

**DEPARTMENT OF THE AIR FORCE
TRIAL JUDICIARY**

UNITED STATES

v.

SSGT KINYADA J. JOHNSON
552d Operations Support Squadron (AETC)
Tinker Air Force Base, OK

GOVERNMENT MOTION TO
PRE-ADMIT EVIDENCE

26 January 2026

MOTION

The United States (government), by and through counsel, requests this Honorable Court to hold an Article 39a session for the purpose of judicial economy to pre-admit prosecution exhibits intended to be offered at trial.

SUMMARY

SSgt Kinyada J. Johnson (“Accused”) is charged with violating Article 112a of the Uniform Code of Military Justice for wrongfully using Delta-9 Tetrahydrocannabinol (THC-9) on divers occasions. Under the Military Rules of Evidence, the exhibits that the government seeks to offer are relevant and admissible to show that the accused ingested THC-9.

FACTS

1. On 10 September 2025, Lt Col [REDACTED], 552d Operations Support Squadron Commander, Tinker AFB, OK, preferred one charge and one specification against SSgt Kinyada J. Johnson, the Accused, for wrongfully using Delta-9 Tetrahydrocannabinol (THC-9), on divers occasions, between on or about 22 January 2025 and on or about 9 June 2025, in violation of Article 112a, Uniform Code of Military Justice (UCMJ). (**Att. 1**). On 18 December 2025, Colonel [REDACTED], 72d Air Base Wing Commander, referred that charge and specification to trial by special court-martial. (*Id.*). The Accused is set to be tried by special court-martial on 10-13 February 2026 at Tinker AFB, OK.

2. On 26 August 2021, Colonel [REDACTED] then-72d Air Base Wing Commander, signed the Policy Regarding Re-Inspection Testing Under the Urinalysis Inspection Program: *Bickel Testing Policy Letter*. (**Att. 2**). This memorandum established the installation commander’s policy regarding re-inspection testing under the urinalysis inspection program. (*Id.*). The memorandum states that “[t]he subsequent re-inspection test is a continuation of the original inspection, and re-inspection will be repeated in accordance with this policy ... until a negative result is received” (*Id.*).

3. The Accused tested positive for THC-9 on at least nine (9) separate urinalysis tests (and one forensic toxicology examination of his blood) between on or about 26 July 2024 and on or about 21 January 2025.

a. On **16 August 2024**, the Accused was randomly selected for drug testing at the 72d Air Base Wing Drug Demand Reduction Program Office on Tinker AFB, OK. (**Att. 3**). The Accused was ordered to report to the 552d Operations Support Squadron Commander's Support Section to report for a random urinalysis. (*Id.*). When contacted by the trusted agent, Mr. [REDACTED] (552 OSS/CSS), after SSgt Johnson did not show up as directed, the Accused made up lies about not being able to make it because his truck was at the shop. SSgt Johnson refused to answer his phone, or show up, in an attempt to avoid mandatory drug screening. (*Id.*). Later that evening, after multiple unsuccessful attempts to reach the Accused, the Accused contacted MSgt [REDACTED] 552 OSS/CCF. (*Id.*). MSgt [REDACTED] directed the Accused to surrender himself at the gate, and the Accused did. (*Id.*). Security Forces apprehended the Accused. (*Id.*). The Accused was charged with violating Article 86 (Absence without leave) and Article 92 (Failure to obey). (*Id.*). Security Forces secured a search authorization based on probable cause to search and seize the Accused's blood. (*Id.* and **Att. 4**). The Accused's blood was collected, packaged, and shipped to the Armed Forces Medical Examiner System, Division of Forensic Toxicology at Dover AFB, DE for testing. The Accused's blood tested positive for THC-9 at 5.6 ng/mL (cutoff of 5 ng/mL). (**Att. 4**).

b. On **24 October 2024**, the Accused was ordered to provide a urine sample as part of a random urinalysis. (**Att. 5**). The Accused's urine specimen tested positive for THC-9 at 25 ng/mL. (*Id.*).

c. On **5 November 2024**, the Accused provided a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 6**). The Accused's urine specimen tested positive for THC-9 at 244 ng/mL. (*Id.*).

d. On **14 November 2024**, the Accused provided a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 7**). The Accused's urine specimen tested positive for THC-9 at 315 ng/mL. (*Id.*).

e. On **25 November 2024**, the Accused provided a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 8**). The Accused's urine specimen tested positive for THC-9 at 149 ng/mL. (*Id.*).

f. On **5 December 2024**, the Accused provided a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 9**). The Accused's urine specimen tested positive for THC-9 at 110 ng/mL. (*Id.*).

g. On **13 December 2024**, the Accused provided a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 10**). The Accused's urine specimen tested positive for THC-9 at 50 ng/mL. (*Id.*).

h. On **30 December 2024**, the Accused provided a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 11**). The Accused's urine specimen tested positive for THC-9 at 74 ng/mL. (*Id.*).

i. On **13 January 2025**, the Accused provided a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 12**). The Accused's urine specimen tested positive for THC-9 at 238 ng/mL. (*Id.*).

j. On **21 January 2025**, the Accused provided a urine sample as part of a *Bickel* follow-up urinalysis. (Att. 13). The Accused's urine specimen tested positive for THC-9 at 392 ng/mL. (*Id.*).

4. On 3 February 2025, the Accused was offered Non-Judicial Punishment (NJP) for failing to go to the 552d OSS/CSS on 16 August 2024 as directed and for knowingly and wrongfully using THC-9 on divers occasions between on or about 26 July 2024 and on or about 21 January 2025. (Att. 14). In his written response to the NJP, the Accused accepted "full responsibility" for the allegations against him, was "extremely grateful" for the opportunity to correct his "mistake," promised to "not let that opportunity go to waste," and said he would "not repeat the same mistakes." (Att. 15).

