

No. 25-\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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THOMAS M. ADAMS,  
*Petitioner,*

v.

UNITED STATES,  
*Respondent.*

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

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**PETITION FOR A WRIT OF CERTIORARI**

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## **QUESTION PRESENTED**

Under Articles 71 and 76 of the Uniform Code of Military Justice (UCMJ), a punitive discharge may not be executed until there is a final judgment as to the legality of the proceedings, and finality attaches only to discharges carried into execution following the review required by law. In this noncapital case, however, the Army issued its order purporting to execute petitioner's discharge erroneously in December 2024, even though direct review did not end until this Court denied certiorari on June 2, 2025. The Court of Appeals for the Armed Forces (CAAF) nevertheless held that the Army Court of Criminal Appeals (Army Court) lacked jurisdiction to entertain petitioner's habeas corpus petition because of the erroneously issued certificate, determining that the error made the case final.

The question presented is:

Whether a Court of Criminal Appeals (CCA) loses jurisdiction to entertain a petition for a writ of habeas corpus when the government erroneously issues an order purporting to execute a punitive discharge before direct review is complete, or whether jurisdiction persists until direct review has ended and the punitive discharge is thereafter lawfully executed under Articles 71 and 76, UCMJ, 10 U.S.C. §§ 871, 876 (2012).

**PARTIES TO THE PROCEEDING**

Petitioner is Thomas M. Adams. Respondent is the United States.

**CORPORATE DISCLOSURE STATEMENT**

No nongovernmental corporations are parties to this proceeding.

**RELATED PROCEEDINGS**

Other than the direct appeal that forms the basis for this petition, there are no related proceedings for purposes of Rule 14.1(b)(iii). Petitioner is currently confined by the Federal Bureau of Prisons.

## TABLE OF CONTENTS

QUESTION PRESENTED .....	I
PARTIES TO THE PROCEEDING .....	III
CORPORATE DISCLOSURE STATEMENT.....	III
RELATED PROCEEDINGS .....	III
TABLE OF AUTHORITIES.....	VI
INTRODUCTION .....	1
DECISIONS BELOW.....	3
JURISDICTION .....	3
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	4
STATEMENT OF THE CASE.....	5
REASONS FOR GRANTING THE PETITION .....	8
I.    THE DECISION BELOW MISREADS ARTICLES 71 AND 76 BY TREATING A MISTAKENLY ISSUED DISCHARGE ORDER AS SUFFICIENT TO EXTINGUISH HABEAS JURISDICTION. ....	8
II.   THE GOVERNMENT’S AND CAAF’S RETROACTIVE SELF-EXECUTING THEORY FINDS NO SUPPORT IN THE UCMJ .....	9
III.  THE DECISION BELOW IS IN TENSION WITH THIS COURT’S MILITARY JURISPRUDENCE.....	10
IV.  THIS CASE IS AN IDEAL VEHICLE .....	12
CONCLUSION .....	14

**PETITION APPENDIX**

Court of Appeals for the Armed Forces Decision (November 12, 2026) .....	001a
Army Court of Criminal Appeals Order (June 26, 2025) .....	011a
Army Court of Criminal Appeals Decision on Further Review (January 22, 2024) .....	012a
Court of Appeals for the Armed Forces Order Denying Petition (October 17, 2024) .....	014a
Court of Appeals for the Armed Forces Order on Reconsideration (November 22, 2024)..	015a
Supreme Court of the United States Order Denying Petition for Writ of Certiorari (June 2, 2025) .....	016a
Final Courts-Martial Order (December 17, 2024).....	017a

## TABLE OF AUTHORITIES

### Cases

<i>Clinton v. Goldsmith</i> , 526 U.S. 529 (1999) .....	11
<i>Hendrix v. Warden</i> , 23 C.M.A. 227; 49 C.M.R. 146 (1974).....	11
<i>United States v. Denedo</i> , 556 U.S. 904 (2009) .....	11

### Statutes

10 U.S.C. § 871 (2012). .....	passim
10 U.S.C. § 857 (2012) .....	4, 10
10 U.S.C. § 867 (2018). .....	4
10 U.S.C. § 876 (2018) .....	passim

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**INTRODUCTION**

This case is about whether the military can create finality, stripping military courts habeas corpus jurisdiction, by simply issuing an unlawful discharge order. Petitioner sought habeas relief in the Army Court after the Army purported to execute his discharge before direct review had ended, and months before this Court denied certiorari. The CAAF nevertheless held that military habeas jurisdiction was gone because the discharge had been executed, even if the execution order was premature when issued. App. 001a-010a. That holding cannot be squared with the text of Articles 57, 71, and 76, UCMJ which make punitive discharges effective on the date lawfully ordered executed and make court-martial judgments final only after the review required by the UCMJ is complete. Because petitioner's only execution order was issued too early, his case was not

truly final, the Army Court retained jurisdiction over his habeas petition, and this Court should grant review to correct a serious error in the law governing military finality and post-conviction jurisdiction.

