No. _____

IN THE

Supreme Court of the United States

JUSTON D. BEYER,
Petitioner,

v.

UNITED STATES,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Armed Forces

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Petitioner made an unrebutted showing of good cause to the Court of Appeals for the Armed Forces to review his case. Nevertheless, the court denied review. Did the Court of Appeals for the Armed Forces abuse its discretion by failing to grant review?

PARTIES TO THE PROCEEDING

All parties to this proceeding appear in the caption on the cover page of this petition.

CORPORATE DISCLOSURE STATEMENT

No nongovernmental corporations are parties to this proceeding.

RELATED PROCEEDINGS

Other than the direct appeals that form the basis for this petition, there are no related proceedings for the purposes of Rule 14.1(b)(iii).

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INTRODUCTION

The Court of Appeals for the Armed Forces (CAAF) must review all cases where petitioners demonstrate good cause shown. 10 U.S.C. § 867. This statutory mandate is clear: so long as a petitioner shows "good cause," then the CAAF must review the case. 10 U.S.C. § 867. Here, the Petitioner demonstrated good cause by showing that the lower courts erred. Nevertheless, the CAAF declined to review his case. This was an abuse of discretion that this Court can and should review.

PETITION FOR A WRIT OF CERTIORARI

Senior Airman (SrA) Juston D. Beyer, United States Air Force, respectfully petitions for a writ of certiorari to review the decision of the United States Court of Appeals for the Armed Forces (CAAF) denying review of the Air Force Court of Criminal Appeals's (Air Force Court) decision.

DECISIONS BELOW

The decision of the Air Force Court is unreported. It is available at 2025 CCA LEXIS 80, 2025 WL 688917, and is reproduced at pages 2a-5a. The CAAF's decision in Petitioner's case is not yet reported. It is available at 2025 CAAF LEXIS 514, 2025 WL 2304808, and reproduced at page 1a.

JURISDICTION

The Air Force Court of Criminal Appeals ("Air Force Court") had jurisdiction over this matter pursuant to Article 66, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 866. The CAAF had jurisdiction pursuant to Article 67(a)(3), UCMJ, 10 U.S.C. § 867(a)(3). The CAAF declined to grant review and issued its order denying review on July 1, 2025.

This Court's has jurisdiction pursuant to 28 U.S.C. § 1259(3).

STATUTORY AND EVIDENTIARY PROVISIONS INVOLVED

Article 67, UCMJ, 10 U.S.C. § 867, provides, in pertinent part, that "[t]he [CAAF] shall review the record in . . . all cases reviewed by a Court of Criminal Appeals in which, upon petition of the accused and on *good cause shown*, the [CAAF] has granted a review." (emphasis added).

Mil. R. Evid. 412(b) provides, in pertinent part, that:

> [T]he following evidence is admissible, if otherwise admissible under these rules:
>
> . . . .
>
> (2) evidence of specific instances of a victim's sexual behavior with respect to the person accused of the sexual misconduct, if offered by the accused to prove consent or if offered by the prosecution; and
>
> (3) evidence the exclusion of which would violate the accused's constitutional rights.

Mil. R. Evid. 412(c) provides, in pertinent part, that:

> (1) A party intending to offer evidence under subdivision (b) must—
>
> > (A) file a written motion at least 5 days prior to entry of pleas specifically describing the evidence and stating the purpose for which it is offered unless the military judge, for good cause shown, requires a different time for filing or permits filing during trial . . .

. . . .

(2) Before admitting evidence under this rule, the military judge must conduct a hearing, which shall be closed. . . .

STATEMENT OF THE CASE

SrA Beyer and the alleged victim, M.L., were in a long-term dating relationship, which began in September 2018 when M.L. was seventeen years old and SrA Beyer was eighteen years old. R. at 23; 613. SrA Beyer and M.L. had known each other since childhood but did not have a romantic or sexual relationship prior to September 2018. R. at 525. At the time their relationship began, SrA Beyer and M.L. were living in the same geographic area. R. at 608. In January of 2019, SrA Beyer left for basic training; the two decided to stay together in a long-distance relationship. R. at 531. They reunited in August 2019 and continued their dating relationship until a brief breakup that fall. R. at 532, 536.

