

**DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCE TRIAL JUDICIARY**

UNITED STATES	)	
	)	
v.	)	RULING – MOTION’S
	)	FOR JUDICIAL
	)	NOTICE
	)	
STAFF SERGEANT KINYADA J. JOHNSON	)	
552nd Operations Support Squadron	)	
Tinker AFB, Oklahoma	)	4 March 2026
_____	)	_____

On 26 January 2026, the government filed a motion for pre-admission of government exhibits. On 4 February 2026, the defense filed a reply to the government request for pre-admission. The Court has considered the written motions, the evidence provided, the relevant law, and hereby finds, by a preponderance of evidence, and concludes and rules as follows:

FACTS

This Court finds the following facts to have been established by at least a preponderance of the evidence:

1. The Accused in the above case is pending one charge and one specification under Article 112a.
2. The charge and specification were preferred against the Accused on 10 September 2025 and referred to trial on 18 December 2025. With respect to the charge sheet, the Court adopts as fact for the purposes of this ruling that all matters contained within the document as accurately reflecting the items or information identified therein.
3. In the Specification of the Charge, the Accused is alleged to have wrongfully using Delta-9 Tetrahydrocannabinol (THC-9), on divers occasions, between on or about 22 January 2025 and on or about 9 June 2025. The Government requests this Court pre-admit Prosecution Exhibits for Identification 1 – 26.¹
4. Dr. [REDACTED] provided a memorandum for record, stating:

Data generated at the AFDTL are collected and stored by our closed laboratory information management system (LIMS) that receives results directly from the analytical instruments. Once testing of a particular specimen is complete and all scientific and forensic reviews have been performed, the AFDTL LIMS transmits results straight to the information management system of the Drug Demand Reduction Program (iFTDTL Portal). The electronic Form 2624 shows urinalysis

¹ See pages 7-25 of the 26 January 2026 Government motion.

results retrieved directly from iFTDTL by the Drug Demand Reduction office at the military installation that submitted the specimen for testing, which is uniquely identified by information encoded in the barcode on the bottle.

BURDEN OF PROOF

5. The burden of proof and persuasion is on the government as the proponent of the evidence and the burden as to any factual issue necessary to resolve this motion is a preponderance of the evidence. R.C.M. 905(c)(1)-(2).

LAW

6. Military Rules of Evidence 104 allows the military judge to rule of the admissibility of evidence.

7. Generally, “[r]elevant evidence is admissible...” M.R.E. 402. “Evidence is relevant if... it has any tendency to make a fact more or less probable than it would be without the evidence; and... the fact is of consequence in determining the action.” M.R.E. 401. “The military judge may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the members, undue delay, wasting time, or needlessly presenting cumulative evidence.” M.R.E. 403.

8. Hearsay is not admissible unless any of the following provides otherwise in one of the enumerated exceptions to the rule against hearsay. M.R.E 802 and 803.

9. M.R.E. 803(6) provides:

Records of a Regularly Conducted Activity. A record of an act, event, condition, opinion, or diagnosis if: (A) the record was made at or near the time by - or from information transmitted by - someone with knowledge; (B) the record was kept in the course of a regularly conducted activity of a uniformed service, business, institution, association, profession, organization, occupation, or calling of any kind, whether or not conducted for profit; (C) making the record was a regular practice of that activity; (D) all these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with Mil. R. Evid. 902(11) or with a statute permitting certification in a criminal proceeding in a court of the United States; and (E) the opponent does not show that the source of information or the method or circumstance of preparation indicate a lack of trustworthiness. Records of regularly conducted activities include, but are not limited to, enlistment papers, physical examination papers, fingerprint cards, forensic laboratory reports, chain of custody documents, morning reports and other personnel accountability documents, service records, officer and enlisted qualification records, logs, unit personnel diaries, individual equipment records, daily strength records of prisoners, and rosters of prisoners.

10. M.R.E 902 states that items of evidence are self-authenticating and require no extrinsic evidence of authenticity in order to be admitted:

The original or a copy of a domestic record that meets the requirements of Mil. R. Evid. 803(6)(A)-(C), as shown by a certification of the custodian or another qualified person that complies with a federal statute or a rule prescribed by the Supreme Court. Before the trial or hearing, or at a later time that the military judge allows for good cause, the proponent must give an adverse party reasonable written notice of the intent to offer the record and must make the record and certification available for inspection so that the party has a fair opportunity to challenge them. M.R.E 902(11).