5. The Accused tested positive for THC-9 on 13 separate urinalysis tests between on or about 22 January 2025 and on or about 9 June 2025.

a. On **31 January 2025**, the Accused was ordered to provide a urine sample as part of a *Bickel* follow-up urinalysis. (Att. 16). 2d Lt [REDACTED] was a designated observer for the 72d Air Base Wing DDRP who had received required briefing. (*Id.*). On 31 January 2025, 2d Lt [REDACTED] performed as a DDRP observer for the Accused. (*Id.*). On 31 January 2025, at 0934 hours, after the Accused provided a urine specimen, the Drug Testing Program Drug Testing Register was completed by the Accused, 2d Lt [REDACTED], and collector Mr. [REDACTED], which also recorded other identifying information concerning the sample and the Accused. (*Id.*). On 31 January 2025, the Accused's urine specimen was shipped to the Air Force Drug Testing Laboratory (AFDTL) via FEDEX. (*Id.*) The Accused's urine specimen tested positive for THC-9 at 388 ng/mL. (*Id.* and Att. 17).

b. On **10 February 2025**, the Accused was ordered to provide a urine sample as part of a *Bickel* follow-up urinalysis. (Att. 18). SrA [REDACTED] was a designated observer for the 72d Air Base Wing DDRP who had received required briefing. (*Id.*). On 10 February 2025, SrA [REDACTED] performed as a DDRP observer for the Accused. (*Id.*). On 10 February 2025, at 1325 hours, after the Accused provided a urine specimen, the Drug Testing Program Drug Testing Register was completed by the Accused, SrA [REDACTED], and collector Mr. [REDACTED], which also recorded other identifying information concerning the sample and the Accused. (*Id.*). On 10 February 2025, the Accused's urine specimen was shipped to the AFDTL via FEDEX. (*Id.*). The Accused's urine specimen tested positive for THC-9 at 88 ng/mL. (*Id.* and Att. 19).

c. On **20 February 2025**, the Accused was ordered to provide a urine sample as part of a *Bickel* follow-up urinalysis. (Att. 20). SrA [REDACTED] was a designated observer for the 72d Air Base Wing DDRP who had received required briefing. (*Id.*). On 20 February 2025, SrA [REDACTED] performed as a DDRP observer for the Accused. (*Id.*). On 20 February 2025, at 1102 hours, after the Accused provided a urine specimen, the Drug Testing Program Drug Testing Register was completed by the Accused, SrA [REDACTED], and collector Mr. [REDACTED], which also recorded other identifying information concerning the sample and the Accused. (*Id.*). On 20 February 2025, the Accused's urine specimen was shipped to the AFDTL via FEDEX. (*Id.*). The Accused's urine specimen tested positive for THC-9 at 83 ng/mL. (*Id.* and Att. 21).

d. On **27 February 2025**, the Accused was ordered to provide a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 22**). SSgt [REDACTED] was a designated observer for the 72d Air Base Wing DDRP who had received required briefing. (*Id.*). On 27 February 2025, SSgt [REDACTED] performed as a DDRP observer for the Accused. (*Id.*). On 27 February 2025, at 0915 hours, after the Accused provided a urine specimen, the Drug Testing Program Drug Testing Register was completed by the Accused, SSgt [REDACTED], and collector Mr. [REDACTED], which also recorded other identifying information concerning the sample and the Accused. (*Id.*). On 28 February 2025, the Accused's urine specimen was shipped to the AFDTL via FEDEX. (*Id.*). The Accused's urine specimen tested positive for THC-9 at 146 ng/mL. (*Id.* and **Att. 23**).

e. On **6 March 2025**, the Accused was ordered to provide a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 24**). SSgt [REDACTED] was a designated observer for the 72d Air Base Wing DDRP who had received required briefing. (*Id.*). On 6 March 2025, SSgt [REDACTED] performed as a DDRP observer for the Accused. (*Id.*). On 6 March 2025, at 1315 hours, after the Accused provided a urine specimen, the Drug Testing Program Drug Testing Register was completed by the Accused, SSgt [REDACTED], and collector Mr. [REDACTED], which also recorded other identifying information concerning the sample and the Accused. (*Id.*). On 6 March 2025, the Accused's urine specimen was shipped to the AFDTL via FEDEX. (*Id.*). The Accused's urine specimen tested positive for THC-9 at 494 ng/mL. (*Id.* and **Att. 25**).

f. On **13 March 2025**, the Accused was ordered to provide a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 26**). SSgt [REDACTED] was a designated observer for the 72d Air Base Wing DDRP who had received required briefing. (*Id.*). On 13 March 2025, SSgt [REDACTED] performed as a DDRP observer for the Accused. (*Id.*). On 13 March 2025, at 1333 hours, after the Accused provided a urine specimen, the Drug Testing Program Drug Testing Register was completed by the Accused, SSgt [REDACTED] and collector Ms. [REDACTED], which also recorded other identifying information concerning the sample and the Accused. (*Id.*). On 13 March 2025, the Accused's urine specimen was shipped to the AFDTL via FEDEX. (*Id.*). The Accused's urine specimen tested positive for THC-9 at 659 ng/mL. (*Id.* and **Att. 27**).

