

APPENDIX

TABLE OF CONTENTS

Court of Appeals for the Armed Forces
Order Denying Petition, *United States v. Myslow*, No. 26-0050 (Jan. 6, 2026)..... 1a

Air Force Court of Criminal Appeals
Opinion, *United States v. Myslow*, No. ACM 40668 (Aug. 21, 2024) 2a

Entry of Judgment in the case of *United States v. Myslow* (Oct. 10, 2025) 16a

1st Ind., Entry of Judgment in the case of *United States v. Myslow* (Apr. 22, 2024)..... 22a

Department of the Air Force Regulations

Department of the Air Force Instruction
51-201, *Administration of Military Justice* (Jan. 24, 2024) 25a

Air Force Manual 71-102, *Air Force Criminal Indexing* (July 21, 2020) 39a

Entry of Judgment Template 47a

**United States Court of Appeals
for the Armed Forces
Washington, D.C.**

United States, USCA Dkt. No. 26-0050/AF
Appellee Crim.App. No. 40668

v.

ORDER DENYING PETITION

Parker C.
Myslow,
Appellant

On consideration of the petition for grant of review of the decision of the United States Air Force Court of Criminal Appeals, it is, by the Court, this 6th day of January, 2026,

ORDERED:

That the petition is hereby denied.

For the Court,

/s/ Malcolm H. Squires, Jr.
Clerk of the Court

cc: The Judge Advocate General of the Air Force
Appellate Defense Counsel (Flanagan)
Appellate Government Counsel (Payne)

2a

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

No. ACM 40668

UNITED STATES
Appellee

v.

Parker C. MYSLOW
Second Lieutenant (O-1), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial
Judiciary

Decided 10 October 2025

Military Judge: Pilar G. Wennrich.

Sentence: Sentence adjudged on 26 March 2024 by GCM convened at Seymour Johnson Air Force Base, North Carolina. Sentence entered by military judge on 22 April 2024: Dismissal.

For Appellant: Major Brian E. Flanagan, USAF; Major Frederick J. Johnson, USAF.

For Appellee: Colonel G. Matt Osborn, USAF; Lieutenant Colonel Thomas J. Alford, USAF; Lieutenant Colonel Jenny A. Liabenow, USAF; Major Vanessa Bairos, USAF; Major Kate E. Lee, USAF; Major Jocelyn Q. Wright, USAF; Mary Ellen Payne, Esquire.

Before DOUGLAS, MASON, and KUBLER, *Appellate Military Judges*.

Judge KUBLER delivered the opinion of the court, in which Senior Judge DOUGLAS and Judge MASON joined.

This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 30.4.

KUBLER, Judge:

A military judge sitting at a general court-martial found Appellant guilty, consistent with his pleas, of one specification of failure to obey a lawful general regulation by wrongfully using delta-8-tetrahydrocannabinol (THC-8) on divers occasions, and one specification of wrongfully using a Schedule I controlled substance, delta-9-tetrahydrocannabinol (THC-9), on divers occasions, in violation of Articles 92 and 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892, 912a.¹

Prior to trial, Appellant spent 161 days in pretrial confinement and entered into a negotiated plea agreement, voluntarily pleading guilty to the charges and specifications above and agreeing “a dismissal shall be adjudged,” in exchange for the guarantee that no additional confinement would be adjudged and that two additional charges which carried the potential for

¹ Unless otherwise noted, all references to the UCMJ and to the Rules for Courts-Martial (R.C.M.) are to the *Manual for Courts-Martial, United States* (2019 ed.).

an additional 14 years of confinement would be dismissed with prejudice upon announcement of sentence.

The military judge sentenced Appellant to a dismissal as required by the plea agreement, and the convening authority took no action on the findings or the sentence. In addition to stating the foregoing information, the entry of judgment contained this indorsement: “The following criminal indexing is required . . . according to the references listed: . . . Firearm Prohibition Triggered Under 18 U.S.C. § 922: Yes.”

This court docketed Appellant’s case on 5 September 2024—163 days after the sentence was adjudged on 26 March 2024 and 13 days beyond the 150-day standard for facially unreasonable delay this court established in *United States v. Livak*, 80 M.J. 631, 633 (A.F. Ct. Crim. App. 2020).

Appellant raises three issues on appeal which we have rephrased: whether (1) Appellant’s sentence is inappropriately severe; (2) Appellant is entitled to relief for post-trial docketing delay of 13 days; and (3) as applied to Appellant, 18 U.S.C. § 922 is unconstitutional.

We have carefully considered issue (3) and find it warrants neither discussion nor relief. *See United States v. Guinn*, 81 M.J. 195, 204 (C.A.A.F. 2021) (citing *United States v. Matias*, 25 M.J. 356, 361 (C.M.A. 1987)); *see also United States v. Johnson*, __ M.J. __, No. 24-0004, 2025 CAAF LEXIS 499, at *13–14 (C.A.A.F. 24 Jun. 2025) (holding Courts of Criminal Appeals lack “authority to modify the [18 U.S.C.] § 922 indication” in the entry of judgment)

As to the remaining issues, we find no error that materially prejudiced Appellant's substantial rights, and we affirm the findings and sentence.

I. BACKGROUND

Appellant began his short Air Force career by using THC-8 and THC-9 in July 2023, the month he arrived at his first duty location, Seymour Johnson Air Force Base (AFB), North Carolina. The 15th Air Force Deputy Commander addressed Appellant's first use of THC-8 and THC-9 by issuing him nonjudicial punishment, pursuant to Article 15, UCMJ, 10 U.S.C. § 815.

Urinalysis Date	THC-8	THC-9
14 August 2023 ²	1653 ng/ml ↑	122 ng/ml ↓
23 August 2023	161 ng/ml ↓	453 ng/ml ↑
5 September 2023	36 ng/ml ↓	340 ng/ml ↓
14 September 2023	21 ng/ml ↓	465 ng/ml ↑
27 September 2023	564 ng/ml ↑	91 ng/ml ↓
6 October 2023	1423 ng/ml ↑	34 ng/ml ↓

Faced with Appellant's continued use of THC-8 and THC-9, his commander ordered Appellant into pretrial confinement on 17 October 2023, and preferred charges on 20 October 2023. The charges,

² Appellant's 31 July 2023 urine sample tested positive for THC-8 at 89 ng/ml and THC-9 at 559 ng/ml. Appellant's subsequent 14 August 2023 urine sample tested positive for THC-8 at a higher level of 1653 ng/ml and lower for THC-9 at 122 ng/ml as indicated by the arrows. An up arrow indicates a higher level than Appellant's previous test and a down arrow indicates a lower level from Appellant's previous test

one specification of failure to obey a lawful general regulation by wrongfully using THC-8 on divers occasions in violation of Article 92, UCMJ, and one specification of wrongfully using a Schedule I controlled substance, THC-9, on divers occasions, in violation of Articles 112a, UCMJ, carried a maximum punishment of a dismissal, confinement for seven years, forfeiture of all pay and allowances, a fine, and a reprimand.