\* \* \*

**DECISIONS BELOW**

The Army Court of Criminal Appeals' decision denying petitioner's writ of habeas corpus is unreported, but is reprinted in the Appendix at 001a. The Court of Appeals for the Armed Forces' opinion in petitioner's case is not yet reported, but is available at 2025 CAAF LEXIS 939, and is reprinted in the Appendix at 001a.

**JURISDICTION**

The Court of Appeals for the Armed Forces denied petitioner's writ on November 12, 2025. On February 10, 2026, the Chief Justice extended the time within which to file a petition for certiorari to and including April 10, 2026. This Court has jurisdiction under 28 U.S.C. § 1259(4).

**CONSTITUTIONAL AND STATUTORY  
PROVISIONS INVOLVED**

Under Article 57(c), UCMJ, discharges are “effective on the date ordered executed.” 10 U.S.C. § 857(c) (2012).

Under Article 67 a(a), this Court could not review a case by certiorari if the CAAF denied review. 10 U.S.C. § 867a(a) (2018).

Under Article 71(c)(1), UCMJ, a “discharge may not be executed until there is a final judgment as to the legality of the proceedings.” 10 U.S.C. § 871(c)(1) (2012).

Article 76, UCMJ, gives finality only to proceedings and sentences reviewed “as required by this chapter,” and to “dismissals and discharges carried into execution under sentences by courts-martial following approval, review, or affirmation as required by this chapter.” 10 U.S.C. § 876 (2018).

**STATEMENT OF THE CASE**

Petitioner was convicted at a court-martial and, after further proceedings not relevant here, was resentenced in 2022 to confinement for 260 months, reduction to E-1, and a dishonorable discharge. App. 012a. The Army Court summarily affirmed the sentence. App. 012a. Petitioner then sought further review in the CAAF, which denied review on October 17, 2024, and denied reconsideration on November 22, 2024. App. 014a-015a.

On December 17, 2024, the convening authority issued an order stating that “Article 71(c), UCMJ, having been complied with, the dishonorable discharge will be executed.” App. 017a. But the Army had jumped the gun because the case was not yet over. Petitioner timely sought certiorari in this Court on April 21, 2025, and this Court denied certiorari on June 2, 2025. App. 016a. As CAAF itself

acknowledged, “the litigation in this case was not yet entirely finished” when the Army issued the December 2024 execution order. App. 003a.

On June 13, 2025, petitioner filed a petition for a writ of habeas corpus to the Army Court. He argued that the military judge had violated R.C.M. 707 and that the Army Court retained jurisdiction because his case was not yet final under Article 76.

The Army Court summarily dismissed the habeas petition for lack of jurisdiction on June 26, 2025. App. 011a. Petitioner then filed a writ-appeal petition to CAAF presenting the question whether the Army Court lacked jurisdiction to entertain his habeas petition. The CAAF dismissed the writ-appeal for lack of jurisdiction. App. 001a. It held that neither a CCA nor CAAF has jurisdiction to entertain a writ of habeas corpus in a noncapital case once “a court-martial is final and a punitive discharge or a dismissal

has been executed,” whether erroneously issued or not.

The CAAF acknowledged petitioner’s argument that he “was not properly discharged in December 2024 because appellate review of his case was not complete at that time,” but it rejected that argument and concluded that Article 71(c)(1)(B) authorized execution once CAAF denied reconsideration in November 2024. The CAAF further observed that Congress “may wish to reconsider” the UCMJ’s rule treating a judgment as final when CAAF denies review, because that rule was created when certiorari was unavailable after such denials. App. 003a

\* \* \*

**REASONS FOR GRANTING THE PETITION****I. THE DECISION BELOW MISREADS ARTICLES 71 AND 76 BY TREATING A MISTAKENLY ISSUED DISCHARGE ORDER AS SUFFICIENT TO EXTINGUISH HABEAS JURISDICTION.**

Article 76 affords finality only to proceedings and sentences reviewed “as required by this chapter” and to discharges “carried into execution” following the review required by law. Petitioner’s position below tracked that text. He argued that, in a noncapital case involving a punitive discharge, a CCA has habeas jurisdiction until appellate review is complete under Article 71 and the case is final under Article 76; that, for cases eligible for review in this Court, direct review is not complete until this Court denies review or the time to seek review expires. Final orders directing punitive discharges to be executed can issue only after that point.

That did not happen here. The convening authority ordered petitioner’s discharge executed on December

17, 2024, and a discharge order followed on December 18, 2024, with an effective date of December 20, 2024. But this Court did not deny certiorari until June 2, 2025. No new execution order was issued after June 2, 2025. Under Article 76, a discharge ordered executed before the completion of direct review is not a discharge “carried into execution” following review as required by the UCMJ. The Army Court therefore retained jurisdiction.

**II. THE GOVERNMENT’S AND CAAF’S  
RETROACTIVE SELF-EXECUTING THEORY  
FINDS NO SUPPORT IN THE UCMJ**

The government argued below that, even if the December 2024 order came too early, petitioner’s discharge later became self-executing when direct review ended. App. 005a. This Court should reject that theory. Article 71 prohibited execution of petitioner’s discharge before June 2, 2025, and Article 76 gives finality only to discharges carried into

execution following review as required by the chapter. This Government theory also fails on the UCMJ's own terms. Article 57(c) provides that discharges are "effective on the date ordered executed," not on some later date supplied in litigation.