In December of 2019, SrA Beyer and M.L. planned to spend "one last Christmas together" in Georgia; but the two planned to break up after Christmas. R. at 539. SrA Beyer arrived in Georgia on December 19, 2019, and spent every day with M.L. R. at 622; App. Ex. XLIII. M.L. testified that the two likely had sex every day of his visit leading up to the alleged assault on December 23, 2019, and continued to have consensual sex for several days after the alleged assault. R. at 563, 624; App. Ex. XLIII.

On December 23, 2019, SrA Beyer and M.L. went ice skating with M.L.'s sister and her boyfriend before returning to M.L.'s mother's house where SrA Beyer was going to spend the night. R. at 543. While they had mutually agreed that they would be ending their

relationship at the end of the Christmas break, M.L. testified that she began to feel "sad, anxious, [and] upset" about their impending breakup. R. at 544.

When they got to the house, M.L. took a shower. R. at 544. After her shower, M.L. returned to the bedroom and told SrA Beyer she had not shaved in the shower because she did not want to have sex. R. at 628. SrA Beyer did not ask M.L. to have sex or argue with her about it. R. at 628. Instead, SrA Beyer offered her a massage, which she accepted. R. at 546. M.L., who was still naked from her shower, did not put on any clothes during the massage. R. at 547. M.L. laid face down on the bed while SrA Beyer massaged her. R. at 547. M.L. testified that SrA Beyer started by massaging her back and shoulders. R. at 548. SrA Beyer then began to move his hands down M.L.'s back. R. at 549. At this point, SrA Beyer began to masturbate, which M.L. did not mind. R. at 549.

As SrA Beyer began to push his erection against her bare buttocks, M.L. did not say anything to him or move. R. at 632. M.L. claimed that when she noticed SrA Beyer move into a position to have sex with her, she responded by saying, "Juston, no sex." R. at 549. M.L. did not move from her position on the bed and testified that SrA Beyer continued to attempt to position his penis near her vagina. R. at 549-50. M.L. claimed she again told him "no sex," but he did not respond to her. R. at 550, 636. M.L. conceded that she did not raise her voice or turn around to tell him "no," but, rather, assumed he had heard her. R. at 636.

M.L. said that SrA Beyer then penetrated her vagina with his penis without her consent. R. at 550. M.L. testified that she "froze" and after a few moments, SrA Beyer asked her if he should continue,

to which she responded, "I don't care." R. at 551. In response, SrA Beyer abruptly stopped having sex and began to apologize to her. R. at 552. After, M.L. asked SrA Beyer to sleep in her bed with her that night because she "needed someone that night" and "he was supposed to be that someone." R. at 561.

Prior to trial, the Defense provided notice, and sought admission, of potential Mil. R. Evid. 412 evidence. App. Exs. XIV, XVI, XXXIII, XXXIV. The military judge denied the Defense motions to admit the evidence. R. at 198-205. The prosecution also provided notice of a single piece of Rule 412 evidence it would seek to admit at trial: that M.L. and SrA Beyer had a consensual sexual relationship. App. Ex. XIX. The military judge did not rule on the prosecution's motion. R. at 205, 214.

Despite not providing notice, the prosecution, during their case-in-chief and direct examination of M.L., elicited specific instances of sexual acts between M.L. and SrA Beyer. R. at 533. The Defense objected, citing the military judge's earlier denial of the Defense's motion to introduce Rule 412 evidence about specific sexual acts. R. at 534. Without holding a closed hearing, the military judge overruled the Defense's objection, and M.L.'s examination continued. R. at 535. M.L. then testified that "consent was very complicated during the relationship." R. at 533. She elaborated that when engaged in a sexual encounter with SrA Beyer, they would start kissing and "would then move towards some sort of hand action, either my hand on his genitals or his hand on mine *and then before we would have sex he would get a condom and that was sort of our get a condom queue [sic], we're about to have intercourse*." R. at 535 (emphasis added).

M.L.'s testimony on those specific instances of sexual acts resulted in a deluge of questions from the jury. R. at 722-40, 746-48. The Defense objected to each question, again citing the military judge's earlier denial of the Defense's motion to introduce Rule 412 evidence about specific sexual acts. R. at 722-40. Nevertheless, the military judge permitted several juror questions about prior condom use. *See, e.g.*, R. at 736, 746-48.