Prior to his trial, Appellant spent 161 days in pretrial confinement and entered into a negotiated plea agreement, voluntarily pleading guilty to the charges and specifications above and accepting “a dismissal shall be adjudged,” in exchange for the guarantee that no additional confinement would be adjudged and that two additional charges which carried the potential for an additional 14 years of confinement would be dismissed with prejudice upon announcement of sentence.³ “I offer to plead guilty”—Appellant stated in his plea agreement—“because it will be in my best interest in accordance with the conditions stated herein.” One condition therein was “a dismissal shall be adjudged.”

At trial, the military judge discussed the impact of a dismissal with Appellant, ensured he had discussed

³ While in pretrial confinement, additional misconduct came to light which led to the two additional charges of two specifications each: Specifications 1 and 2 of Additional Charge I for violating a general regulation by possessing THC-8 and delta-10-tetrahydrocannabinol (THC-10), in violation of Article 92, UCMJ; and, Specifications 1 and 2 of Additional Charge II for possessing THC-9 and Hexahydrocannabinoid (HHC), controlled substances, in violation of Article 112a, UCMJ. These additional charges and specifications were withdrawn and dismissed pursuant to the plea agreement.

the dismissal with his trial defense counsel, and asked Appellant, “Knowing what I and your defense counsel have explained to you, is it your expressed desire to be discharged with a dismissal?” “Yes, ma’am,” said Appellant. “Okay”—the judge continued—“And do you consent to your defense counsel stating in argument that you desire to be discharged with a dismissal if it precludes any additional punishment in accordance with the terms of your plea agreement?” “Yes, ma’am,” said Appellant.

II. DISCUSSION

A. Sentence Severity

1. Law

This court reviews issues of sentence appropriateness *de novo*. See *United States v. McAlhaney*, 83 M.J. 164, 166 (C.A.A.F. 2023) (citing *United States v. Lane*, 64 M.J. 1, 2 (C.A.A.F. 2006)).

“Congress has dictated that the service [Courts of Criminal Appeals] ‘may affirm only . . . the sentence or such part or amount of the sentence, as the Court finds correct in law and fact and determines, on the basis of the entire record should be approved.’” *United States v. Arroyo*, __ M.J. __, No. 24-0212, 2025 CAAF LEXIS 688, at *8 (C.A.A.F. 19 Aug. 2025) (citing Article 66(d)(1), UCMJ, 10 U.S.C. § 866(d)(1)).

“We assess sentence appropriateness by considering the particular appellant, the nature and seriousness of the offense[s], the appellant’s record of service, and all matters contained in the record of trial.” *United States v. Sauk*, 74 M.J. 594, 606 (A.F. Ct. Crim. App. 2015) (en banc) (per curiam) (alteration in original) (citation omitted).

“An accused's own sentence proposal is a reasonable indication of the sentence's probable fairness to the accused.” *Arroyo*, 2025 CAAF LEXIS 688, at *2. “Accordingly, [we] may—to ascertain the fairness and thus the appropriateness of an adjudged sentence—consider the context in which the parties reached the plea agreement, including the benefits from that agreement to the accused.” *Id.*

Recognizing the benefits an appellant received as part of a plea agreement is “entirely proper as part of [this court's] de novo determination of whether the punishment dictated by the plea agreement and imposed by the military judge was appropriate.” *Id.* at *12.

“Credit for pretrial confinement is applied to confinement adjudged.” *United States v. Smith*, 54 M.J. 783, 787 (A.F. Ct. Crim. App. 2001). “Neither *Allen* nor [Rule for Courts-Martial (R.C.M.)] 305(k) creates a right to receive credit against any other portion of an adjudged sentence other than post-trial confinement.” *Id.* at 788 (referring to *United States v. Allen*, 17 M.J. 126 (C.M.A. 1984)).

Although the Courts of Criminal Appeals are empowered to “do justice” we are not authorized to grant mercy. *United States v. Guinn*, 81 M.J. 195, 203 (C.A.A.F. 2021) (citation omitted). In the end, “[t]he purpose of Article 66[], UCMJ, is to ensure ‘that justice is done and that the accused gets the punishment he deserves.’” *United States v. Sanchez*, 50 M.J. 506, 512 (A.F. Ct. Crim. App. 1999) (quoting *United States v. Healy*, 26 M.J. 394, 395 (C.M.A. 1988)).

2. Analysis

Appellant asserts the sentence of a dismissal, which he requested in his plea agreement, is inappropriately severe for two reasons. First, Appellant asserts THC use, purportedly not a felony offense in civilian jurisdictions, demonstrates the offense is not severe enough to warrant a dismissal. Second, Appellant asserts he was “effectively punished” by the 161 days in pretrial confinement which renders the dismissal too severe. For both these reasons, Appellant now invites us to find the dismissal which he bargained for inappropriately severe. We decline the invitation. The sentence is appropriate.

Based on his guilty pleas alone, Appellant faced a potential punishment of up to a dismissal, confinement for seven years, forfeitures of all pay and allowances, and a fine. Appellant only received a dismissal as required by his plea agreement.

The nature of Appellant’s drug use, purportedly not a felony offense in civilian jurisdictions, does not render his sentence inappropriately severe. We find the repeated use of THC-8 and THC-9 after his first positive urinalysis, despite corrective action taken by the 15th Air Force Deputy Commander, which then continued until he was placed in pretrial confinement, to be notable. Appellant faced seven years confinement—a significant amount of time—and “[r]egardless of the maximum punishment specified for an offense . . . , a dismissal may be adjudged for any offense of which a commissioned officer . . . has been found guilty.” *See* R.C.M. 1003(b)(8)(A).

Appellant’s claim that his pretrial confinement time, 161 days, renders his sentence, a dismissal, too severe, is similarly unpersuasive. Pretrial

confinement is not punishment, not a part of the sentence, and is not credited against a dismissal. *See generally* R.C.M. 304(f) and R.C.M. 305(k). Although the Courts of Criminal Appeals are empowered to “do justice” we are not authorized to grant mercy. *See Guinn*, 81 M.J. at 203. Appellant received no adjudged confinement to which credit could be applied. *See Smith*, 54 M.J. at 787. “[N]either *Allen* nor R.C.M. 305(k) creates a right to receive credit against any other portion of an adjudged sentence other than post-trial confinement.” *Id.* at 788. In considering the pretrial confinement as part of our review of the entire record and as potential mitigation rather than credit against a dismissal, we note Appellant’s father testified, “I know he has received some help and assistance there.” Further, trial defense counsel put the confinement report in evidence as Defense Exhibit B, and used it to argue that Appellant was a model confinee during sentencing. Thus, the record does not reflect negative aspects of Appellant’s pretrial confinement that would incline this court to disturb the dismissal adjudged.

Appellant’s brief military record does not provide any substantial mitigation for his conduct. Appellant had no officer performance reports and his single decoration was the Air and Space Training ribbon. His commander testified that Appellant’s drug use prevented him from meaningfully contributing to the mission. Further, Appellant was only at Seymour Johnson AFB for four months and he began testing positive for THC-8 and THC-9 at varying levels upon arrival and continued testing positive each and every month; that is, seven THC-8 positives and seven THC-9 positives in four months.

Finally, in considering whether the sentence was appropriate, we considered the fact that Appellant bargained for this exact sentence in his plea agreement and benefited from a guarantee he would serve no additional confinement.