That point is decisive. If petitioner's discharge was ordered executed in December 2024, then its validity rose or fell on that date. Nothing in Articles 57, 71, or 76 authorizes courts to treat an invalid December 2024 order as springing to life automatically in June 2025 without any new act by competent authority. The decision below thus allows jurisdiction to turn on a legal fiction rather than actual statutory finality.

### **III. THE DECISION BELOW IS IN TENSION WITH THIS COURT'S MILITARY JURISPRUDENCE**

The CAAF relied on *Hendrix v. Warden*, and *Clinton v. Goldsmith* for the proposition that military habeas jurisdiction does not continue after finality.

See *Hendrix v. Warden*, 23 C.M.A. 227, 228, 49 C.M.R. 146, 147 (1974); *Clinton v. Goldsmith*, 526 U.S. 529, 536 (1999). But those cases presuppose true finality. They do not answer the question presented here, whether finality exists when the military purports to execute a punitive discharge before direct review has ended. The issue in this case is not whether habeas survives finality. It is whether finality existed at all.

Indeed, petitioner's position tracks more closely to the logic of *United States v. Denedo*, which confirms that military post-conviction jurisdiction turns on the status of the underlying proceeding and the nature of the writ. 556 U.S. 904, 912-14 (2009). The CAAF itself recognized that *Denedo* distinguished *Goldsmith* on that ground. App. 007a. The decision below stretches *Goldsmith* and *Hendrix* beyond their premise by allowing the government to create finality through a premature order.

#### IV. THIS CASE IS AN IDEAL VEHICLE

This case cleanly presents the question. The relevant chronology is undisputed. The Army's incorrect order executing petitioner's punitive discharge issued in December 2024. This Court denied certiorari on June 2, 2025. Petitioner then filed a habeas petition in the Army Court, which dismissed for lack of jurisdiction, and CAAF affirmed that ruling on the precise legal ground presented here. No further factual development is needed. The issue is purely legal, fully preserved, and outcome determinative.

The petition should be granted. In a noncapital case involving a punitive discharge, a CCA loses jurisdiction to entertain a writ of habeas corpus *only* when direct review has ended and the punitive discharge has thereafter been lawfully executed under Articles 71 and 76. Because petitioner's only execution order issued before direct review concluded, his case

was not truly final under Article 76, the Army Court retained jurisdiction to entertain his habeas petition, and this Court's review is warranted to resolve a recurring and important question at the intersection of military finality and habeas jurisdiction.

\* \* \*

**CONCLUSION**

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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April 10, 2026

## APPENDIX



001a

*This opinion is subject to revision before publication.*

**UNITED STATES COURT OF APPEALS  
FOR THE ARMED FORCES**

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**UNITED STATES**  
Appellee

**v.**

**Thomas M. ADAMS, Sergeant**  
United States Army, Appellant

**No. 25-0217**  
Crim. App. No. 20250308

Decided November 12, 2025

Military Judges: Jeffery R. Nance (trial), J. Harper Cook (rehearing), and Steven C. Henricks (sentence rehearing)

For Appellant: *Major Bryan A. Osterhage* and  
*Jonathan F. Potter, Esq.* (on brief).

For Appellee: *Colonel Richard E. Gorini, Major Vy T. Nguyen,* and *Captain Teri'el M. Dixon* (on brief).

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PER CURIAM.

Appellant filed a petition for a writ of habeas corpus in the United States Army Court of Criminal Appeals (ACCA). The ACCA dismissed the petition for lack of jurisdiction in an unpublished order. Appellant then filed the present writ-appeal petition in this Court. In his petition, he asserts that he has complied with the requirement in C.A.A.F. R. 27(b) for filing a writ-appeal petition and that this Court has jurisdiction under Article 67(a)(3), Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 867(a)(3) (2012). Appellant seeks an order from this Court remanding the case to the ACCA for review of the underlying merits of his habeas petition. For reasons that we explain below, we dismiss the writ-appeal petition for lack of jurisdiction.

**I. Background**

Although charges against Appellant were first referred to a general court-martial in 2012, his case did not come before this Court on direct review until 2020. *United States v. Adams*, 81 M.J. 475, 477-78 (C.A.A.F. 2021) (describing the extensive mesne proceedings). In its decision on direct review, this Court affirmed some findings, set aside other findings, and set aside the sentence. *Id.* at 481. At a rehearing on the sentence in 2022, a military judge sentenced Appellant to a reduction to the grade of E-1, confinement for 260 months, and a dishonorable discharge. The ACCA summarily affirmed the sentence in an unpublished per curiam decision.

Appellant then petitioned this Court for a second review. This Court denied the petition for review on October 17, 2024, *United States v. Adams*, 85 M.J. 197 (C.A.A.F. 2024), and denied reconsideration on November 22, 2024, *United States v. Adams*, 85 M.J. 251 (C.A.A.F. 2024). On December 17, 2024, the convening authority in the case issued an order stating in relevant part that “Article 71(c), UCMJ, having been complied with, the

003a  
*United States v. Adams*, No.25-0217/AR  
Opinion of the Court

dishonorable discharge will be executed.”<sup>1</sup> On December 18, 2024, an order was issued purporting to discharge Appellant as of December 20, 2024.