g. On **21 March 2025**, the Accused was ordered to provide a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 28**). SSgt [REDACTED] was a designated observer for the 72d Air Base Wing DDRP who had received required briefing. (*Id.*). On 21 March 2025, SSgt [REDACTED] performed as a DDRP observer for the Accused. (*Id.*). On 21 March 2025, at 0906 hours, after the Accused provided a urine specimen, the Drug Testing Program Drug Testing Register was completed by the Accused, SSgt [REDACTED], and collector Mr. [REDACTED], which also recorded other identifying information concerning the sample and the Accused. (*Id.*). On 21 March 2025, the Accused's urine specimen was shipped to the AFDTL via FEDEX. (*Id.*). The Accused's urine specimen tested positive for THC-9 at 627 ng/mL. (*Id.* and **Att. 29**).

h. On **31 March 2025**, the Accused was ordered to provide a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 30**). SSgt [REDACTED] was a designated observer for the 72d Air Base Wing DDRP who had received required briefing. (*Id.*). On 31 March 2025, SSgt [REDACTED] performed as a DDRP observer for the Accused. (*Id.*). On 31 March 2025, at 1324 hours, after the Accused provided a urine specimen, the Drug Testing Program Drug Testing Register was completed by the Accused, SSgt [REDACTED] and collector Mr. [REDACTED], which also

recorded other identifying information concerning the sample and the Accused. (*Id.*). On 31 March 2025, the Accused's urine specimen was shipped to the AFDTL via FEDEX. (*Id.*). The Accused's urine specimen tested positive for THC-9 at 957 ng/mL. (*Id.* and **Att. 31**).

i. On **8 April 2025**, the Accused was ordered to provide a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 32**). 1st Lt [REDACTED] was a designated observer for the 72d Air Base Wing DDRP who had received required briefing. (*Id.*). On 8 April 2025, 1st Lt [REDACTED] performed as a DDRP observer for the Accused. (*Id.*). On 8 April 2025, at 1412 hours, after the Accused provided a urine specimen, the Drug Testing Program Drug Testing Register was completed by the Accused, 1st Lt [REDACTED], and collector Mr. [REDACTED], which also recorded other identifying information concerning the sample and the Accused. (*Id.*). On 8 April 2025, the Accused's urine specimen was shipped to the AFDTL via FEDEX. (*Id.*). The Accused's urine specimen tested positive for THC-9 at 840 ng/mL. (*Id.* and **Att. 33**).

j. On **16 April 2025**, the Accused was ordered to provide a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 34**). TSgt [REDACTED] was a designated observer for the 72d Air Base Wing DDRP who had received required briefing. (*Id.*). On 16 April 2025, TSgt [REDACTED] performed as a DDRP observer for the Accused. (*Id.*). On 16 April 2025, after the Accused provided a urine specimen, the Drug Testing Program Drug Testing Register was completed by the Accused, TSgt [REDACTED], and collector Ms. [REDACTED], which also recorded other identifying information concerning the sample and the Accused. (*Id.*). On 16 April 2025, the Accused's urine specimen was shipped to the AFDTL via FEDEX. (*Id.*). The Accused's urine specimen tested positive for THC-9 at 1450 ng/mL. (*Id.* and **Att. 35**).

k. On **24 April 2025**, the Accused was ordered to provide a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 36**). 1st Lt [REDACTED] was a designated observer for the 72d Air Base Wing DDRP who had received required briefing. (*Id.*). On 24 April 2025, 1st Lt [REDACTED] performed as a DDRP observer for the Accused. (*Id.*). On 24 April 2025, at 1328 hours, after the Accused provided a urine specimen, the Drug Testing Program Drug Testing Register was completed by the Accused, 1st Lt [REDACTED], and collector Mr. [REDACTED], which also recorded other identifying information concerning the sample and the Accused. (*Id.*). On 24 April 2025, the Accused's urine specimen was shipped to the AFDTL via FEDEX. (*Id.*). The Accused's urine specimen tested positive for THC-9 at 436 ng/mL. (*Id.* and **Att. 37**).

l. On **5 May 2025**, the Accused was ordered to provide a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 38**). SSgt [REDACTED] was a designated observer for the 72d Air Base Wing DDRP who had received required briefing. (*Id.*). On 5 May 2025, SSgt [REDACTED] performed as a DDRP observer for the Accused. (*Id.*). On 5 May 2025, at 0924 hours, after the Accused provided a urine specimen, the Drug Testing Program Drug Testing Register was completed by the Accused, SSgt [REDACTED], and collector Ms. [REDACTED], which also recorded other identifying information concerning the sample and the Accused. (*Id.*). On 5 May 2025, the Accused's urine specimen was shipped to the AFDTL via FEDEX. (*Id.*). The Accused's urine specimen tested positive for THC-9 at 2105 ng/mL. (*Id.* and **Att. 39**).

m. On **9 June 2025**, the Accused was ordered to provide a urine sample as part of a *Bickel* follow-up urinalysis. (**Att. 40**). SSgt [REDACTED] was a designated observer for the 72d

Air Base Wing DDRP who had received required briefing. (*Id.*). On 9 June 2025, SSgt [REDACTED] performed as a DDRP observer for the Accused. (*Id.*). On 9 June 2025, after the Accused provided a urine specimen, the Drug Testing Program Drug Testing Register was completed by the Accused, SSgt [REDACTED], and collector Ms. [REDACTED], which also recorded other identifying information concerning the sample and the Accused. (*Id.*). On 10 June 2025, the Accused's urine specimen was shipped to the AFDTL via FEDEX. (*Id.*). The Accused's urine specimen tested positive for THC-9 at 19 ng/mL. (*Id.* and **Att. 41**).

BURDEN

6. As proponent of the evidence, the Government bears the burden. *United States v. Palmer*, 55 M.J. 205, 208 (CAAF 2001); *see also* R.C.M. 905(c)(2). The standard to resolve any issue is preponderance of the evidence. R.C.M. 905(c)(1).