During closing argument, the lead prosecutor stated:

> [L]et's recall when [M.L.] testified to you all with respect to consent in the past in the relationship. She provided essentially four things, it will begin with kissing, from there it would go to some type of foreplay, the third thing would be a suggestion to someone to get a condom, and forth [sic] she said she typically shaved.

R. at 814.

The prosecutor continued, arguing that there was no consent because there was no condom on the night of the alleged incident. R. at 814.

The Air Force Court rejected SrA Beyer's appeal challenging the military judge's Rule 412 ruling. Pet. App. 4a. The sum of the Air Force Court's opinion asserts that the Rule 412 issue was "without merit." Pet. App. 4a. According to the Air Force Court, the "record [did] not support" this issue because the military judge "invited the Defense to offer additional evidence" after he denied SrA Beyer's motion Pet. App. 4a.

SrA Beyer petitioned the CAAF, alleging that the military judge abused his discretion by denying SrA Beyer's motion to admit Rule 412 evidence, while allowing the prosecution to elicit similar evidence. The CAAF denied review of this case. Pet. App. 1a.

REASONS FOR GRANTING THE PETITION

The CAAF must review all cases where a petitioner demonstrates good cause. 10 U.S.C. § 867. SrA Beyer showed good cause because the lower courts erred in prohibiting him from introducing Rule 412 evidence while permitting the prosecution and jurors to ask questions implicating similar evidence. The CAAF abused its discretion by failing to grant review of SrA Beyer's case.

This Court should grant review and remand to the CAAF. In so doing, this Court should instruct the CAAF that it has a statutory obligation to grant review in all cases where good cause is shown.

I. The CAAF's denial shows that it has improperly narrowed the meaning of "on good cause shown," which this Court can and should review.

A. By statute, the CAAF is required to review all cases where a petitioner shows "good cause."

Congress requires the CAAF to review three categories of cases. Two are "mandatory" categories: capital cases and cases sent to the CAAF by the Judge Advocate General. 10 U.S.C. § 867. While the second category is "neutral as to which party (an accused or the Government) may be the one on whose behalf a Judge Advocate General will act . . . . in practice, most of the certified issues are submitted in cases where the

accused has triumphed in the court below." *United States v. Caprio*, 12 M.J. 30, 31 n.1 (C.M.A. 1981). Recent experience is consistent with that observation. Even though the United States prevails in the vast majority of cases decided by the Courts of Criminal Appeals, of the twenty cases certified to the CAAF by a Judge Advocate General during the CAAF's October 2023 and October 2024 Terms, nineteen were certified upon request of the Government after losing at a Court of Criminal Appeals.[1]

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[1] *United States v. Hunt*, __ M.J. __, No. 25-0257/AF, 2025 CAAF LEXIS 734 (C.A.A.F. Sep. 2, 2025) (docketing certificate for review with United States as appellant); *United States v. Mendoza*, __ M.J. __, No. 25-0244/AR, 2025 CAAF LEXIS 690 (C.A.A.F. Aug. 20, 2025) (docketing certificate for review with United States as appellee); *United States v. Ixcolgonzalez*, __ M.J. __, No. 25-0243/MC, 2025 CAAF LEXIS 685 (C.A.A.F. Aug. 19, 2025) (docketing certificate for review with United States as appellant); *United States v. Armsbury*, __ M.J. __, No. 25-0233/AR, 2025 CAAF LEXIS 655 (C.A.A.F. Aug. 6, 2025) (same); *United States v. Ellis*, __ M.J. __, No. 25-0197/AR, 2025 CAAF LEXIS 481 (C.A.A.F. June 23, 2025) (same); *United States v. Kershaw*, __ M.J. __, No. 25-0117/AF, 2025 CAAF LEXIS 408 (C.A.A.F. May 27, 2025) (same); *United States v. Rocha*, __ M.J. __, No. 25-0157/AF, 2025 CAAF LEXIS 352 (C.A.A.F. May 5, 2025) (same); *United States v. Deremer*, __ M.J. __, No. 25-0158/MC, 2025 CAAF LEXIS 350 (C.A.A.F. May 5, 2025) (same); *United States v. Ford*, __ M.J. __, No. 25-0143/AR, 2025 CAAF LEXIS 306 (C.A.A.F. Apr. 22, 2025) (same); *United States v. Jones*, __ M.J. __, No. 25-0141/AR, 2025 CAAF LEXIS 310 (C.A.A.F. Apr. 22, 2025) (same); *United States v. Calvillomagana*, __ M.J. __, No. 25-0142/AR, 2025 CAAF LEXIS 315 (C.A.A.F. Apr. 22, 2025) (same); *United States v. Malone*, __ M.J. __, No. 25-0140/AR, 2025 CAAF LEXIS 299 (C.A.A.F. Apr. 21, 2025) (same); *United States v. Serjak*, 85 M.J. 407 (C.A.A.F. 2025) (same); *United States v. Hennessy*, 85 M.J. 396 (C.A.A.F. 2025) (same); *United States v. Moore*, 85 M.J. 394 (C.A.A.F. 2025) (same); *United States v. Patterson*, 85 M.J. 320 (C.A.A.F. 2025) (same); *United States v. Downum*, __ M.J. ___, No. 24-0156/AR,