We have carefully considered Appellant, the nature and seriousness of the offenses, Appellant's record of service, and all matters contained in the record of trial. *See Sauk*, 74 M.J. at 606. The dismissal is appropriate.

B. Post-Trial Delay

1. Additional Background

The military judge sentenced Appellant on 26 March 2024 and entered the judgment on 22 April 2024. The record of trial was docketed with this court on 5 September 2024, 163 days after announcement of the sentence.

In response to Appellant's assignment of error for post-trial delay, Appellee moved to attach, unopposed, chronologies from the case paralegal and a paralegal at the legal office for the general court-martial convening authority (GCMCA) providing details as to the processing of the record of trial. We granted the motion to attach and consider it here. *See United States v. Jessie*, 79 M.J. 437, 445 (C.A.A.F. 2020).

2. Law

"[C]onvicted servicemembers have a due process right to timely review and appeal of courts-martial convictions." *United States v. Moreno*, 63 M.J. 129, 135 (C.A.A.F. 2006) (citations omitted). In *Moreno*, the United States Court of Appeals for the Armed Forces (CAAF) established a presumption of facially unreasonable delay "where the action of the convening

authority is not taken within 120 days of the completion of trial, . . . where the record of trial is not docketed by the [Court of Criminal Appeals (CCA)] within thirty days of the convening authority's action," or "where appellate review is not completed and a decision is not rendered within eighteen months of docketing the case before the [CCA]." 63 M.J. at 142. In *Livak*, this court adapted the *Moreno* standard for cases referred to trial on or after 1 January 2019 and established an aggregated 150-day standard for facially unreasonable delay from sentencing to docketing with the CCA. 80 M.J. at 633.

Where there is a facially unreasonable delay, we examine the four factors set forth in *Barker v. Wingo*, 407 U.S. 514, 530 (1972): "(1) the length of the delay; (2) the reasons for the delay; (3) the appellant's assertion of the right to timely review and appeal; and (4) prejudice [to the appellant]." *Moreno*, 63 M.J. at 135 (citations omitted). The CAAF identified three types of cognizable prejudice for purposes of the right to timely post-trial review: (1) oppressive incarceration; (2) "particularized" anxiety and concern "that is distinguishable from the normal anxiety experienced by prisoners awaiting an appellate decision;" and (3) impairment of the appellant's grounds for appeal or ability to present a defense at a rehearing. *Id.* at 138–40 (citations omitted). Where there is no qualifying prejudice from the delay, there is no due process violation unless the delay is so egregious as to "adversely affect the public's perception of the fairness and integrity of the military justice system." *United States v. Toohey*, 63 M.J. 353, 362 (C.A.A.F. 2006). We review de novo an appellant's entitlement to relief for post-trial delay. *Livak*, 80 M.J. at 633 (citing *Moreno*, 63 M.J. at 135).

3. Analysis

The record of trial was docketed with this court 163 days after sentencing, exceeding the 150-day Livak standard for facially unreasonable delay by 13 days. Therefore, there is a facially unreasonable delay.

Accordingly, we have considered the *Barker* factors and, under the circumstances of this case, we find no violation of Appellant's due process rights.

First, we consider the length of the delay, 13 days, which is some delay and weighs in favor of Appellant.

Second, we consider the reasons for the delay. It took 23 days for the legal office of the special court-martial convening authority (SPCMCA) to obtain Appellant's receipt for the record of trial (ROT). Once the legal office received the receipt, they assembled the record of trial and sent it to the GCMCA legal office for review the next day. The GCMCA legal office was "undermanned" and in the process of turnover of personnel when the record arrived at its office. As a result, a newly-arrived paralegal in his second week at work, began his review of the record 30 days after receipt of the ROT. The GCMCA legal office then requested missing documents and the SPCMCA legal office provided the missing documents in six days. Even with these coordination delays, the GCMCA legal office was able to mail the record of trial to the Air Force Appellate Records Branch (JAJM) on 2 August 2024, which was day 129. The record does not reflect what caused the additional delay once the record reached JAJM. These reasons for delay weigh slightly in favor of Appellant.

Third, we consider whether Appellant demanded speedy appellate review before this court. Here, Appellant did not. Further, notably, Appellate

requested seven enlargements of time, which were granted, in order to file his brief. This factor does not favor Appellant.

Fourth, Appellant has not alleged cognizable prejudice from the delay. We do not perceive any particularized anxiety or concern Appellant experienced from the delay. Appellant did not suffer from oppressive incarceration. In fact, the court adjudged no confinement in this case and the only punishment adjudged, a dismissal, is not executed until the completion of appellate review. See R.C.M. 1102(4)(A). This factor does not favor Appellant. Accordingly, we do not find Appellant has suffered any prejudice for purposes of Livak. Absent prejudice, we find the post-trial delay involved in Appellant's case has not been so egregious as to adversely affect the perception of the military justice system. *See Toohey*, 63 M.J. at 362. Furthermore, recognizing our authority under Article 66(d)(2), UCMJ, 10 U.S.C. § 866(d)(2), we considered whether relief for excessive post-trial delay is appropriate in this case even in the absence of a due process violation. *See United States v. Valentin-Andino*, 85 M.J. 361, 366 n.4 (C.A.A.F. 2025). We conclude such relief is not warranted.

III. CONCLUSION

The findings are correct in law. Article 66(d), UCMJ, 10 U.S.C. §§ 859(a), 866(d) (*Manual for Courts-Martial, United States* (2024 ed.)). In addition, the sentence is correct in law and fact, and no error materially prejudicial to Appellant's substantial rights occurred. Articles 59(a) and 66(d), UCMJ, 10 U.S.C. §§ 859(a), 866(d). Accordingly, the findings and the sentence are **AFFIRMED**.

15a



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court

**ENTRY OF JUDGMENT
IN THE CASE OF**

United States v. Second Lieutenant Parker C. Myslow

Date: 22 April 2024

Sentence/Acquittal

Date: 26 March 2024

Name of Accused:

Parker C. Myslow

Grade: O-1 **SSN:**

[Redacted]

Organization: 4th Communications Squadron,
Seymour Johnson AFB, NC (ACC)

Convening Command: 15th Air Force, Shaw AFB,
NC (ACC)

Court-Martial Type: General Court-Martial

Sentencing Forum: **Enlisted Members:** N/A
Military Judge

Findings and Sentence (as modified by the convening authority action or other court ruling, if any):

Charge(s)	Arraigned Offense(s)	P	F
CHARGE I	Art. 92	G	G
Spec: 092-A0	Did, at or near the continental United States, on divers occasions, between on or about 1 August 2023 and on or about 6 October 2023, violate a lawful general	G	G

	regulation, which was his duty to obey, to wit: Department of the Air Force Manual 44-197, paragraph 1.2.2.1, dated 23 September 2022, and Department of the Air Force Manual 44-197, paragraph 1.2.2.1, dated 5 September 2023, by wrongfully using delta-8-tetrahydrocannabinol.		
CHARGE II	Art. 112a	G	G
Spec: 112AC1	Did, at or near the continental United States, on divers occasions, between on or about 1 August 2023 and on or about 6 October 2023, wrongfully use delta-9-tetrahydrocannabinol, a Schedule I controlled substance.	G	G