LAW

7. Mil. R. Evid. 104 empowers the military judge to make determinations on the admissibility of evidence. R.C.M. 906(b)(13) contemplates a pretrial hearing to resolve these issues in the interest of avoiding “unjustifiable expense and [trial] delay.” Mil. R. Evid. 102.

8. 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. Mil. R. Evid. 401. Relevant evidence is generally admissible under Mil. R. Evid. 402. Relevant evidence may be excluded if its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the members, wasting time, or needlessly presenting cumulative evidence. Mil. R. Evid. 403.

9. Hearsay is not admissible unless any of the following provides otherwise: (a) a federal statute appreciable in trials by courts-martial; or (b) [the Military Rules of Evidence.] Mil. R. Evid. 802. Hearsay is defined as a statement (1) the declarant does not make while testifying at the current trial or hearing; and (2) offered in evidence to prove the truth of the matter asserted in the statement. Mil. R. Evid. 801(c). A statement is defined as “a person’s oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.” Mil. R. Evid. 801(a). A declarant is defined as “the person who made the statement.” Mil. R. Evid. 801(b).

10. Mil. R. Evid. 803(6)(B) provides, “a record of an act, event, condition, opinion, or diagnosis is not excluded by the rule against hearsay if 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.”

11. To satisfy the requirement of authentication or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is. Mil. R. Evid. 901(a).

12. Mil. R. Evid. 902(11) states that business records are self-authenticating—that is, “they require no extrinsic evidence of authenticity in order to be admitted”—if accompanied “by a certification

of a custodian or other qualified witness that complies with a federal statute or a rule prescribed by the Supreme Court” and shows the records meet the requirements of Mil. R. Evid. 803(6)(A)-(C). Mil. R. Evid. 902(11).

13. Self-authenticating certifications to records of a regularly conducted activity are admissible together with the records of a regularly conducted activity. Just as M.R.E. 803(6) permits a witness to testify in court to lay a foundation to qualify business records and the factfinder is entitled to hear such testimony to understand the manner in which they were created, M.R.E. 902(11) permits the same witness to present the same information based on an acceptable certification, such as a declaration consistent with 28 U.S.C. § 1746. *See Crawford v. Washington*, 541 U.S. 36, 56 (2004) (most hearsay exceptions, including business records, by their nature are not testimonial); *see also* 1 Military Evidentiary Foundations § 4-3 (2025) (providing that the business records certification to bank records were admissible together with the bank records as a prosecution exhibit); *United States v. Thompson*, 2014 CCA LEXIS 569, *14-15 (A.F. Ct. Crim. App. Aug. 6, 2014) (“forensic laboratory reports are recognized under [M.R.E.] 803(6) ‘as impartial examining centers.’ Drafter’s Analysis, Manual for Courts-Martial, United States, A22-55 (2012 ed.)”).

14. Circuits have consistently held that certifications of authenticity presented under Rule 902(11) are not testimonial. *See United States v. Yeley-Davis*, 632 F.3d 673, 680 (10th Cir. 2011) (Tenth Circuit collecting cases from the Fifth, Seventh, and Ninth Circuits); *United States v. Anekwu*, 695 F.3d 967 (9th Cir.) (certificates of authentication for business records were not “testimonial” within the meaning of Confrontation Clause, and thus district court’s admission of such certificates into evidence in wire fraud prosecution was not plain error; purpose of the certificates was merely to authenticate the records, and not to establish or prove some fact at trial); *United States v. Kahre*, 610 F. Supp. 2d 1261, 1265 (D. Nev. 2009) (“Although certifications under Rule 902(11) serve as a substitute for live testimony establishing the foundation for authenticating business records, they are not ‘testimonial’ ... and therefore do not offend the Confrontation Clause.”). Additionally, the U.S. Supreme Court, despite extensive discussions on testimonial hearsay in *Crawford* and its progeny including *Smith v. Arizona*, 602 U.S. 779 (2024), has not opined that F.R.E. 902(11), which the U.S. Supreme Court itself added to the Federal Rules of Evidence by amendment in 2000, and which the President added in 2004 to the Military Rules of Evidence, violated the Confrontation Clause.

ARGUMENT

15. The Government requests that the military judge pre-admit the following evidence at a hearing under Article 39(a), UCMJ, to resolve any objections and rule on the admissibility of the following evidence:

16. **Prosecution Exhibit 1 for Identification (P.E. 1):** DDRP Records and Certification for the Accused’s urine specimen collected on 31 January 2025.

a. *Description:* P.E. 1 is the DDRP records and Certification associated with the Accused’s urinalysis tests taking place on 31 January 2025. (**Att. 16**). The DDRP records include the Order to Provide Urine Specimen for *Bickel* Testing, Drug Testing Program Testing Register, DD Form

2624 Specimen Custody Document, Drug Testing Observer's Briefing, and the Electronic Copy of the DD 2624.

b. *Foundation*: The prosecution obtained a business records certification from the Tinker Air Force Base Drug Testing Program Manager (DTPAM) Mr. [REDACTED] qualifying these records as true and accurate copies of the DDRP records that are kept as part of regularly conducted activities as defined by Mil. R. Evid. 803(6). Each record was made at or near the time of the event by someone with knowledge, was kept in the course of a regularly conducted activity, and was made as part of a regular practice of that activity. Additionally, Mr. [REDACTED] has personal knowledge to authenticate these exhibits. If Defense objects to foundation for these exhibits, the Government intends to call Mr. [REDACTED] (and the observer, 2d Lt [REDACTED], if needed) to testify to the foundation at an Article 39(a) prior to trial.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), 901(b)(1), and 902(11).

