

**DEPARTMENT OF THE AIR FORCE
TRIAL JUDICIARY**

UNITED STATES	MIL. R. EVID. 404(b)
v.	NOTICE #1
SSGT KINYADA J. JOHNSON 552d Operations Support Squadron (AETC) Tinker Air Force Base, OK	16 January 2026

1. Pursuant to Military Rule of Evidence (“Mil. R. Evid.”) 404(b)(3) and Uniform Rules of Practice Before Department of the Air Force Courts-Martial, the Government provides notice of the following crimes, wrongs, or other acts of the Accused which the Government intends to admit for a non-propensity purpose:

a. Evidence that, on divers occasions, between on or about 26 July 2024 and on or about 21 January 2025, the Accused knowingly and wrongfully ingested delta-9 tetrahydrocannabinol (THC9) as evidenced by urine samples submitted by the Accused that subsequently tested positive for THC9 and/or the Accused’s voluntary written admissions on or about 6 February 2025 and on or about 24 February 2025 about using THC9 between on or about 26 July 2024 and on or about 21 January 2025, including but not limited to the following: (1) “I accept full responsibility for the allegations against me,” or words to that effect; (2) “I do not intend on making excuses for my actions, I just respectfully ask that you empathize with the struggles that led me to make this poor decision,” or words to that effect; (3) “I accepted friendships with people whom I would have never been around normally,” or words to that effect; (4) “The environment this friend group created enabled...and ultimately led to me partaking in marijuana” or words to that effect; (4) “Many of the poor choices were made as I attempted to drink my sorrows away,” or words to that effect; (5) “I am extremely grateful for the opportunity to correct my mistake, and I will not let that opportunity go to waste” or words to that effect; (6) “I am going to take these last two years of my life as a learning experience, and not repeat the same mistakes” or words to that effect; (7) “I understand that my actions are that of my own” or words to that effect. The Government intends to offer these other crimes, wrongs, or acts for the non-propensity purposes of common plan or scheme and, if raised by defense counsel, to rebut defenses/issues related to lack of knowledge and intent or mistake of fact. Specifically, this is evidence of a pattern of operation that shows a common plan or scheme for the Accused to obtain and ingest THC9. In addition, to the extent any issues/defenses related to lack of knowledge and intent or mistake of fact are raised, the Prosecution intends to offer this evidence in rebuttal as proof that the Accused knowingly used THC9 during the dates of the charged offenses, knowledge of THC9, and that the substance the Accused was ingesting was THC9.



c. Evidence that, between on or about 5 December 2025 and on or about 5 January 2026, the Accused knowingly and wrongfully ingested delta-9 tetrahydrocannabinol (THC9) and delta-8 tetrahydrocannabinol (THC8) as evidenced by a urine sample submitted by the Accused on 5 January 2026 that subsequently tested positive for THC9 and THC8. The Government intends to offer these other crimes, wrongs, or acts for the non-propensity purposes of common plan or scheme and, if raised by defense counsel, to rebut defenses/issues related to lack of knowledge and intent or mistake of fact. Specifically, this is evidence of a pattern of operation that shows a common plan or scheme for the Accused to obtain and ingest THC9. In addition, to the extent any issues/defenses related to lack of knowledge and intent or mistake of fact are raised, the Prosecution intends to offer this evidence in rebuttal as proof that the Accused knowingly used THC9 during the dates of the charged offenses, knowledge of THC9, and that the substance the Accused was ingesting was THC9.

2. To the extent any of the above-referenced actions could be interpreted as or include Mil. R. Evid. 304(d) evidence/conduct, such notice is hereby given to Defense counsel.

3. If the Government becomes aware of any other Mil. R. Evid. 404(b) evidence, the Government will promptly notify Defense. The Government reserves the right to supplement this notice.



ALISON R. SHERRILL, Capt, USAF
Assistant Trial Counsel

CERTIFICATE OF SERVICE

I hereby certify that I delivered a copy of this Mil. R. Evid. 404(b) Notice #1 on Defense Counsel via e-mail and e-filing on 16 January 2026.



ALISON R. SHERRILL, Capt, USAF
Assistant Trial Counsel