ADDITIONAL CHARGE I:	Art. 92	N G	Withdrawn and dismissed with prejudice
Spec : 1 092-A-4	Did, at or near Goldsboro, North Carolina, between on or about 13 July 2023 and on or about 13 December 2023, violate a lawful general regulation, which was his duty to obey, to wit: Department of the Air Force Manual 44-197, paragraph 1.2.2.1, dated 23 September 2022, and Department of the Air Force Manual 44-197, paragraph 1.2.2.1, dated 5 September 2023, by wrongfully using delta-8-tetrahydrocannabinol.	N G	Withdrawn and dismissed with prejudice
Spec: 2 092-A4	Did, at or near Goldsboro, North Carolina, between on or about 13 July 2023 and on or	N G	Withdrawn and dismissed

	about 13 December 2023, violate a lawful general regulation, which was his duty to obey, to wit: Department of the Air Force Manual 44-197, paragraph 1.2.2.1, dated 23 September 2022, and Department of the Air Force Manual 44-197, paragraph 1.2.2.1, dated 5 September 2023, by wrongfully using delta-10-tetrahydrocannabinol.		with prejudice
ADDITIONAL CHARGE II:	Art. 112a	N G	Withdrawn and dismissed with prejudice
Spec: 1 112AA1	Did, at or near Goldsboro, North Carolina, between on or about 13 July 2023 and on or about 13 December 2023, wrongfully possess some amount of delta-9-tetrahydrocannabinol.	N G	Withdrawn and dismissed with prejudice

	nol, a Schedule I controlled substance.		
Spec: 2 112AA1	Did, at or near Goldsboro, North Carolina, between on or about 13 July 2023 and on or about 13 December 2023, wrongfully possess some amount of Hexahydrocannabinol, a Schedule I controlled substance.	N G	Withdrawn and dismissed with prejudice

Confinement			Fine
Term	Concurrent with	Consecutive with	

Total Confinement: Total Fine: N/A
N/A

Days of Pretrial Days of Judicially
Confinement Credit: Ordered Credit: N/A
161 days

Punitive Discharge: Reduction in Pay
Dismissal Grade: N/A

Forfeitures of Pay and/or Allowances: N/A

21a

Hard Labor without Restriction: N/A
Confinement: N/A

Deferments: N/A

Waiver of Automatic Forfeitures: N/A

**Convening Authority Action on Military
Judge Suspension Recommendation: N/A**

Reprimand: N/A

**This judgment reflects the result of the court-
martial, as modified by any post-trial actions,
rulings, or orders, if any, and is hereby
entered into the record on (date).**



PILAR G. WENNRICH, Lt Col, USAF
Military Judge

Attachments:

1. Statement of Trial Results, 3 pages, dated 26
March 2024

22a

1st Ind., Entry of Judgment, Parker C. Myslow, dated
22 April 2024.

FROM: 4 FW/JA

22 April 2024

MEMORANDUM FOR: ALL REVIEWING
AUTHORITIES

The following criminal indexing is required, following
Entry of Judgment, according to the references listed:

DNA Processing Required Under 10 U.S.C. § 1565 and
DoDI 5505.14: Yes.

Firearm Prohibition Triggered Under 18 U.S.C. § 922:
Yes.

Domestic Violence Conviction Under 18 U.S.C. §
922(g)(9): Yes.

Sex Offender Notification in accordance with DoDI
1325.07: No.

Fingerprint Card and Final Disposition in accordance
with DoDI 5505.11: Yes.



NATHAN H. MAYENSCHEN, Lt Col, USAF
Staff Judge Advocate

Distribution:

1 – Lt Col Pilar G. Wennrich (MJ), 182 Thornell Ave,
Bldg 566, Joint Base Langley-Eustis, VA 23665

1 – Mr. Dustin Orlowski, 182 Thornell Ave, Bldg 566,
Joint Base Langley-Eustis, VA 23665

1 – Maj Carlos Ruiz (TC), 1600 Wright Brothers Ave,
Ste 265, SJAFB, NC 27541

1 – Capt Matthew Yelverton (TC), 1600 Wright
Brothers Ave, Ste 265, SJAFB, NC 27531

1 – Capt Heather Stallings (DC), 1195 Cannon Ave,
SJAFB NC 27531

1 – Mr. Eric Kopka (DC), 825 Gum Branch Road, Suite
117, Jacksonville, NC 28540

1 – Maj Joshua m. Gminski (4 CS/CC), 1195 Jabara
Ave, SJAFB, NC 27534

1 – Lt Col Nathan H. Mayenschein (4 FW/SJA), 1600
Wright Brothers Ave, Ste 265, SJAFB, NC 27531

1 – Colonel Allan S. Brock (15 AF/SJA), 524 Shaw
Drive, Ste 274, Bldg 1130, Shaw AFB, SC 29152

1 – 4 CPTS/FMF, 1600 Wright Brothers Ave, Ste 265,
SJAFB, NC 27531

1 – 4 FSS/FSMPPM, 1600 Wright Brothers Ave, Ste
265, SJAFB, NC 27531

*1 – CW2 Christopher C. Neuendorff, MCI East
Regional Brig, Mulberry St, Camp Lejeune, NC 28542

1 – AFOSI/Det 216, 1100 Guardian Rd, SJAFB, NC
24531

1 – AFOSI/XRG, 27130 Telegraph Rd, Quantico, VA
22314

1 – 4 SFS/CC, 1010 Vermont Garrison Ave, SJAFB,
NC 27531

1 – 4 SFS/S21, 1010 Vermont Garrison Ave, SJAFB,
NC 27531

1 – 4 SFS/S5, 1010 Vermont Garrison Ave, SJAFB,
NC 27531

*1 – HQ AFSFC/FC, 1517 Billy Mitchell Blvd, Bldg
954, JBSA-Lackland, TX 78236

1 – AF/JAT, Clerk of Court, 1500 W. Perimeter Road,
Ste 1130, JB Andrews NAF Washington, MD 20762

*7 – AF/JAM, 1500 W. Perimeter Road, Ste 1150, JB Andrews NAF Washington, MD 20762

1 – HQ AFPC/DPMSSM (DEERS), 550 C St West, JBSA-Randolph, TX 78150

1 – HQ AFPC/DP10RM (ARMS), 550 C St West, Ste 21, JBSA-Randolph, TX 78150

1 – DOD/AFPC, Attn: Air Force Mil Pay, 8899 E. 56th St, Indianapolis, IN 46349

1 DSCA CAS, 600 10th St, Ste 360, Fort Meade, MD 20755

1 – U.S. Army Criminal Investigations Laboratory, ATTN: CODIS Lab, 4930 N. 31st St, Forest Park, GA 30297

*Recipients of unexpurgated STR.

25a

BY ORDER OF THE
SECRETARY OF THE
AIR FORCE

*DEPARTMENT OF
THE AIR FORCE
INSTRUCTION 51-201*

24 January 2024



*LAW
ADMINISTRATION
OF MILITARY
JUSTICE*

**COMPLIANCE WITH THIS PUBLICATION IS
MANDATORY**

ACCESSIBILITY: Publications and forms are available on the e-Publishing website at www.e-Publishing.af.mil for downloading or ordering.