d. *Relevance*: This exhibit is relevant because it has a tendency to make a fact of consequence, that the Accused wrongfully used THC-9, more probable than it would be without the evidence. These documents demonstrate that the urine specimen collected from the Accused on 31 January 2025 was properly collected, handled, and shipped to AFDTL for testing. Specifically, the Order to Provide Testing is part of the chronological presentation of facts that led to the United States Air Force collecting the Accused's urine. The Drug Testing Program Testing Register is needed to demonstrate the process in which the Accused's urine was collected and to show that the urine specimen originated from the accused at 72d ABW DDRP. The DD Form 2624 Specimen Custody Document establishes that it was the same urine sample that the Accused confirmed was his urine that was ultimately sent to AFDTL for testing. That urine sample tested positive for THC-9 metabolites. This document also demonstrates the chain of custody of the Accused's sample and includes the collection, securing, quality check, and shipment of the specimen. The Drug Testing Observer's Briefing demonstrates that 2d Lt [REDACTED], the observer, was properly trained on drug testing observer responsibilities to ensure there was no contamination or dilution during the process and that the Accused provided the specimen in accordance with Air Force regulations. The Electronic Copy of the DD 2624 establishes the amount of THC-9 found in the Accused's urine and connects the batch and specimen number, LAN, and the Accused's DoD ID.

17. Prosecution Exhibit 2 for Identification (P.E. 2): AFDTL Drug Testing Report for the Accused's urine specimen collected on 31 January 2025 (Specimen ID F529-0048-245, B2502038001).

a. *Description*: P.E. 2 for Identification is the laboratory documentation from the AFDTL associated with the Accused's urinalysis test taking place on 31 January 2025. (**Att. 17**). It shows chain of custody information, testing methodologies, and results.

b. *Foundation*: This exhibit is a record of a regularly conducted activity under Mil. R. Evid. 803(6) because it was made at or near the time of the event by someone with knowledge, it was kept in the course of a regularly conducted activity, and it was made as part of a regular practice of that activity. It has been pre-certified as a business record under Mil. R. Evid. 902(11) by AFDTL.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), and 902(11)

d. *Relevance*: This report shows that the Accused had THC-9 in his system on the dates of testing. These reports are admissible pursuant to *United States v. Bogdonas*, 2013 CCA LEXIS 316 (A.F.C.C.A. 2013) and *United States v. Tearman*, 72 M.J. 54 (C.A.A.F. 2013). Furthermore, the report contains the chain of custody documents pertaining to the urine sample, machine generated information, stamped entries indicating the purpose for the change in custody, data review worksheets including names, signatures, and dates—all of which are nontestimonial. Pursuant to *Bogdonas* and *Tearman*, any portions that may constitute testimonial hearsay have been redacted from each report.

18. Prosecution Exhibit 3 for Identification (P.E. 3): DDRP Records and Certification for the Accused's urine specimen collected on 10 February 2025.

a. *Description*: P.E. 3 are the DDRP records and Certification associated with the Accused's urinalysis test taking place on 10 February 2025. (**Att. 18**). The DDRP records each include the Order to Provide Urine Specimen for *Bickel* Testing, Drug Testing Program Testing Register, DD Form 2624 Specimen Custody Document, Drug Testing Observer's Briefing, and the Electronic Copy of the DD 2624.

b. *Foundation*: The prosecution obtained a business records certification from the Tinker Air Force Base Drug Testing Program Manager (DTPAM) Mr. [REDACTED] qualifying these records as true and accurate copies of the DDRP records that are kept as part of regularly conducted activities as defined by Mil. R. Evid. 803(6). Each record was made at or near the time of the event by someone with knowledge, was kept in the course of a regularly conducted activity, and was made as part of a regular practice of that activity. Additionally, Mr. [REDACTED] has personal knowledge to authenticate these exhibits. If Defense objects to foundation for these exhibits, the Government intends to call Mr. [REDACTED] (and the observer, SrA [REDACTED], if needed) to testify to the foundation at an Article 39(a) prior to trial.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), 901(b)(1), and 902(11).

d. *Relevance*: This exhibit is relevant because it has a tendency to make a fact of consequence, that the Accused wrongfully used THC-9, more probable than it would be without the evidence. These documents demonstrate that the urine specimen collected from the Accused on 10 February 2025 was properly collected, handled, and shipped to AFDTL for testing. Specifically, the Order to Provide Testing is part of the chronological presentation of facts that led to the United States Air Force collecting the Accused's urine. The Drug Testing Program Testing Register is needed to demonstrate the process in which the Accused's urine was collected and to show that the urine specimen originated from the accused at 72d ABW DDRP. The DD Form 2624 Specimen Custody Document establishes that it was the same urine sample that the Accused confirmed was his urine that was ultimately sent to AFDTL for testing. That urine sample tested positive for THC-9 metabolites. This document also demonstrates the chain of custody of the Accused's sample and includes the collection, securing, quality check, and shipment of the specimen. The Drug Testing Observer's Briefing demonstrates that SrA [REDACTED], the observer, was properly trained on

drug testing observer responsibilities to ensure there was no contamination or dilution during the process and that the Accused provided the specimen in accordance with Air Force regulations. The Electronic Copy of the DD 2624 establishes the amount of THC-9 found in the Accused's urine and connects the batch and specimen number, LAN, and the Accused's DoD ID.