The final category of cases is "discretionary." But that discretion is limited by Congressional mandate: the CAAF "shall" review the record in "all cases" that have been reviewed by a Court of Criminal Appeals "upon petition of the accused and on good cause shown." 10 U.S.C. § 867(a)(3). Discussing that provision, the CAAF has stated that subsection (a)(3) "directs this court to review cases which have been reviewed by a Court of Criminal Appeals and where there is a 'petition of the accused' and 'good cause shown.' The statute clearly establishes that both of these predicates must exist before the congressional mandate to review a case arises." *United States v. Rodriguez*, 67 M.J. 110, 114-15 (C.A.A.F. 2009).

In a three-to-two decision, the CAAF grappled with the discretionary nature of its review when considering the propriety of an abatement *ab initio* due to an appellant's death. *United States v. Rorie*, 58 M.J. 399 (C.A.A.F. 2003). The majority found the CAAF's "petition authority is more akin to the writ authority exercised by [this Court], particularly with respect to the primary sources of appeals, the writ of certiorari and the petition for grant of review." *Id.* at 405. Citing congressional intent, the CAAF adopted the position that the question of what cases the CAAF will hear "is a matter of internal management, properly left to [the CAAF's] decision in accordance with guidelines expressed in [the CAAF's] rules." *Id.* (quoting S. REP. NO. 98-53, at 34 (1983)).

2024 CAAF LEXIS 315 (C.A.A.F. May 14, 2024) (same); *United States v. Davis*, __ M.J. ___, No. 24-0152/AR, 2024 CAAF LEXIS 314 (C.A.A.F. May 14, 2024) (same); *United States v. Harborth*, 84 M.J. 344 (C.A.A.F. 2024) (same); *United States v. Flanner*, 84 M.J. 303 (C.A.A.F. 2024) (same).

Article 67(a)(3), UCMJ, "reflects congressional intent to provide service members with a *significant* opportunity to obtain review by an independent, civilian tribunal, without requiring our court to grant full review in *every* case." *Id.* (citing *United States v. Byrd*, 53 M.J. 35, 36-37 (C.A.A.F. 2000)); S. REP. NO. 98-53, at 34 (1983)) (emphasis added). The CAAF does not have the discretion to deny review where good cause is shown upon a timely petition.

Recently, one judge on the CAAF explained, "Because we can hear a case does not always mean we should." *Randolph v. HV*, 76 M.J. 27, 35 (C.A.A.F. 2017) (Sparks, J., dissenting). The statute requires the converse though: where the CAAF can hear a case because good cause is shown, it must. *Rodriguez*, 67 M.J. at 114-15.

In equating "good cause" to this Court's standard for review, the CAAF created "unfettered discretion . . . to deny review regardless of the merits of the case." *Id.* at 408 (Effron, J., dissenting). The plain language of Article 67, UCMJ, does not support such a narrow construction. As the dissent in *Rorie* pointed out, "[c]ounsel familiar with Supreme Court practice should not confuse the 'good cause' standard under Article 67 with certiorari. Those courts that may review a case by issuing a writ of certiorari are not required to hear a case *merely* because a party demonstrates *viable* legal issues requiring relief." *Rorie*, 58 M.J. at 408 (quoting Legal Services, Dep't of the Army, Pamphlet No. 27-173, Trial Procedure 247 (1992)) (emphasis added).