RELEASABILITY: There are no releasability restrictions on this publication.

OPR: AF/JAJM

Certified by: AF/JAJ
(Brig Gen Gail E.
Crawford)

Supersedes: DAFI 51-
201_DAFGM2023-01, 28
September 2023

Pages: 264

Section 20I—EoJ (R.C.M. 1111; Article 60c, UCMJ)

20.39. General Provision. The EoJ reflects the results of the court-martial after all post-trial actions, rulings, or orders, and serves to terminate trial proceedings and initiate appellate proceedings. The EoJ must be completed in all GCMs and SPCMs in which an accused was arraigned, regardless of the final outcome of the case. For post-trial processing in an SCM, see Section 23F. In any case in which an accused was arraigned and the court-martial ended in a full acquittal, mistrial, dismissal of all charges, or is otherwise terminated without findings (to include discharge in lieu of court-martial), an EoJ must be completed (to include the first indorsement) when the court terminates. For cases resulting in a finding of not guilty by reason of lack of mental responsibility, the EoJ must be completed after the subsequent hearing required by R.C.M. 1111(e)(1) and R.C.M. 1105.

20.40. Preparing the EoJ.

20.40.1. Minimum Contents. Following receipt of the CADAM and issuance of any other post-trial rulings or orders, the military judge must ensure an EoJ is prepared. (T-0) Military judges should wait five days after receipt of the CADAM to sign the EoJ. This ensures parties have five days to motion the military judge to correct an error in the CADAM in accordance with R.C.M. 1104(b)(2)(B). The EoJ must include the contents listed in R.C.M. 1111(b), and the STR must be included as an attachment. (T-0) Practitioners must use the format and checklists for the EoJ that is posted on the VMJD and AF/JAJM Teams page.

20.40.2. Expurgated and Unexpurgated Copies of the EoJ. In cases with both an expurgated and unexpurgated Statement of Trial Results, both an expurgated and unexpurgated EoJ must be prepared and signed by the military judge. In arraigned cases in which the court-martial ended in a full acquittal, mistrial, dismissal of all charges, or is otherwise terminated without findings, refer to **paragraph 20.8** to determine whether an expurgated EoJ is required and the distribution requirements for expurgated and unexpurgated copies.

20.41. First Indorsement to the EoJ. After the EoJ is signed by the military judge and returned to the servicing legal office, the SJA signs and attaches to the EoJ a first indorsement, indicating whether the following criteria are met: DNA processing is required; the accused has been convicted of a crime of domestic violence under 18 U.S.C. § 922(g)(9); criminal history record indexing is required under DoDI 5505.11; firearm prohibitions are triggered; and/or sex offender notification is required. See **Chapter 29** for further information on this requirement. Templates are located on the VMJD and AF/JAJM Teams page. The first indorsement is distributed with the EoJ. **Note:** This requirement is not delegable. Only the SJA or other judge advocate acting as the SJA may sign the first indorsement. In the latter case, the person signing the first indorsement indicates “Acting as the Staff Judge Advocate” in the signature block.

20.42. Distributing the EoJ. The EoJ and first indorsement must be distributed in accordance with the STR/EoJ Distribution List on the VMJD and AF/JAJM Teams page within five duty days of completion.

....

SECTION 21C—Correcting THE EOJ

21.7. Contents of the EoJ. The template EoJ form contains data required by R.C.M. 1111(b) and additional information required by policy. This additional information includes SSNs, rank, and other administrative data that is used to identify the member and carry out various personnel and administrative functions.

21.8. Errors Identified in the EoJ. Errors identified in the EoJ may only be corrected in accordance with R.C.M. 1111(c) and 1112(d). **(T-0)** If such errors are not corrected or are outside the scope of R.C.M. 1111(c), the errors may render the ROT defective.

21.8.1. The military judge who entered a judgment may issue a modified EoJ to correct any errors prior to certification of the record under R.C.M. 1112 in accordance with R.C.M. 1111(c).

21.9. After Certification of the Record.

21.9.1. The detailed military judge may make modifications to the EoJ consistent with the purposes of the remand.

21.9.2. TJAG, the Chief Trial Judge, the AFCCA, and the CAAF may also modify a judgment in the performance of their duties and responsibilities in accordance with R.C.M. 1111(c)(2).

21.10. First Indorsement. The SJA may make corrections to the first indorsement at any time. Corrections require redistribution of the EOJ and first indorsement in accordance with **Section 21D**.

....

Section 29D—POSSESSION OR PURCHASE OF FIREARMS PROHIBITED (18 U.S.C. §§ 921-922, DEFINITIONS; UNLAWFUL ACTS; 27 C.F.R. § 478.11)

29.29. General Provision. The National Instant Criminal Background Check System (NICS) is a nationwide database of persons who are prohibited from shipping, transporting, receiving, and possessing firearms, ammunition, and explosives, in or affecting interstate or foreign commerce, under 18 U.S.C. §922(g) and (n).

29.29.1. 18 U.S.C. §925(a)(1), *Exceptions: Relief from Disabilities*, allows persons prohibited under 18 U.S.C. §§922(g) and (n), except for those convicted of misdemeanor crimes of domestic violence who are subject to the prohibition of 18 U.S.C. §922(g)(9), to transport, ship, receive, and possess government-owned firearms, ammunition, and explosives for official government business.

29.29.2. In accordance with DoDI 6400.06, *Domestic Abuse Involving DoD Military and Certain Affiliated Personnel*, Section 9, persons convicted of felony crimes of domestic violence (i.e., those crimes punishable by more than one year confinement, tried by a general or special court-martial, which otherwise meet the definition of a misdemeanor crime of domestic violence), are also prohibited from transporting, shipping, receiving, and possessing government-owned firearms, ammunition, and explosives for official government business.

29.29.3. In accordance with DoDI 6400.06, Section 9, personnel with a qualifying conviction for a crime of misdemeanor or felony domestic violence are not prohibited from working with: (1) major military

weapons systems; or (2) crew-served military weapons and ammunition (e.g., tanks, missiles, and aircraft).

29.30. Categories of Prohibition. 18 U.S.C. §§922(g) and (n) detail ten categories that prohibit persons from shipping, transporting, receiving, or possessing firearms, ammunition, and explosives, in or affecting interstate or foreign commerce. See 18 U.S.C. §§922(g) and (n), 27 C.F.R. §478.11, and AFMAN 71-102, Chapter 4. The categories and their criteria are set forth below.

29.30.1. Persons convicted of a crime punishable by imprisonment for a term exceeding one year. See 18 U.S.C. §922(g)(1).

29.30.1.1. If a service member is convicted at a GCM of a crime for which the maximum punishment exceeds a period of one year, this prohibition is triggered regardless of the term of confinement adjudged or approved. **Note:** This category of prohibition would not apply to convictions in a special court-martial because confinement for more than one year cannot be adjudged in that forum.

29.30.1.2. If a conviction is set aside, disapproved or overturned on appeal, the prohibition under this section is not triggered because the conviction no longer exists. 18 U.S.C. § 922(g)(1).