19. Prosecution Exhibit 4 for Identification (P.E. 4): AFDTL Drug Testing Reports for the Accused's urine specimen collected on 10 February 2025 (Specimen ID F529-0048-579, B2502425001).

a. *Description:* P.E. 4 is the laboratory documentation from the AFDTL associated with the Accused's urinalysis test taking place on 10 February 2025 (**Att. 19**). It shows chain of custody information, testing methodologies, and results.

b. *Foundation:* This exhibit is a record of a regularly conducted activity under Mil. R. Evid. 803(6) because it was made at or near the time of the event by someone with knowledge, it was kept in the course of a regularly conducted activity, and it was made as part of a regular practice of that activity. It has been pre-certified as a business record under Mil. R. Evid. 902(11) by AFDTL.

c. *Basis of Admissibility:* Mil. R. Evid. 401, 803(6), and 902(11)

d. *Relevance:* This report shows that the Accused had THC-9 in his system on the dates of testing. These reports are admissible pursuant to *United States v. Bogdonas*, 2013 CCA LEXIS 316 (A.F.C.C.A. 2013) and *United States v. Tearman*, 72 M.J. 54 (C.A.A.F. 2013). Furthermore, the report contains the chain of custody documents pertaining to the urine sample, machine generated information, stamped entries indicating the purpose for the change in custody, data review worksheets including names, signatures, and dates—all of which are nontestimonial. Pursuant to *Bogdonas* and *Tearman*, any portions that may constitute testimonial hearsay have been redacted from each report.

20. Prosecution Exhibit 5 for Identification (P.E. 5): DDRP Records and Certification for the Accused's urine specimen collected on 20 February 2025.

a. *Description:* P.E. 5 are the DDRP records and Certification associated with the Accused's urinalysis test taking place on 20 February 2025. (**Att. 20**). The DDRP records each include the Order to Provide Urine Specimen for *Bickel* Testing, Drug Testing Program Testing Register, DD Form 2624 Specimen Custody Document, Drug Testing Observer's Briefing, and the Electronic Copy of the DD 2624.

b. *Foundation:* The prosecution obtained a business records certification from the Tinker Air Force Base Drug Testing Program Manager (DTPAM) Mr. [REDACTED] qualifying these records as true and accurate copies of the DDRP records that are kept as part of regularly conducted activities as defined by Mil. R. Evid. 803(6). Each record was made at or near the time of the event by someone with knowledge, was kept in the course of a regularly conducted activity, and was made as part of a regular practice of that activity. Additionally, Mr. [REDACTED] has personal knowledge to authenticate these exhibits. If Defense objects to foundation for these exhibits, the

Government intends to call Mr. [REDACTED] (and the observer, SrA [REDACTED], if needed) to testify to the foundation at an Article 39(a) prior to trial.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), 901(b)(1), and 902(11).

d. *Relevance*: This exhibit is relevant because it has a tendency to make a fact of consequence, that the Accused wrongfully used THC-9, more probable than it would be without the evidence. These documents demonstrate that the urine specimen collected from the Accused on 20 February 2025 was properly collected, handled, and shipped to AFDTL for testing. Specifically, the Order to Provide Testing is part of the chronological presentation of facts that led to the United States Air Force collecting the Accused's urine. The Drug Testing Program Testing Register is needed to demonstrate the process in which the Accused's urine was collected and to show that the urine specimen originated from the accused at 72d ABW DDRP. The DD Form 2624 Specimen Custody Document establishes that it was the same urine sample that the Accused confirmed was his urine that was ultimately sent to AFDTL for testing. That urine sample tested positive for THC-9 metabolites. This document also demonstrates the chain of custody of the Accused's sample and includes the collection, securing, quality check, and shipment of the specimen. The Drug Testing Observer's Briefing demonstrates that SrA [REDACTED], the observer, was properly trained on drug testing observer responsibilities to ensure there was no contamination or dilution during the process and that the Accused provided the specimen in accordance with Air Force regulations. The Electronic Copy of the DD 2624 establishes the amount of THC-9 found in the Accused's urine and connects the batch and specimen number, LAN, and the Accused's DoD ID.

21. Prosecution Exhibit 6 for Identification (P.E. 6): AFDTL Drug Testing Reports for the Accused's urine specimen collected on 20 February 2025 (Specimen ID F529-0048-628, B2502633001).

a. *Description*: P.E. 6 is the laboratory documentation from the AFDTL associated with the Accused's urinalysis test taking place on 20 February 2025 (**Att. 21**). It shows chain of custody information, testing methodologies, and results.

b. *Foundation*: This exhibit is a record of a regularly conducted activity under Mil. R. Evid. 803(6) because it was made at or near the time of the event by someone with knowledge, it was kept in the course of a regularly conducted activity, and it was made as part of a regular practice of that activity. It has been pre-certified as a business record under Mil. R. Evid. 902(11) by AFDTL.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), and 902(11)

d. *Relevance*: This report shows that the Accused had THC-9 in his system on the dates of testing. These reports are admissible pursuant to *United States v. Bogdonas*, 2013 CCA LEXIS 316 (A.F.C.C.A. 2013) and *United States v. Tearman*, 72 M.J. 54 (C.A.A.F. 2013). Furthermore, the report contains the chain of custody documents pertaining to the urine sample, machine generated information, stamped entries indicating the purpose for the change in custody, data review worksheets including names, signatures, and dates—all of which are nontestimonial.

Pursuant to *Bogdonas* and *Tearman*, any portions that may constitute testimonial hearsay have been redacted from each report.

