

**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 25 January 2026, the government filed a motion for judicial notice. On 27 January 2026, the defense filed a reply to the government for judicial notice. On 4 February 2026, the defense filed a motion for judicial notice. On 9 February 2026, the government filed a reply to the defense request for judicial notice. 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 was 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.
4. The Government requests this Court take judicial notice that tetrahydrocannabinols (THC), including Delta-9 tetrahydrocannabinol (THC-9), is a Schedule I controlled substance. Defense counsel did not object to the government’s request for judicial notice. *See* Appellate Exhibit IX. The defense also requested this court take judicial notice of the ‘statutory exemption for hemp.’ Specifically, “that tetrahydrocannabinols contained in hemp, as defined by federal law, are expressly excluded from Schedule I controlled substances.”

BURDEN OF PROOF

5. The burden of proof and persuasion is on the moving party 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. Pursuant to M.R.E. 202(a), “The military judge may take judicial notice of domestic law. If a domestic law is a fact that is of consequence to the determination of the action, the procedural requirements of Mil. R. Evid. 201—except Rule 201(f)—apply.”

7. A military judge may take judicial notice whether requested or not. M.R.E. 201(c)(1). A military judge must take judicial notice of an adjudicative fact where requested by a party and supplied with the necessary information. M.R.E. 201(c)(2).

8. “Rule [202] recognizes that law may constitute the adjudicative fact within the meaning of Rule 201(a) and requires that when that is the case, *i.e.*, insofar as a domestic law is a fact that is of consequence to the determination of the action, the procedural requirements of Rule 201 must be applied. 2016 MCM, App. 22, Analysis of the Military Rules of Evidence, M.R.E. 202.

9. For purposes of M.R.E. [202], “it is intended that ‘domestic law’ include treaties of the United States; executive agreements between the United States and any State thereof, foreign country or international organization or agency; the laws and regulations pursuant thereto of the United States, of the District of Columbia, and of a State, Commonwealth, or possession; international law, including the laws of war, general maritime law and the law of air and space; and the common law.... ‘Regulations’ of the United States include regulations of the armed forces.” 2016 MCM, App. 22, Analysis of the Military Rules of Evidence, M.R.E. 202.

ANALYSIS

10. The Government requests this Court take judicial notice of 21 U.S.C. § 812, specifically that tetrahydrocannabinols (THC), including Delta-9 tetrahydrocannabinol (THC-9), is a Schedule I controlled substance. The Defense does not object. The regulation is relevant, as the Accused is charged with knowingly using a controlled substance. The effective date of the regulation encompasses the charged timeframe. The Defense does not object to the Government request. Further, a military judge must take judicial notice of an adjudicative fact where requested by a party and supplied with the necessary information.

11. The defense articulates the court taking judicial notice that tetrahydrocannabinol is hemp “would provide necessary context for anticipated expert testimony regarding urinalysis testing limitations and lawful hemp exposure” without providing facts that are of consequence to the determination of the action. As a result, the defense has not met its burden for the court to take judicial notice. However, the court will defer ruling to allow defense to provide facts that are of consequence to the determination of action.

RULING

14. The Government request for judicial notice is **GRANTED**. The Court takes judicial notice of the following: Tetrahydrocannabinols (THC), including Delta-9 tetrahydrocannabinol (THC-9), is a Schedule I controlled substance.

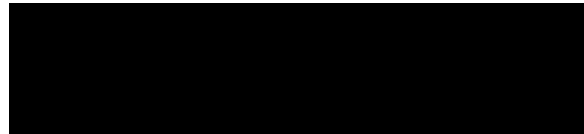
15. The Court intends to instruct the members the following:

“I have taken judicial notice of the following: Tetrahydrocannabinols (THC), including Delta-9 tetrahydrocannabinol (THC-9), is a Schedule I controlled substance. This means that you are permitted to recognize and consider that regulation without further proof.

16. The Defense request for judicial notice is **DEFERRED**. The military judge may take judicial notice at any stage of the proceeding and will await formal decision dependent on the defense showing the request for judicial notice is related to a fact that is of consequence to the determination of the action.

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