For the first time in history, this Court can now review cases the CAAF "refused to grant." 28 U.S.C. § 1259. Previously, other than cases that fell within

CAAF's mandatory jurisdiction, this Court could only review cases where the CAAF granted review—which inherently meant there was "good cause shown." *See* 28 U.S.C. § 1259 (2018). But the CAAF's abuse of discretion in applying the "good cause" standard is now reviewable, as are the underlying issues brought before it. Granting this petition to correct the CAAF's improper construction of its mandatory "good cause shown" jurisdictional threshold would affect the CAAF's consideration of every petition for a grant of review. The CAAF is not the "supreme court of the military justice system." *McPhail v. United States*, 1 M.J. 457, 462 (C.M.A. 1976). This Court is.

B. SrA Beyer demonstrated good cause.

In his petition for grant of review at the CAAF, SrA Beyer raised the Rule 412 issue discussed in Section II, *infra*. SrA Beyer asserted that both the military judge and the Air Force Court erred. Because SrA Beyer made a specific showing of good cause, the CAAF was statutorily required to review his case. By declining to review the case, the CAAF abused its discretion.

II. SrA Beyer made a showing of "good cause." The trial judge abused his discretion by denying the defense motion to admit Rule 412 evidence while allowing the prosecution to elicit similar Rule 412 evidence, to the detriment of SrA Beyer.

Rule 412 is a rule of exclusion providing that evidence of a victim's sexual behavior or predisposition is not admissible, subject to three limited exceptions. *United States v. St. Jean*, 83 M.J. 109, 113 (C.A.A.F. 2023). Those exceptions are: (1) evidence of specific instances of sexual behavior

between the victim and a third-person to prove that the third-person is the source of physical evidence; (2) evidence of specific instances of sexual behavior between the accused and victim "if offered by the accused to prove consent or if offered by the prosecution;" and (3) evidence otherwise constitutionally required. Mil. R. Evid. 412(b).

> A party intending to offer evidence under [this rule] must file a written motion *at least 5 days prior* to entry of pleas specifically describing the evidence and stating the purpose for which it is offered unless the military judge, *for good cause shown*, requires a different time for filing or permits filing during trial.

Mil. R. Evid. 412(c)(1)(A) (emphasis added). "Before admitting evidence, the military judge *must* conduct a hearing, which shall be closed." Mil. R. Evid. 412(c)(2) (emphasis added). Rule 412's procedural requirements apply to the prosecution and defense. Mil. R. Evid. 412.

A. The military judge did not follow proper procedures.

In this case, the military judge abused his discretion by failing to use correct legal principles. *United States v. Rudometkin*, 82 M.J. 396, 401 (C.A.A.F. 2022). At the outset, the military judge did not follow the proper procedures to admit the evidence. Specifically, when the prosecution sought admission of unnoticed, specific instances of sexual behavior, the military judge did not conduct a closed session hearing as required by Mil. R. Evid. 412(c)(2). Instead, the military judge briefly questioned the Government in front of the jury before admitting the evidence. R. at 534-35. This is a far cry from the closed

session hearing required by the rule. *See United States v. Carista*, 76 M.J. 511, 516 (A. Ct. Crim. App. 2017) ("[A]ppellant *himself* was entitled to notice before evidence covered by Mil. R. Evid. 412 could be admitted. Mil. R. Evid. 412(c)(1)(A). Having received no notice, appellant may justifiably rely on the absence of notice in planning his trial strategy.").

The military judge again abused his discretion by permitting the prosecution to admit Rule 412 evidence, despite the prosecutors' failure to file a timely motion required by the rules. While Rule 412 allows a military judge to admit evidence without notice during a trial, there must be good cause to do so. Mil. R. Evid. 412(c)(1)(A). Here, the military judge did not find good cause before admitting unnoticed and un-litigated Rule 412 testimony during trial. Mil. R. Evid. 412(c)(1)(A).

Further, the military judge again abused his discretion and permitted the jury to ask questions that elicited Rule 412 evidence. For example, the members asked many questions about condom use, such as: "(1) did you always use a condom during sex?"; (2) "was a condom used that night?" App. Ex. LIII; (3) "you stated that the 'signal' for sex was SrA Beyer getting a condom. Have you had sex with him previously without a condom?"; (4) "was one used on the night of the incident?" App. Ex. XLVI. This evidence was admitted over Defense objections.