Despite these actions, the litigation in this case was not yet entirely finished. Appellant timely petitioned the Supreme Court for a writ of certiorari on April 21, 2025.<sup>2</sup> The Supreme Court denied the petition for certiorari on June 2, 2025. *Adams v. United States*, 145 S. Ct. 2766 (2025).

On June 13, 2025, Appellant filed a petition for a writ of habeas corpus in the ACCA. In the petition, he argued the military judge had violated his rights to a speedy trial under Rule for Courts-Martial (R.C.M.) 707. He asserted that the ACCA had “jurisdiction to entertain this writ under the All Writs Act,” 28 U.S.C. § 1651 (2018). The

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<sup>1</sup> As discussed at length below, Article 71(c)(1), UCMJ, 10 U.S.C. § 871(c)(1) (2012), provides that a “discharge may not be executed until there is a final judgment as to the legality of the proceedings.” The National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328, § 5302(b)(2), 130 Stat. 2000, 2923 (2016) [hereinafter NDAA 2017], amended the UCMJ by striking Article 71, UCMJ, and moving most of its content to Article 57, UCMJ. These amendments do not apply to this case because the charges were referred to a general court-martial before January 1, 2019. NDAA 2017 § 5542(a) & (c)(2), 130 Stat. at 2967 (providing that the amendments shall take effect on the date designated by the President and that the amendments shall not apply to cases in which charges are referred before the effective date); 2018 Amendments to the Manual for Courts-Martial, United States, Exec. Order No. 13,825, § 3(d), 83 Fed. Reg. 9889, 9889 (Mar. 1, 2018) (designating Jan. 1, 2019, as the effective date).

<sup>2</sup> The Supreme Court granted an application by Appellant for an extension of time to file the petition for writ of certiorari, moving the date from February 20, 2025 (i.e., ninety days after this Court denied rehearing) until April 21, 2025. Docket Entry for *Adams v. United States*, No. 24-7069 (Feb. 14, 2025), <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/24-7069.html> [<https://perma.cc/KP7P-RWQV>] (last visited Nov. 10, 2025).

ACCA summarily dismissed this petition for lack of jurisdiction on June 26, 2025.

Appellant then filed a writ-appeal petition in this Court, presenting the question “whether the Army Court lacked jurisdiction to entertain Appellant’s writ of habeas corpus.” Appellant asked this Court to answer the question in the negative and remand “the case to the ACCA for review of the underlying merits of his habeas petition.”

The Court ordered the Government to file an answer brief, and authorized Appellant to reply, with each party addressing two questions:

- I. Whether the Army Court lacked jurisdiction to entertain [Appellant’s petition for a] writ of habeas corpus.
- II. Whether the United States Court of Appeals for the Armed Forces possesses habeas corpus jurisdiction after a court-martial is final under Article 76, Uniform Code of Military Justice, 10 U.S.C. 876 (2018), in noncapital cases when a punitive discharge or dismissal has been executed.

*United States v. Adams*, No. 25-0217, 2025 CAAF LEXIS 679, 2025 WL 2618082 (C.A.A.F. Aug. 14, 2025).

## II. Standard of Review

This Court reviews questions of its jurisdiction and the jurisdiction of a Court of Criminal Appeals (CCA) de novo. *United States v. Williams*, 85 M.J. 121, 124 (C.A.A.F. 2024).

## III. Discussion

In their briefs, the parties have clearly stated their respective positions on the issue of jurisdiction. Appellant argues that a CCA *has jurisdiction* to entertain a petition for a writ of habeas corpus in a noncapital case *until* appellate review of the case is complete and a punitive discharge has been properly executed. In this case, Appellant asserts that he was not properly discharged in December 2024 because appellate review of his case was

not complete at that time. Appellant therefore contends that the ACCA had jurisdiction to entertain his habeas petition. Appellant further asserts this Court has jurisdiction for the same reasons.

The Government argues that the CCAs *lack jurisdiction* to entertain a writ of habeas corpus in a noncapital case *after* appellate review is final and a discharge has been executed. The Government then asserts that Appellant was properly discharged, if not in December 2024, then certainly by June 2025 when the Supreme Court denied his petition for certiorari. The Government therefore contends that the ACCA lacked jurisdiction to entertain Appellant's habeas corpus petition. The Government further contends this Court now lacks jurisdiction for the same reason.

#### A. Habeas Corpus Jurisdiction

We agree with the Government that neither this Court nor a CCA has jurisdiction to entertain a petition for a writ of habeas corpus in a noncapital case after a court-martial is final and a punitive discharge or a dismissal has been executed.<sup>3</sup> The Court previously addressed habeas corpus jurisdiction in *Hendrix v. Warden*, 23 C.M.A. 227, 228, 49 C.M.R. 146, 147 (1974). In *Hendrix*, the appellant was found guilty of murder and other offenses and was sentenced to confinement with hard labor for life and a dishonorable discharge. *Id.* at 227, 49 C.M.R. at 146. On direct appeal, this Court denied the appellant's petition for review. *Id.* at 227-28, 49 C.M.R. at 146-47. The appellant's sentence was then executed. *Id.* at 228, 49 C.M.R. at 147.

