminal Appeals. I also addressed to Gen. Ondra L. Berry, STATE OF NEVADA OFFICE OF THE MILITARY, 2460 FAIRVIEW DRIVE, Carson City NV 89701 and the Nevada Attorney General, Heroes' Memorial Building, Capitol Complex, Carson City, Nevada 89710

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Thank you for your attention to this matter, and I look forward to your response.

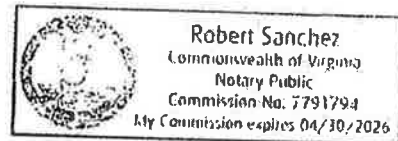
County/City of Arlington  
Commonwealth State of Virginia  
The foregoing instrument was acknowledged  
before me this 28 day of June  
2023  
Martin Akerman  
(name of person seeking acknowledgment)  
Notary Public  
My Commission Expires: 30 April 2026

Respectfully Submitted.

  
\*\*\*  
Martin Akerman  
2001 North Adams Street Unit 440  
Arlington, VA 22201  
(202) 656-5601

Attachment:

Letter from the Air Force Court of Criminal Appeals







DEPARTMENT OF THE AIR FORCE  
U.S. AIR FORCE COURT OF CRIMINAL APPEALS  
1500 WEST PERIMETER ROAD, SUITE 1900  
JOINT BASE ANDREWS MD 20762-6604

27 June 2023

MEMORANDUM FOR MARTIN AKERMAN

FROM: UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

SUBJECT: Petition for Extraordinary Relief and Request for Appellate Counsel

1. You electronically submitted a *pro se* filing on 22 June 2023. Your filing is titled "In Re: Akerman: Petition for Extraordinary Relief Pursuant to Rule 19 and Request for Appellate Counsel Under Article 70."
2. Rule 19 of the Joint Rules of Appellate Procedure for Courts of Criminal Appeals addresses what, at a minimum, must be contained in a petition of extraordinary relief. Notably, the Uniform Code of Military Justice (UCMJ) applies only to members of the armed forces and certain others in limited circumstances as outlined in Article 2, UCMJ, 10 U.S.C. § 802. The Air Force Court of Criminal Appeals (AFCCA) has appellate jurisdiction over court-martial cases under the UCMJ. Article 66, UCMJ, 10 U.S.C. § 866. Your petition is insufficient because it does not identify a specific court-martial proceeding for this court to review. *See JT. CT. CRIM. APP. R. 19(b)(2)(A)*. Further, your petition does not indicate your military status that makes you subject to the UCMJ. *See JT. CT. CRIM. APP. R. 19(b)(2)(H)*.
3. Additionally, your submission does not indicate that you have served your petition on all respondents, including any military judges whose decision, judgment, or order is the subject of the petition. *See JT. CT. CRIM. APP. R. 19(c)*; *see also A.F. CT. CRIM. APP. R. 13.3* (effective 23 December 2020) (where "[p]leadings filed with the Court shall be served on all counsel of record . . . and will be evidenced in the document by use of the certificate format [provided in this rule] . . .").
4. Your request for the appointment of appellate counsel is similarly deficient. This court does not have the authority to appoint such counsel under Article 70, UCMJ, 10 U.S.C. § 870. Such authority is delegated to the Judge Advocate General.
5. Pursuant to A.F. CT. CRIM. APP. R. 13.4, *Non-Compliance with Rules*, your petition for extraordinary relief and request for appellate counsel is returned with no action.



*Carol K. Joyce*  
CAROL K. JOYCE  
Clerk of the Court  
U.S. Air Force Court of Criminal Appeals



**LOWER COURT ORDERS/OPINIONS**

## **Attachment D2**

*"Subsequently, the Nevada Supreme Court denied the motion for specification in its order on July 12, 2023, which is the original dispositional order. This order is provided in Attachment D2."*

- 07/12/2023 ORDER DENYING MOTION (ORDER ON APPEAL)
- 06/16/2023 ORDER DENYING REHEARING
- 06/05/2023 PETITION FOR RECONSIDERATION
- 06/02/2023 ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS AND REPLEVIN





In The  
*Supreme Court of the United States*

MARTIN AKERMAN, PRO SE,  
*Petitioner,*

v.


NEVADA, et al,  
*Respondent(s).*

**CERTIFICATE OF SERVICE**

I, Martin Akerman, certify that on October 15, 2023, in compliance with Supreme Court Rule 29, I served the enclosed APPLICATION TO EXTEND TIME TO FILE, and its Attachments, on each required party or their counsel by depositing the documents in the U.S. mail with first-class certified postage prepaid with tracking.

Served addresses:

1. Attorney General of Nevada,  
Heroes' Memorial Building Capitol Complex, Carson City, NV 89710
2. Clerk's Office, Supreme Court of Nevada,  
201 South Carson Street, Suite 201, Carson City, NV 89701


  
Martin Akerman, Pro Se

2001 North Adams Street, Unit 440

Arlington, VA 22201

(202) 656 - 5601





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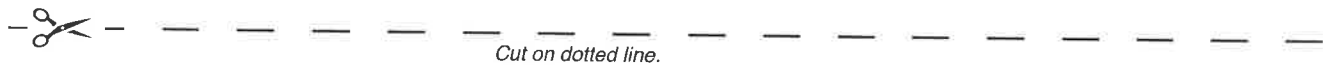
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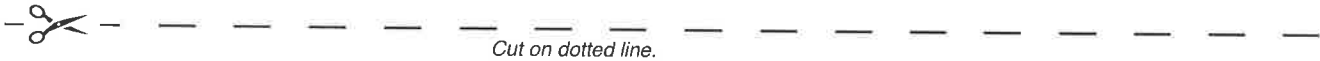
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ARLINGTON VA 22201-3783

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MS. ANGELA JIMENEZ  
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2001 N ADAMS ST UNIT 440  
ARLINGTON VA 22201-3783

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