It is also clear that the error was prejudicial, as the prosecution relied heavily upon the implication that a condom was required for consensual sex in the relationship. The prosecution even argued in closing:

> So, let's recall when M.L. testified to you all with respect to consent in the past in the

> relationship. She provided essentially four things, it will begin with kissing, from there it would go to some type of foreplay, the third thing would be a suggestion to someone to get a condom, and forth she said she typically shaved.

R. at 814. The prosecution continued by highlighting it again, saying "there was no condom used." R. at 814. Evidence of prejudice is also clear from the amount and manner of questions posed by the members concerning this condom use.

The military judge's decision to permit questions about specific instances of sexual behaviors, both by the prosecution and the jury, entirely reshaped the case. It is evident from the amount and manner of jury questions that this was a significant point of concern for the members and had an impact on their deliberations. The impact on the Defense case was further complicated by the military judge's ruling barring the Defense from eliciting any evidence of specific instances of sexual behavior of their own, to include condom use. The military judge committed prejudicial error, and the Air Force Court and the CAAF abdicated their responsibility to review that error.

B. SrA Beyer suffered prejudice.

As a result of the military judge's rulings, which allowed M.L. to answer questions that implicated previously unnoticed and un-litigated Rule 412 testimony, the Defense did not have a chance to prepare and present a case that demonstrated the infrequency of condom use during the couple's prior consensual encounters. Instead, the members were left with the distinct impression that, because a

condom was not used during the incident in question, it must have been non-consensual.

It is also clear that the error was prejudicial, as the prosecution relied heavily upon the implication that a condom was required for consensual sex in the relationship. The prosecution even argued in closing:

> So, let's recall when M.L. testified to you all with respect to consent in the past in the relationship. She provided essentially four things, it will begin with kissing, from there it would go to some type of foreplay, the third thing would be a suggestion to someone to get a condom, and forth she said she typically shaved.

R. at 814. The prosecution continued by highlighting it again, saying "there was no condom used." R. at 814. Evidence of prejudice is also clear from the amount and manner of questions posed by the members concerning this condom use.

Therefore, the military judge committed prejudicial error.

C. The Air Force Court erred in its review of this issue.

The Air Force Court concluded that the Rule 412 issue lacked merit. Pet. App. 4a. Specifically, the Air Force Court reasoned that trial defense counsel could have re-raised its motion to admit Rule 412 evidence after the Government admitted similar material. Pet App. 4a. While the military judge did inform trial defense counsel that they could, at some later time, attempt to admit additional Rule 412 evidence, admission was in no way guaranteed. In fact, the military judge had already ruled that such evidence

was inadmissible under Rule 412 and excluded it. R. at 198-205. As demonstrated by his contradictory rulings, the military judge believed there was something different about the prosecution's evidence (and the jury's questions) from what trial defense counsel attempted to admit.

Second, even if the Air Force Court's conclusion was correct, such a conclusion denies the realities of trial practice. Once M.L. testified that condom use was a "sign of consent" in their relationship, R. at 534-35, the trial defense team was placed in an untenable position. Any attempt to contradict this evidence would have required: (1) preparing witnesses who could testify about specific instances of sexual activity without condoms, without having received prior notice this would be necessary; (2) seeking a mid-trial continuance that would have highlighted this issue for the members and potentially strengthened the Government's consent theory; (3) filing a new motion under Mil. R. Evid. 412 to admit specific instances of sexual behavior, which would have required a hearing and likely opposition from both the Government and victim's counsel; and (4) risking opening the door to even more prejudicial evidence about the couple's sexual practices.

The suggestion that the Defense could have overcome these practical and procedural hurdles in the middle of trial, after the members had already heard this unchallenged evidence about consent, ignores the realities of the courtroom. The damage was done the moment M.L. was permitted to testify about condom use as a "signal" of consent, and no mid-trial remedy could have effectively countered the prejudicial inference that had been created.

CONCLUSION

For the first time in its history, this Court can review decisions of the CAAF denying review of petitions for review. Here, the CAAF abused its discretion by failing to follow its statutory mandate to review all cases where good cause is shown. Because SrA Beyer showed good cause through the military judge's prejudicial error, this Court can and should grant review and remand to the CAAF for further consideration.

Respectfully submitted,

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