11. Drug testing reports are admissible, but only certain parts may be introduced without violating the Confrontation Clause or hearsay rules. *See United States v. Blazier II*, 69 M.J. 218, 224 (C.A.A.F. 2010); *United States v. Tearman*, 72 M.J. 54, 55 (C.A.A.F. 2013). Courts have held raw data, machine output, routine non-interpretive entries in lab records, and non-hearsay records (e.g., chain of custody) are generally admissible. *Id.* However, narrative summaries or opinions interpreting the data must be redacted unless the testifying witness personally made them. *Id.*

ANALYSIS

12. The Defense cites the Court of Appeals for the Armed Forces case of *United States v. Bess*, 75 M.J. 70, 74 (C.A.A.F. 2016), for the proposition that an accused is constitutionally entitled to challenge evidence offered in a court-martial. *Bess* was not a preadmission case. The business records admitted by the trial court in *Bess* (muster reports) were in response to a members' request during deliberations, after the close of the evidence. After an Article 39(a) session to address admissibility of those business records, at which witnesses testified, the trial court simply provided the records to the members without re-opening the case to allow either party to present additional evidence (such as calling those witnesses) or make argument as to the relevance and persuasiveness of them to the members. Contrary to Defense's interpretation, *Bess* did not hold that a military judge must allow the defense the opportunity to (a) confront and cross-examine foundational witnesses before the panel, (b) present rebuttal evidence regarding the weight or reliability of the proffered exhibit, and (c) comment on the evidence in front of the factfinder. (emphasis added). Rather, *Bess* held that these are three separate and individually sufficient mechanisms by which an accused's constitutional rights can be protected. In *Bess*, the trial court allowed none of them. That was the error.

13. To the extent, based on *Bess*, Defense's argument is that the Court cannot rule pre-trial on the admissibility evidence fails. The Court may determine whether proffered evidence is admissible in a session outside the members presence. But that will not forestall the Defense from cross-examining the witnesses the Government intends to call related to the exhibits (e.g. forensic toxicologist), calling its own witnesses to elicit evidence that undermines the reliability or persuasiveness of evidence offered by the Government, and/or make arguments to the trier of fact why the evidence offered by the Government is neither reliable nor persuasive.

14. Next, the defense challenges the admission of evidence based on *Crawford v. Washington*, 541 U.S. 36 (2004), for the proposition that testimonial evidence may not be admitted unless the declarant is unavailable and the accused had a prior opportunity to cross-examine. When asked

which exhibits for identification the defense was objecting, counsel stated the “electronic copy of the DD2624’s.”²

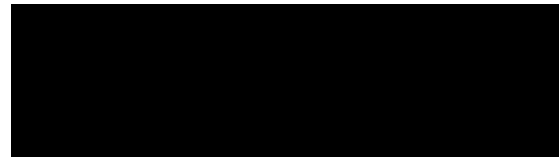
15. The DD2624’s are collected and stored by AFDTL closed laboratory information management system (LIMS) that receives results directly from the analytical instruments. AFDTL LIMS transmits results straight to the information management system of the Drug Demand Reduction Program (iFTDTL Portal). The electronic Form 2624 shows urinalysis results retrieved directly from iFTDTL by the Drug Demand Reduction office at the military installation that submitted the specimen for testing, which is uniquely identified by information encoded in the barcode on the bottle. Machine output, routine non-interpretive entries in lab records, and non-hearsay records (e.g., chain of custody) are admissible. As a result, the DD2624’s are not excluded by *Crawford*.

RULING

The Government request for pre admission of Prosecution Exhibits 1-26 for Identification is **GRANTED**.

The Court will consider any requests for reconsideration supported with additional evidence or argument if timely raised. This Ruling and Order remains subject to revision and clarification, and I reserve the right to supplement it as may be necessary and appropriate.

SO ORDERED, this 4th day of March, 2026.



MICHAEL A. SCHRAMA, Lt Col, USAF
Military Judge

² The electronic copy of the DD2624 was the final page of prosecution exhibit’s for identification 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, and 25.