29.30.2. Fugitives from justice. 18 U.S.C. § 922(g)(2).

29.30.3. Unlawful users or persons addicted to any controlled substance as defined in 21 U.S.C. § 802, *Definitions*. See 18 U.S.C. § 922(g)(3) and 27 C.F.R. 478.11.

29.30.3.1. This prohibition is triggered where a person who uses a controlled substance has lost the

power of self-control with reference to the use of a controlled substance or where a person is a current user of a controlled substance in a manner other than as prescribed by a licensed physician. Such use is not limited to the use of drugs on a particular day, or within a matter of days or weeks before, but rather that the unlawful use has occurred recently enough to indicate that the individual is actively engaged in such conduct. See 27 C.F.R. 478.11.

29.30.3.2. An inference of current use may be drawn from evidence of a recent use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time, e.g., a conviction for use or possession of a controlled substance within the past year; multiple arrests for such offenses within the past five years if the most recent arrest occurred within the past year; or persons found through a drug test to use a controlled substance unlawfully, provided that the test was administered within the past year. 27 C.F.R. 478.11.

29.30.3.3. For a current or former member of the armed forces, an inference of current use may be drawn from recent disciplinary or other administrative action based on confirmed drug use, e.g., court-martial conviction, NJP, or an administrative discharge based on drug use or drug rehabilitation failure. 27 C.F.R. 478.11.

29.30.3.4. Qualifying Prohibitors. See AFMAN 71-102, Chapter 4, for additional information on drug offenses and admissions that qualify for prohibition under 18 U.S.C. § 922(g)(3).

29.30.4. Any person adjudicated as a mental defective or who has been committed to a mental institution.

29.30.4.1. If a service member is found incompetent to stand trial or not guilty by reason of lack of mental responsibility pursuant to Articles 50a or 76b, UCMJ, this prohibition may be triggered. 18 U.S.C. § 922(g)(4).

29.30.4.2. SJAs should ensure commanders are aware of the requirement to notify DAF-CJIC when a service member is declared mentally incompetent for pay matters by an appointed military medical board. See AFMAN 71-102, Chapter 4.

29.30.4.3. SJAs should ensure commanders are aware of the requirement to notify installation law enforcement in the event any of their personnel, military or civilian, are committed to a mental health institution through the formal commitment process. For further information, see AFMAN 71-102; 18 U.S.C. § 922; 27 C.F.R. 478.11.

29.30.5. Persons who have been discharged from the armed forces under dishonorable conditions. 18 U.S.C. § 922(g)(6). This condition is memorialized on the STR and EoJ, which must be distributed in accordance with the STR/EoJ Distribution List on the VMJD and AF/JAJM Teams page. **Note:** This prohibition does not take effect until after the discharge is executed, but no additional notification must be made to the individual at that time. See **paragraph 29.33.2**. The original notification via AF Form 177, *Notification of Qualification for Prohibition of Firearms, Ammunition, and Explosives*, and subsequent service of the CFR or Final Order, as applicable, operate as notice to the individual.

29.30.6. Persons who have renounced their United States citizenship. 18 U.S.C. § 922(g)(7).

29.30.7. Persons convicted of a crime of misdemeanor domestic violence (the “Lautenberg Amendment”) at a GCM or SPCM. See 18 U.S.C. § 922(g)(9). **Note:** Persons convicted of felony crimes of domestic violence at a GCM or SPCM are covered under 18 U.S.C. § 922(g)(1).

29.30.7.1. A “misdemeanor crime of domestic violence” for purposes of indexing under this section is defined as follows: an offense that— (i) is a misdemeanor under Federal, State, or Tribal law; and (ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, by a person similarly situated to a spouse, parent, or guardian of the victim, or by a person who has a current or recent former dating relationship with the victim. **Note:** Exceptions to this definition can be located at 18 U.S.C. § 921(a)(33). See also 27 C.F.R. 478.11.

29.30.7.2. SJAs should look at the underlying elements of each conviction to determine whether it triggers a prohibition under 18 U.S.C. § 922(g)(9). If a conviction is set aside, disapproved or overturned on appeal, the prohibition under this section is not triggered because the conviction no longer exists. The term “qualifying conviction” does not include summary courts-martial or the imposition of NJP under Article 15, UCMJ.

29.30.7.3. Government counsel and law enforcement must look at this prohibition on a case-

by-case basis to ensure that the charged offense (e.g., violations of Articles 120, 120b, 128, 128b, 130, UCMJ, etc.) meets the statutory criteria for a “misdemeanor crime of domestic violence.” See 10 U.S.C. § 1562, *Database on domestic violence incidents*; DoDI 6400.07, *Standards for Victim Assistance Services in the Military Community*.

29.30.8. Persons accused of any offense punishable by imprisonment for a term exceeding one year, which has been referred to a GCM. 18 U.S.C. § 922(n).

29.30.9. Persons who are aliens admitted under a nonimmigrant visa or who are unlawfully in the United States. 18 U.S.C. § 922(g)(5).

29.30.10. Persons subject to a protective order issued by a court, provided the criteria in 18 U.S.C. § 922(g)(8) are met. This prohibition is triggered only by a court order issued by a judge. A military protective order does not trigger this prohibition; but does trigger indexing under **Section 29B**.

29.31. Notification to the Accused of Firearms Prohibition. When a service member becomes ineligible to possess, purchase, or receive a firearm under 18 U.S.C. § 922, the DAF provides notification to that service member of the prohibition. See AFMAN 71-102, Chapter 4.

29.31.1. Form of Notice. A service member is notified of the applicability of 18 U.S.C. § 922 via AF Form 177.

29.31.2. SJA Responsibility to Notify. In all cases investigated by DAF involving an offense which implicates a firearms prohibition, the SJA should be aware of the nature of the prohibition and the entity responsible for making the notification. See AFMAN

71-102, Table 4.1 and Chapter 4, generally. However, in the following cases, the SJA is directly responsible for ensuring the notification to the accused is made:

29.31.2.1. Conviction at a GCM of any offense punishable by imprisonment for a term exceeding one year. In such cases, the AF Form 177 must be provided to the accused for completion as part of the post-trial paperwork. **Note:** If this is a dual basis notification, the paperwork need only be served once, though both applicable prohibitions should be noted on the AF Form 177.

29.31.2.2. Conviction at a GCM, SPCM, or SCM for use or possession of a controlled substance. In such cases, the AF Form 177 must be provided to the accused for completion as part of the post-trial paperwork. **Note:** If this is a dual basis notification, the paperwork need only be served once, though both applicable prohibitions should be noted on the AF Form 177.

29.31.2.3. Completion of NJP for any person found guilty of wrongful use or possession of a controlled substance. In such cases, the AF Form 177 must be provided to the accused for signature on or before completion of the supervisory SJA legal review.

29.31.2.4. After the accused is adjudicated as not guilty by reason of insanity or not competent to stand trial. In such cases, the AF Form 177 must be provided to the accused for completion as part of the post-trial paperwork.

29.31.2.5. Conviction resulting in a sentence including a dishonorable discharge. In such cases, the AF Form 177 must be provided to the accused for completion as part of the post-trial paperwork. **Note:** If this is a dual basis notification, the paperwork need

only be served once, though both applicable prohibitions should be noted on the AF Form 177.