Two years later, the appellant petitioned this Court for a writ of habeas corpus, alleging ineffective assistance of counsel and violations of his right to due process. *Id.*, 49 C.M.R. at 147. This Court dismissed the habeas petition for

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<sup>3</sup> In this opinion, we do not address capital cases, which involve different post-conviction procedures. *Loving v. United States*, 68 M.J. 1, 2 (C.A.A.F. 2009). Because we ultimately conclude that Appellant's case is final, we also do not address any questions about habeas corpus jurisdiction in cases which are not final.

006a  
*United States v. Adams*, No.25-0217/AR  
Opinion of the Court

lack of jurisdiction. *Id.*, 49 C.M.R. at 147. The Court relied on Article 76, UCMJ, 10 U.S.C. § 876 (1970). This article, which has not been amended since 1956, states in relevant part:

The appellate review of records of trial provided by this chapter, the proceedings, findings, and sentences of courts-martial as approved, reviewed, or affirmed as required by this chapter, and all dismissals and discharges carried into execution under sentences by courts-martial following approval, review, or affirmation as required by this chapter, are final and conclusive.

*Id.* The Court in *Hendrix* held: “Finalization of proceedings under Article 76, UCMJ, not only terminates the appellate processes of courts-martial, it also terminates this Court’s jurisdiction of the case.” 23 C.M.A. at 228, 49 C.M.R. at 147. The Court further rejected the argument that the All Writs Act, 28 U.S.C. § 1651(a) (1970), might provide jurisdiction. *Hendrix*, 23 C.M.A. at 228, 49 C.M.R. at 147. The Court stated: “By its terms . . . that Act does not increase the areas of this Court’s jurisdiction beyond the limitations set out in Articles 67(b)(1) through (3), UCMJ.” *Id.*, 49 C.M.R. at 147.

Even though this Court decided *Hendrix* in 1974, no subsequent case has called its holding into question. Indeed, the Court routinely dismisses petitions for writs of habeas corpus for lack of jurisdiction. *See, e.g., In re Dorrbecker*, 81 M.J. 219 (C.A.A.F. 2021) (summary disposition); *Richards v. Barrett*, 80 M.J. 164 (C.A.A.F. 2020) (summary disposition); *Whitney v. United States*, 80 M.J. 56 (C.A.A.F. 2020) (summary disposition).

The decision in *Hendrix* also aligns with the Supreme Court’s subsequent decision in *Clinton v. Goldsmith*, 526 U.S. 529 (1999). In *Goldsmith*, an officer was found guilty of an offense and sentenced to confinement but was not sentenced to a dismissal. *Id.* at 531-32. After his case became final, the Air Force commenced action to drop him from the rolls. *Id.* at 536 n.9. The officer then petitioned the United States Air Force Court of Criminal Appeals

007a  
*United States v. Adams*, No.25-0217/AR  
Opinion of the Court

(AFCCA) for an injunction preventing the Air Force from separating him. *Id.* at 532-33. The AFCCA dismissed the petition for lack of jurisdiction, but this Court reversed and granted the injunction. *Id.* at 533. The Supreme Court then reversed, holding this Court lacked jurisdiction once the case had become final. *Id.* at 536. The Supreme Court reasoned: “Simply stated, there is no source of continuing jurisdiction for the CAAF over all actions administering sentences that the CAAF at one time had the power to review.” *Id.*

The decision in *Hendrix* is also consistent with the Supreme Court’s decision in *United States v. Denedo*, 556 U.S. 904 (2009). In that case, the Supreme Court held that the United States Navy-Marine Corps Court of Criminal Appeals could issue a writ of coram nobis after a court-martial case had become final. *Id.* at 914. The Supreme Court distinguished but did not call into question its decision in *Goldsmith*. *Id.* at 912-13. The opinion explained that because a writ of coram nobis, unlike a writ of habeas corpus, is “an extraordinary tool to correct a legal or factual error, an application for the writ is properly viewed as a belated extension of the original proceeding during which the error allegedly transpired.” *Id.* (emphasis added).

Finally, although the Court in *Hendrix* was specifically addressing this Court’s jurisdiction to entertain a petition for a writ of habeas corpus, finality under Article 76, UCMJ, does not depend on whether a subsequent habeas petition is originally filed in this Court or in a CCA. It follows that if Appellant’s court-martial was final, the ACCA in this case did not have habeas corpus jurisdiction. And if the ACCA did not have jurisdiction in this case, this Court would have no jurisdiction under Article 67, UCMJ, to grant any relief to Appellant. See *United States v. Arness*, 74 M.J. 441, 443 (C.A.A.F. 2015) (citing Article 67, UCMJ, 10 U.S.C. § 867 (2012)).