22. Prosecution Exhibit 7 for Identification (P.E. 7): DDRP Records and Certification for the Accused's urine specimen collected on 27 February 2025.

a. *Description:* P.E. 7 are the DDRP records and Certification associated with the Accused's urinalysis test taking place on 27 February 2025. (**Att. 22**). The DDRP records each include the Order to Provide Urine Specimen for *Bickel* Testing, Drug Testing Program Testing Register, DD Form 2624 Specimen Custody Document, Drug Testing Observer's Briefing, and the Electronic Copy of the DD 2624.

b. *Foundation:* The prosecution obtained a business records certification from the Tinker Air Force Base Drug Testing Program Manager (DTPAM) Mr. [REDACTED] qualifying these records as true and accurate copies of the DDRP records that are kept as part of regularly conducted activities as defined by Mil. R. Evid. 803(6). Each record was made at or near the time of the event by someone with knowledge, was kept in the course of a regularly conducted activity, and was made as part of a regular practice of that activity. Additionally, Mr. [REDACTED] has personal knowledge to authenticate these exhibits. If Defense objects to foundation for these exhibits, the Government intends to call Mr. [REDACTED] (and the observer, SSgt [REDACTED], if needed) to testify to the foundation at an Article 39(a) prior to trial.

c. *Basis of Admissibility:* Mil. R. Evid. 401, 803(6), 901(b)(1), and 902(11).

d. *Relevance:* This exhibit is relevant because it has a tendency to make a fact of consequence, that the Accused wrongfully used THC-9, more probable than it would be without the evidence. These documents demonstrate that the urine specimen collected from the Accused on 27 February 2025 was properly collected, handled, and shipped to AFDTL for testing. Specifically, the Order to Provide Testing is part of the chronological presentation of facts that led to the United States Air Force collecting the Accused's urine. The Drug Testing Program Testing Register is needed to demonstrate the process in which the Accused's urine was collected and to show that the urine specimen originated from the accused at 72d ABW DDRP. The DD Form 2624 Specimen Custody Document establishes that it was the same urine sample that the Accused confirmed was his urine that was ultimately sent to AFDTL for testing. That urine sample tested positive for THC-9 metabolites. This document also demonstrates the chain of custody of the Accused's sample and includes the collection, securing, quality check, and shipment of the specimen. The Drug Testing Observer's Briefing demonstrates that SSgt [REDACTED], the observer, was properly trained on drug testing observer responsibilities to ensure there was no contamination or dilution during the process and that the Accused provided the specimen in accordance with Air Force regulations. The Electronic Copy of the DD 2624 establishes the amount of THC-9 found in the Accused's urine and connects the batch and specimen number, LAN, and the Accused's DoD ID.

23. Prosecution Exhibit 8 for Identification (P.E. 8): AFDTL Drug Testing Reports for the Accused's urine specimen collected on 27 February 2025 (Specimen ID F529-0048-831, B2503018009).

a. *Description*: P.E. 8 is the laboratory documentation from the AFDTL associated with the Accused's urinalysis test taking place on 27 February 2025. (**Att. 23**). It shows chain of custody information, testing methodologies, and results.

b. *Foundation*: This exhibit is a record of a regularly conducted activity under Mil. R. Evid. 803(6) because it was made at or near the time of the event by someone with knowledge, it was kept in the course of a regularly conducted activity, and it was made as part of a regular practice of that activity. It has been pre-certified as a business record under Mil. R. Evid. 902(11) by AFDTL.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), and 902(11)

d. *Relevance*: This report shows that the Accused had THC-9 in his system on the dates of testing. These reports are admissible pursuant to *United States v. Bogdonas*, 2013 CCA LEXIS 316 (A.F.C.C.A. 2013) and *United States v. Tearman*, 72 M.J. 54 (C.A.A.F. 2013). Furthermore, the report contains the chain of custody documents pertaining to the urine sample, machine generated information, stamped entries indicating the purpose for the change in custody, data review worksheets including names, signatures, and dates—all of which are nontestimonial. Pursuant to *Bogdonas* and *Tearman*, any portions that may constitute testimonial hearsay have been redacted from each report.

24. Prosecution Exhibit 9 for Identification (P.E. 9): DDRP Records and Certification for the Accused's urine specimen collected on 6 March 2025.

a. *Description*: P.E. 9 are the DDRP records and Certification associated with the Accused's urinalysis test taking place on 6 March 2025. (**Att. 24**). The DDRP records each include the Order to Provide Urine Specimen for *Bickel* Testing, Drug Testing Program Testing Register, DD Form 2624 Specimen Custody Document, Drug Testing Observer's Briefing, and the Electronic Copy of the DD 2624.

b. *Foundation*: The prosecution obtained a business records certification from the Tinker Air Force Base Drug Testing Program Manager (DTPAM) Mr. [REDACTED] qualifying these records as true and accurate copies of the DDRP records that are kept as part of regularly conducted activities as defined by Mil. R. Evid. 803(6). Each record was made at or near the time of the event by someone with knowledge, was kept in the course of a regularly conducted activity, and was made as part of a regular practice of that activity. Additionally, Mr. [REDACTED] has personal knowledge to authenticate these exhibits. If Defense objects to foundation for these exhibits, the Government intends to call Mr. [REDACTED] (and the observer, SSgt [REDACTED], if needed) to testify to the foundation at an Article 39(a) prior to trial.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), 901(b)(1), and 902(11).

d. *Relevance*: This exhibit is relevant because it has a tendency to make a fact of consequence, that the Accused wrongfully used THC-9, more probable than it would be without the evidence. These documents demonstrate that the urine specimen collected from the Accused on 6 March 2025 was properly collected, handled, and shipped to AFDTL for testing. Specifically, the Order

to Provide Testing is part of the chronological presentation of facts that led to the United States Air Force collecting the Accused's urine. The Drug Testing Program Testing Register is needed to demonstrate the process in which the Accused's urine was collected and to show that the urine specimen originated from the accused at 72d ABW DDRP. The DD Form 2624 Specimen Custody Document establishes that it was the same urine sample that the Accused confirmed was his urine that was ultimately sent to AFDTL for testing. That urine sample tested positive for THC-9 metabolites. This document also demonstrates the chain of custody of the Accused's sample and includes the collection, securing, quality check, and shipment of the specimen. The Drug Testing Observer's Briefing demonstrates that SSgt [REDACTED], the observer, was properly trained on drug testing observer responsibilities to ensure there was no contamination or dilution during the process and that the Accused provided the specimen in accordance with Air Force regulations. The Electronic Copy of the DD 2624 establishes the amount of THC-9 found in the Accused's urine and connects the batch and specimen number, LAN, and the Accused's DoD ID.