29.31.2.6. Conviction at a GCM or SPCM for a crime of domestic violence, when the maximum punishment which may be adjudged for the offense in that forum is one year or less. **Note:** If this is a dual basis notification, the paperwork need only be served once, though both applicable prohibitions should be noted on the AF Form 177.

29.31.2.7. Referral of charges to a GCM where any offense carries a possible sentence to confinement in excess of one year. In such cases, the AF Form 177 must be provided to the accused for completion as part of the referral paperwork.

29.31.3. In cases where the investigating law enforcement agency is a non-DAF agency, these requirements may not apply. Contact DAF-CJIC for further guidance. See AFMAN 71-102.

29.31.4. Any notification made to the accused may be made through the accused's counsel in order to secure the accused's signature on required documentation.

29.31.5. If the accused declines to sign, this should be annotated on the form.

29.31.6. After completion of the form, the SJA must provide the completed AF Form 177 to DAF-CJIC within 24 hours of completion, in accordance with the provisions of AFMAN 71-102. SJA will also provide a digital copy to the member's commander and investigating DAF law enforcement.

29.32. STR and EoJ. In cases where specifications allege offenses which trigger a prohibition under 18 U.S.C. § 922 and the accused is found guilty of one or

more such offenses, the appropriate box must be completed on the first indorsements to the STR and EoJ by the SJA. **Note:** If the accused is convicted of a crime of domestic violence as defined in **paragraph 29.30.7.1** and 18. U.S.C. § 922, both the “Firearms Prohibition” and “Domestic Violence Conviction” blocks should be marked “yes.”

29.33. Final Disposition Requirement. As the findings of a case may change after close of a court-martial, final disposition of court-martial charges must be forwarded to the local OSI detachment, Security Forces, and DAF-CJIC to ensure reporting pursuant to 18 U.S.C. §922 is appropriately handled.

29.33.1. Because the EoJ may differ from the adjudged findings and sentence, both the STR and EoJ, with accompanying first indorsements, must be distributed to the local responsible DAF investigative agency and DAF-CJIC within three duty days of completion of the EoJ. The SJA must ensure disposition data requested by the local OSI detachment and Security Forces unit is provided to ensure timely and accurate inclusion of final disposition data. See **Section 29E** for further distribution guidance.

29.33.2. In cases where a CFR is created after completion of appellate review, the CFR must be distributed to the local responsible DAF investigative agency and DAF-CJIC within three duty days of completion. See **Chapter 27**.

29.34. SJA Coordination with Commanders. The SJA or designee must inform commanders of the impact of a conviction on the accused’s ability to handle firearms or ammunition as part of their official duties in accordance with 18 U.S.C. §925(a)(1) and

DoDI 6400.06, Section 9; brief commanders on retrieving all Government-issued firearms and ammunition and suspending the member's authority to possess Government-issued firearms and ammunition in the event a member is convicted of a felony or misdemeanor crime of domestic violence in accordance with 18 U.S.C. §922(g)(1) and (g)(9) (violations of the Lautenberg Amendment); and brief commanders on their limitations and abilities to advise members of their commands to lawfully dispose of their privately owned firearms and ammunition.

BY ORDER OF THE
SECRETARY OF THE
AIR FORCE

*AIR FORCE
MANUAL 71-102*

21 July 2020

*Special
Investigations*

*AIR FORCE
CRIMINAL INDEXING*



**COMPLIANCE WITH THIS PUBLICATION IS
MANDATORY**

ACCESSIBILITY: Publications and forms are available on the e-Publishing website at www.e-Publishing.af.mil for downloading or ordering.

RELEASABILITY: There are no releasability restrictions on this publication.

OPR: SAF/IGX

Certified by: SAF/IGX
(Colonel Christopher S.
Church)

Pages: 62

Table 1.1. Disposition Documentation Requirements.

Proceeding	Before 1 Jan 2019	After 1 Jan 2019	OPR
-------------------	--------------------------	-------------------------	------------

.....

General and special court-martial (SPCM)	Report of Results of Trial (RRoT)	Statement of Trial Results + first indorsement	SJA
General and special court-martial	Court-Martial Order (CMO)	Entry of Judgement + first indorsement	SJA

.....

Chapter 4

NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS)

4.1. NICS. NICS is a database system for the indexing of persons with a qualifying prohibition for the shipment, transportation, receipt and possession of firearms and ammunition in or affecting interstate or foreign commerce. The FBI maintains the NICS system on behalf of the DOJ. The Brady Handgun Violence Prevention Act of 1993 requires the reporting of the categories below to the FBI for purposes of prohibiting firearm purchases and possession. Refer to Paragraph 4.4 for reporting procedures.

.....

4.4. Reporting Qualifying Prohibitions. Reporting of persons qualifying for NICS prohibition

is an immediate denial of the individual's ability to exercise his or her constitutional right to possess a firearm. Due to the restrictions imposed by a NICS entry, care must be taken to ensure an individual meets the strict qualifications and supporting documentation is available.

4.4.1. All requests and supporting documentation for entry of persons with a qualifying prohibition into NICS will be sent to the DAF-CJIC via email at daf.cjic@us.af.mil. **(T-1)**

4.4.2. The following information is required for reporting a prohibited person in NICS: full name (last, first, middle); Social Security Number; date of birth (YYYYMMDD format); Gender; Race; agency case number. **(T-0)** These data points are documented on the AF Form 177. Reference Section 4.6 of this manual. See **paragraphs 4.4.4 through paragraph 4.4.12** for additional requirements for each prohibitive category.

4.4.3. Category 1: Persons who have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year (or a misdemeanor crime punishable by imprisonment over two years) will be indexed in accordance with **paragraph 4.4.2 (T-0)**

4.4.3.1. Requests for submission to NICS must be accompanied by documentation in accordance with **Table 1.1**, or civilian equivalent. Any actions taken by the convening authority or as the result of appellate review will be transmitted to DAF-CJIC in accordance with **paragraph 4.4.2 (T-1)**

4.4.4. Category 2: Persons who are fugitives from justice will be indexed in accordance

with **paragraph 4.4.2 (T-0)**

4.4.4.1. Requests for submission to NICS must be accompanied by a corresponding DD Form 553. **(T-1)**

4.4.4.2. Requests for removal from NICS must be accompanied by DD Form 616, *Report of Return of Absentee*. **(T-1)**

4.4.5. Category 3: Persons who are unlawful users of, or addicted to, any controlled substance will be indexed in accordance with **paragraph 4.4.2** Requests for submission to NICS under the substance abuser prohibition must include the following for subject: **(T-0)**

4.4.5.1. Date of qualifying action(s) (admission, urinalysis, and/or possession date). **(T-0)**

4.4.5.2. One of the following supporting documents:

4.4.5.2.1. A confirmation positive urinalysis result using mass spectrometry. **(T-0)**

4.4.5.2.2. Positive drug identification lab result. **(T-0)**

4.4.5.2.3. Agency case file documentation reflecting drug identification in accordance with **paragraph 4.3.1.3.3.2 (T-0)**