**B. Validity of the Discharge in This Case**

The question remains whether Appellant’s case is final and whether he has been lawfully discharged. In the papers before us, we see two alternate theories by the Government regarding finality. First, as explained above, the convening authority’s order in December 2024 stated that the court-martial was final under Article 71(c), UCMJ, when this Court denied reconsideration of its decision to deny Appellant’s petition for review. “Article 71(c), UCMJ, having been complied with,” the order stated, “the dishonorable discharge will be executed.” Second, in its brief before this Court, the Government argues that in any event Appellant’s case became final, and his discharge became effective, when the Supreme Court ultimately denied review. “With no other avenue for appeal, Appellant’s conviction became final on June 2, 2025 when the Supreme Court rejected Appellant’s petition for a writ of certiorari.” The Government further states: “[A]lthough the Convening Authority issued the [final court-martial order] on December 17, 2024, it became binding on this Court and the Army court on June 2, 2025.”

Appellant responds that the attempt to discharge him in December 2024 was invalid because Article 71(c), UCMJ, and Dep’t of the Army, Reg. 27-10, Legal Services, Military Justice para. 5-65 (Nov. 20, 2020), did not allow him to be discharged until his case was final and his case was not final until after the Supreme Court denied certiorari. Appellant further argues that no authority supports the proposition that the discharge orders that were ineffective in December 2024 could later become effective in June 2025.

In our view, the discharge in December 2024 was properly issued precisely for the reason that the convening authority stated in his order: Article 71(c)(1)(B), UCMJ, 10 U.S.C. § 871(c)(1)(B) (2012), was satisfied. This provision states:

[The] part of the sentence extending to . . . a dishonorable . . . discharge may not be executed until there is a final judgment as to the legality of

009a  
*United States v. Adams*, No.25-0217/AR  
Opinion of the Court

the proceedings . . . . A judgment as to legality of the proceedings is final in such cases when review is completed by a Court of Criminal Appeals and—

. . . .

(B) such a petition is rejected by the Court of Appeals for the Armed Forces.

*Id.* Appellant’s petition for review was finally rejected by this Court when the Court denied reconsideration on November 22, 2024. At that point, Article 71(c), UCMJ, did not prohibit the Army from discharging Appellant.<sup>4</sup>

Appellant contends that his case was not actually final until after the Supreme Court denied his petition for certiorari and therefore that the Army did not properly discharge him. Citing R.C.M. 1209(a)(1)(B)(iii), he asserts that for “cases eligible for Supreme Court review,” direct review is not final “until the Supreme Court denies review or the time to seek review at the Supreme Court has expired.” We understand Appellant’s argument, but we cannot accept it because Article 71(c)(1)(B), UCMJ, gives the word “final” a special definition that must supersede the ordinary meaning of the word. Congress considered the issue of extending finality until after the Supreme Court denied review but chose in Article 71(c)(1)(C), UCMJ, to do so only in cases in which this Court has granted review of a petition and “review is completed.”<sup>5</sup> Article 71(c)(1)(C), UCMJ, does not apply here because this Court did not grant Appellant’s petition for review.<sup>6</sup>

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<sup>4</sup> Although we assume, without deciding, that the Supreme Court had jurisdiction over Appellant’s appeal from this Court’s final denial of review in November 2024, the text of Article 71(c)(1)(B), UCMJ, nevertheless provided authority for Appellant’s discharge in December 2024.

<sup>5</sup> This rule, formerly in Article 71(c)(1)(B), UCMJ, 10 U.S.C. § 71(c)(1)(B) (2012), has been moved, largely unchanged, to Article 57(c)(1)(B)(ii), UCMJ, 10 U.S.C. § 857(c)(1)(B)(ii) (2024).

<sup>6</sup> Congress may wish to reconsider the UCMJ’s rule that a judgment becomes final when this Court denies a petition for review. That rule was made at a time when Article 67a(a),

**IV. Conclusion**

The writ-appeal petition is dismissed for lack of jurisdiction.

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UCMJ, provided that the Supreme Court could not review a case by certiorari if this Court denied review. 10 U.S.C. § 867a(a) (2018). But the rule may be antiquated because Congress struck that limitation from Article 67a(a), UCMJ, in 2023, allowing the Supreme Court to grant certiorari in cases in which this Court has denied review. 10 U.S.C. § 867a(a) (2024) (as amended by the National Defense Authorization Act for Fiscal Year 2024, Pub. L. No. 118–31, § 533(a)(2)(A) (2023)).

**UNITED STATES ARMY COURT OF CRIMINAL APPEALS**

Before  
PENLAND, MORRIS, and SCHLACK  
Appellate Military Judges

**Sergeant THOMAS M. ADAMS,  
Petitioner**

v.

**UNITED STATES,  
United States Army, Respondent**

ARMY MISC 20250308

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ORDER  
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Per Curiam:

Having carefully considered the Petition for a Writ of Habeas Corpus, the petition is DISMISSED for lack of jurisdiction.