4.4.5.2.4. Agency case file documentation reflecting admission to a law enforcement officer of the use or possession of a controlled substance by name, including street names and common vernacular. **(T-0)**

4.4.5.3. Documentation in accordance with **Table 1.1** or civilian equivalent. Any action taken by the convening authority or appellate review will be

transmitted to DAF-CJIC in accordance with **paragraph 4.4.2 (T-0)**

4.4.5.3.1. In any case where administrative, nonjudicial or judicial action was taken, supporting documentation in accordance with **Table 1.1**, or civilian equivalent, must be submitted. **(T-0)**

4.4.6. Category 4: Persons who have been adjudicated as mental defectives or who have been committed to a mental institution will be indexed in accordance with **paragraph 4.4.2 (T-0)** Requests for submission to NICS must be accompanied by documentation in accordance with **table 1.1** or civilian equivalent. **(T-1)** Any actions taken by the convening authority or as a result of appellate review will be transmitted to DAF-CJIC in accordance with **paragraph 4.4.2 (T-1)**

4.4.6.1. For instances when an individual is involuntarily committed to a treatment facility, a corresponding court order signed by a court-appointed judge must be provided. **(T-0)**

4.4.6.2. For instances when a service member is officially declared mentally incompetent for pay matters, in accordance with AFMAN 65-116v1, para. 50.2, the pertinent documents specified in paras. 50.2.1 or 50.2.3 must be provided. The items in paras. 50.2.2 and 50.2.4 are not Air Force records. It is the responsibility of the owning agencies to accomplish those NICS entries; however, the SJA and commander must still provide the member with AF Form 177 in accordance with section 4.6.

4.4.7. Category 5: Persons who have been discharged from the United States Armed Forces

under dishonorable conditions or who have received a dismissal will be indexed in accordance with **paragraph 4.4.2 (T-0)**

4.4.7.1. Requests for submission to NICS must be accompanied by a corresponding DD Form 214. **(T-1)**

4.4.8. Category 6: Persons who, having been citizens of the United States, have renounced their U.S. citizenship will not be indexed by the AF because NICS submissions under this prohibition are outside the purview of the AF. **(T-0)** When referring these matters to the appropriate civilian agency, follow that agency's specific guidance for the referral.

4.4.9. Category 7: Persons convicted in any court of a MCDV will be indexed in accordance with **paragraph 4.4.2 (T-0)**

4.4.9.1. Requests for submission to NICS under the MCDV prohibition must include the following for subjects **(T-0)**:

4.4.9.1.1. UCMJ or civilian (federal/state/local) statute for which the individual was convicted. **(T-0)**

4.4.9.1.2. Relationship between the victim and the subject, if any of the following relationships are indicated:

4.4.9.1.2.1. Subject is current or former spouse of victim (can be same sex). **(T-0)**

4.4.9.1.2.2. Subject is parent/step-parent of victim. **(T-0)**

4.4.9.1.2.3. Subject is guardian of victim. **(T-0)**

45a

4.4.9.1.2.4. Subject has a child in common with victim (child must be born). **(T-0)**

4.4.9.1.2.5. Subject is cohabiting or has cohabited as spouse of victim (can be same sex). **(T-0)**

4.4.9.1.2.6. Subject is cohabiting or has cohabited as parent of victim. **(T-0)**

4.4.9.1.2.7. Subject is cohabiting or has cohabited as guardian of victim. **(T-0)**

4.4.9.1.2.8. Subject is similarly situated to spouse of victim (can be same sex). **(T-0)**

4.4.9.1.2.9. Subject is similarly situated to parent of victim. **(T-0)**

4.4.9.1.2.10. Subject is similarly situated to guardian of victim. **(T-0)**

4.4.9.1.3. Requests for submission to NICS must be accompanied by documentation in accordance with **Table 1.1**, or civilian equivalent, and agency case file documentation identifying the relationship. **(T-0)** Any actions taken by the convening authority or appellate review will be transmitted to DAF-CJIC in accordance with **paragraph 4.4.2 (T-1)**

4.4.10. Category 8, Persons who are under indictment or information for a crime punishable by imprisonment for a term exceeding one year will be indexed in accordance with **paragraph 4.4.2 (T-0)**

4.4.10.1. Requests for submission to NICS under the indictment prohibition must include the following for subjects:

4.4.10.1.1. Expected date of trial or date charges were referred if the court date is unknown. **(T-0)**

4.4.10.1.2. Referred DD Form 458 or equivalent civilian (federal/state/local) court documentation. **(T-0)**

4.4.11. Category 9: Persons who are an alien and are illegally or unlawfully in the United States will not be indexed by the AF because NICS submissions under this prohibition are outside the purview of the AF. **(T-0)** Follow agency specific guidance regarding referral of these matters to the appropriate civilian agency.

4.4.12. Category 10: Persons who are subject to qualifying protection/restraining order (MPOs do not qualify for this prohibition) will be indexed in accordance with **paragraph 4.4.2 (T-0)**

4.4.12.1. Requests for submission to NICS under the protection order prohibition must include a signed CPO with expiration date. **(T-0)**

ENTRY OF JUDGMENT
IN THE CASE OF

United States v.

Date: _____ **Sentence/Acquittal Date:** _____
Name of Accused: _____ **Grade:** _____ **SSN:** _____

Organization: _____

Convening Command: _____

Court-Martial Type: _____

Sentencing Forum: Military Judge

Enlisted Members: _____

Findings and Sentence (as modified by the convening authority action or other court ruling, if any):

Charge(s)		Arraigned Offenses		P	F
Confinement				Fine	
Term	Concurrent With	Consecutive With			

Total Confinement: _____

Total Fine: _____

Days of Pretrial Confinement Credit: _____

Days of Judicially Ordered Credit: _____

Punitive Discharge: _____

Reduction in Pay Grade: _____

Forfeitures of Pay and/or Allowances:

Hard Labor without Confinement:

Restriction:

Deferments:

Waiver of Automatic Forfeitures:

**Convening Authority Action on Military Judge
Suspension Recommendation:**

Reprimand:

This judgment reflects the result of the court-martial, as modified by any post-trial actions, rulings, or orders, if any, and is hereby entered into the record on (date).

JANE T. DOE, Colonel, USAF
Military Judge

XX Attachments:

1. Statement of Trial Results, dated
2. Additional attachments as directed by the military judge

49a

1st Ind., Entry of Judgment, Name and Rank of Accused, dated XX XXX XX.

FROM: <<Staff Judge Advocate Office Symbol>>
DATE

MEMORANDUM FOR: ALL REVIEWING
AUTHORITIES

The following criminal indexing is required, following Entry of Judgment, according to the references listed:

DNA Processing Required Under 10 U.S.C. § 1565 and DoDI 5505.14:

Firearm Prohibition Triggered Under 18 U.S.C. § 922:

Domestic Violence Conviction Under 18 U.S.C. § 922(g)(9):

Sex Offender Notification in accordance with DoDI 1325.07:

Fingerprint Card and Final Disposition in accordance with DoDI 5505.11:

LAWYER A. PERSON, Colonel, USAF
Staff Judge Advocate

Distribution:
List All Required Parties