DATE: 26 June 2025

FOR THE COURT:



JOSEPH P. TALBERT  
Assistant Deputy Clerk of Court

CF: JALS-DA  
JALS-GA  
JALS-CR2

JALS-CCR  
Petitioner

**UNITED STATES ARMY COURT OF CRIMINAL APPEALS**

Before  
PENLAND, HAYES, and MORRIS  
Appellate Military Judges

**UNITED STATES, Appellee**  
v.  
**Sergeant THOMAS M. ADAMS**  
**United States Army, Appellant**

ARMY 20130693

Headquarters, 1st Infantry Division and Fort Riley (trial)  
Headquarters, U.S. Army Combined Arms Center  
and Fort Leavenworth (rehearing and sentence rehearing)  
Jeffrey R. Nance, Military Judge (trial)  
J. Harper Cook, Military Judge (rehearing)  
Steven C. Henricks, Military Judge (sentence rehearing)  
Lieutenant Colonel John A. Hammer, Staff Judge Advocate (trial)  
Colonel Jarrett W. Dunlap, Jr., Staff Judge Advocate (rehearing)  
Colonel Robert L. Manley III, Staff Judge Advocate (sentence rehearing)

For Appellant: Major Bryan A. Osterhage, JA; Frank J. Spinner, Esquire (on brief).

For Appellee: Lieutenant Colonel Jacqueline J. DeGaine, JA; Major Kalin P. Schlueter, JA; Captain Stewart A. Miller, JA (on brief).

22 January 2024

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DECISION ON FURTHER REVIEW  
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Per Curiam:

On 6 January 2017, a panel of this Court set aside the findings and sentence and authorized a rehearing. *United States v. Adams*, ARMY 20130693, 2017 CCA LEXIS 6 (Army Ct. Crim. App. 6 Jan. 2017) (mem. op.). The government preferred new charges and held a rehearing in 2017. On 13 July 2020, this court set aside and dismissed Specification 1 of Charge III and affirmed the remaining findings of guilty and the sentence. *United States v. Adams*, ARMY 20130693, 2020 CCA LEXIS 232 (Army Ct. Crim. App. 13 Jul. 2020). On 9 September 2021, the Court of Appeals for the Armed Forces (CAAF) reversed this court's decision as to Specifications 2, 3, 4, and 5 of Charge II, and Specification 1 of Charge IV, and the

ADAMS—ARMY 20130693

sentence. *United States v. Adams*, 81 M.J. 475 (C.A.A.F. 2021). CAAF affirmed the remaining findings and returned the record to the Judge Advocate General for remand to this court, authorizing a reassessment of the sentence or a sentence rehearing. *Id.*

On 13 May 2022, a military judge sitting as a general court-martial sentenced appellant to a dishonorable discharge, reduction to the grade of E-1, and confinement for 260 months. The record is now before us for further review.

On consideration of the entire record, we hold the sentence as approved by the convening authority correct in law and fact. Accordingly, the sentence is **AFFIRMED**.

FOR THE COURT:



JOSEPH P. TALBERT  
Assistant Deputy Clerk of Court

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

United States,

Appellee

USCA Dkt. No. 24-0117/AR

Crim.App. No. 20130693

v.

**ORDER DENYING PETITION**

Thomas M.

Adams,

Appellant

On consideration of the petition for grant of review of the decision of the United States Army Court of Criminal Appeals, it is by the Court, this 17th day of October, 2024,

ORDERED:

That the petition is hereby denied.

For the Court,

/s/ David A. Anderson  
Deputy Clerk of the Court

cc: The Judge Advocate General of the Army  
Appellate Defense Counsel (Spinner)  
Appellate Government Counsel (Talley)

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

United States,

Appellee

USCA Dkt. No. 24-0117/AR

Crim.App. No. 20130693

v.

**ORDER**

Thomas M.  
Adams,

Appellant

On consideration of Appellant's petition for reconsideration of this Court's order issued October 17, 2024, it is, by the Court, this 22nd day of November, 2024,

ORDERED:

That the petition for reconsideration is hereby denied.

For the Court,

/s/ David A. Anderson  
Deputy Clerk of the Court

cc: The Judge Advocate General of the Army  
Appellate Defense Counsel (Spinner)  
Appellate Government Counsel (Talley)

016a  
**Supreme Court of the United States**  
**Office of the Clerk**  
**Washington, DC 20543-0001**

**Scott S. Harris**  
Clerk of the Court  
(202) 479-3011

June 2, 2025

Mr. Robert Warren Rodriguez  
U.S. Army Defense Appellate Division  
9275 Gunston Rd.  
Fort Belvoir, VA 22060

Re: Thomas M. Adams  
v. United States  
No. 24-7069

Dear Mr. Rodriguez:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



**Scott S. Harris, Clerk**

DEPARTMENT OF THE ARMY  
Headquarters, United States Army Fires Center of Excellence and Fort Sill  
Fort Sill, Oklahoma 73503

GENERAL COURT-MARTIAL ORDER  
NUMBER 3

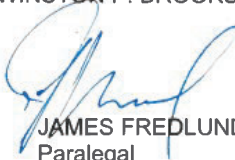
17 December 2024

In the General Court-Martial case of Sergeant Thomas M. Adams, 498-96-9058, U.S. Army, D Company, 1st Engineer Battalion (Rear) (Provisional), 2-34 Armor, 1st Brigade Combat Team, Fort Riley, Kansas 66442 (currently assigned to U.S. Army Personnel Control Facility, U.S. Army Garrison—Fort Sill, Fort Sill, Oklahoma 73503), on 6 January 2017, pursuant to Article 66, Uniform Code of Military Justice (UCMJ), the U.S. Army Court of Criminal Appeals (ACCA) set aside the findings of guilty and sentence adjudged on 2 August 2013, as promulgated in General Court-Martial Order 4, Headquarters, Fort Riley, dated 25 February 2014, concluding that a rehearing may be ordered. At a rehearing held at Headquarters, 1st Infantry Division and Fort Riley, dated 6 November 2018, the accused was found guilty of Specifications 1,3 (excluding excepted words), 4 (excluding excepted words), and 6 of Charge I; Specifications 4 (excluding excepted words) and 5 (excluding excepted words) of Charge II; Specification 1 (excluding excepted words) of Charge III; Specification 1 (excluding excepted words) of Charge IV; and Specifications 1 (excluding excepted words) and 3 of the Additional Charge. The accused was sentenced to be reduced to the grade of E-1, to forfeit all pay and allowances, to be confined for 43 years and to be dishonorably discharged from the service as promulgated in General Court-Martial Order 16, Headquarters 1st Infantry Division and Fort Riley, dated 29 April 2019. On 13 July 2020, pursuant to Article 66, UCMJ, the ACCA set aside the finding of guilty for Specification 1 of Charge III, and affirmed the remaining findings of guilty and sentence. On 9 September 2021, pursuant to Article 67, UCMJ, the U.S. Court of Appeals for the Armed Forces (CAAF) set aside the findings of guilty for Specifications 2,3,4, and 5 of Charge II; and Specification 1 of Charge IV, and dismissed those charges and specifications. The remaining findings were affirmed and the case was returned to the Judge Advocate General of the Army for remand to the ACCA to either reassess the sentence based on the affirmed findings or order a rehearing for the sentence. On 20 December 2021, the ACCA remanded the case authorizing a rehearing on sentence. At a rehearing for sentence held at U.S. Army Combined Arms Center and Fort Leavenworth, dated 13 May 2022, the appellant was sentenced to be reduced to the grade of E-1, forfeiture of all pay and allowances, to be confined for 260 months, and to be dishonorably discharged from the Army, as promulgated in General Court-Martial order 1, U.S. Army Combined Arms Center and Fort Leavenworth, dated 21 November 2022. The appellant was credited with 3,361 days of confinement against the sentence. Pursuant to Article 66, UCMJ, the ACCA, upon further review, considered the entire record on 22 January 2024, finally affirming the sentence.

GCMO No. 3, DA, HQ, USAFCOEFS, Fort Sill, OK 73503, dated 13 Dec 24 (continued)

On 17 October 2024, the CAAF denied the petition for review of the ACCA's decision. All rights, privileges, and property of which the Appellant has been deprived by virtue of the findings of guilty set aside and dismissed, and that part of the adjudged sentence set aside will be restored. Article 71(c), UCMJ, having been complied with, the dishonorable discharge will be executed.

BY COMMAND OF MAJOR GENERAL WINSTON P. BROOKS:



JAMES FREDLUND  
Paralegal

**DISTRIBUTION:**

Accused (1)  
Reference Set (1)  
Record Set (1)  
Cdr, 1ID, ATTN: SJA, Fort Riley, KS 66442 (1)  
Cdr, USACAC&FL, ATTN: SJA, Fort Leavenworth, KS 66027 (1)  
Cdr, U.S. Army Personnel Control Facility, Fort Sill, OK 73503 (1)  
Defense Military Pay Office, 4700 Mow Way Road (Suite 190), Fort Sill, OK 73503 (1)  
HQDA, Office of the Provost Marshal General, ATTN: MP Division Operations, 2800 Army  
Pentagon, Washington, D.C. 20310-2800 (1)  
United States Disciplinary Barracks, Fort Leavenworth, KS 66027 (1)  
Cdr, USAHRC, ATTN: AHRC-PDR-RM, 1600 Spearhead Division Ave (Dept 420), Fort Knox,  
KY 40122-5429, via [usarmy.knox.hrc.mbx.perms-records@army.mil](mailto:usarmy.knox.hrc.mbx.perms-records@army.mil) (1)  
Department of Veterans Affairs, Regional Office and Insurance Center, 5000 Wissahickon  
Ave, Philadelphia, PA 19101 (2)  
Clerk of Court, ATTN: JALS-CCZ, U.S. Army Legal Services Agency, HQDA, 9275 Gunston  
Road, Fort Belvoir, VA 22060-5546 (10)  
HQ, USACIDC, ATTN: CIOP-ZC, 27130 Telegraph Rd, Quantico, VA 22134, via  
[guy.a.surian.civ@army.mil](mailto:guy.a.surian.civ@army.mil) (1)  
Criminal Investigation Lab, 4930 North 31st Street, Forest Park, GA 30297-5205 (1)  
USACRC, Building 1465, 6010 6th Street, Fort Belvoir, VA 22060-5585 (1)  
(ARMY 20130693)