25. Prosecution Exhibit 10 for Identification (P.E. 10): AFDTL Drug Testing Reports for the Accused's urine specimen collected on 6 March 2025 (Specimen ID F529-0049-023, B2503233088).

a. *Description:* P.E. 10 is the laboratory documentation from the AFDTL associated with the Accused's urinalysis test taking place on 6 March 2025. (**Att. 25**). It shows chain of custody information, testing methodologies, and results.

b. *Foundation:* This exhibit is a record of a regularly conducted activity under Mil. R. Evid. 803(6) because it was made at or near the time of the event by someone with knowledge, it was kept in the course of a regularly conducted activity, and it was made as part of a regular practice of that activity. It has been pre-certified as a business record under Mil. R. Evid. 902(11) by AFDTL.

c. *Basis of Admissibility:* Mil. R. Evid. 401, 803(6), and 902(11)

d. *Relevance:* This report shows that the Accused had THC-9 in his system on the dates of testing. These reports are admissible pursuant to *United States v. Bogdonas*, 2013 CCA LEXIS 316 (A.F.C.C.A. 2013) and *United States v. Tearman*, 72 M.J. 54 (C.A.A.F. 2013). Furthermore, the report contains the chain of custody documents pertaining to the urine sample, machine generated information, stamped entries indicating the purpose for the change in custody, data review worksheets including names, signatures, and dates—all of which are nontestimonial. Pursuant to *Bogdonas* and *Tearman*, any portions that may constitute testimonial hearsay have been redacted from each report.

26. Prosecution Exhibit 11 for Identification (P.E. 11): DDRP Records and Certification for the Accused's urine specimen collected on 13 March 2025.

a. *Description:* P.E. 11 is the DDRP records and Certification associated with the Accused's urinalysis test taking place on 13 March 2025. (**Att. 26**). The DDRP records each include the Order to Provide Urine Specimen for *Bickel* Testing, Drug Testing Program Testing Register, DD

Form 2624 Specimen Custody Document, Drug Testing Observer's Briefing, and the Electronic Copy of the DD 2624.

b. *Foundation*: The prosecution obtained a business records certification from the Tinker Air Force Base Drug Testing Program Manager (DTPAM) Mr. [REDACTED] qualifying these records as true and accurate copies of the DDRP records that are kept as part of regularly conducted activities as defined by Mil. R. Evid. 803(6). Each record was made at or near the time of the event by someone with knowledge, was kept in the course of a regularly conducted activity, and was made as part of a regular practice of that activity. Additionally, Mr. [REDACTED] has personal knowledge to authenticate these exhibits. If Defense objects to foundation for these exhibits, the Government intends to call Mr. [REDACTED] (and the observer, SSgt [REDACTED], if needed) to testify to the foundation at an Article 39(a) prior to trial.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), 901(b)(1), and 902(11).

d. *Relevance*: This exhibit is relevant because it has a tendency to make a fact of consequence, that the Accused wrongfully used THC-9, more probable than it would be without the evidence. These documents demonstrate that the urine specimen collected from the Accused on 13 March 2025 was properly collected, handled, and shipped to AFDTL for testing. Specifically, the Order to Provide Testing is part of the chronological presentation of facts that led to the United States Air Force collecting the Accused's urine. The Drug Testing Program Testing Register is needed to demonstrate the process in which the Accused's urine was collected and to show that the urine specimen originated from the accused at 72d ABW DDRP. The DD Form 2624 Specimen Custody Document establishes that it was the same urine sample that the Accused confirmed was his urine that was ultimately sent to AFDTL for testing. That urine sample tested positive for THC-9 metabolites. This document also demonstrates the chain of custody of the Accused's sample and includes the collection, securing, quality check, and shipment of the specimen. The Drug Testing Observer's Briefing demonstrates that SSgt [REDACTED], the observer, was properly trained on drug testing observer responsibilities to ensure there was no contamination or dilution during the process and that the Accused provided the specimen in accordance with Air Force regulations. The Electronic Copy of the DD 2624 establishes the amount of THC-9 found in the Accused's urine and connects the batch and specimen number, LAN, and the Accused's DoD ID.

27. Prosecution Exhibit 12 for Identification (P.E. 12): AFDTL Drug Testing Reports for the Accused's urine specimen collected on 13 March 2025 (Specimen ID F529-0049-217, B2503447009).

a. *Description*: P.E. 12 is the laboratory documentation from the AFDTL associated with the Accused's urinalysis test taking place on 13 March 2025. (**Att. 27**). It shows chain of custody information, testing methodologies, and results.

b. *Foundation*: This exhibit is a record of a regularly conducted activity under Mil. R. Evid. 803(6) because it was made at or near the time of the event by someone with knowledge, it was kept in the course of a regularly conducted activity, and it was made as part of a regular practice of that activity. It has been pre-certified as a business record under Mil. R. Evid. 902(11) by AFDTL.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), and 902(11)

d. *Relevance*: This report shows that the Accused had THC-9 in his system on the dates of testing. These reports are admissible pursuant to *United States v. Bogdonas*, 2013 CCA LEXIS 316 (A.F.C.C.A. 2013) and *United States v. Tearman*, 72 M.J. 54 (C.A.A.F. 2013). Furthermore, the report contains the chain of custody documents pertaining to the urine sample, machine generated information, stamped entries indicating the purpose for the change in custody, data review worksheets including names, signatures, and dates—all of which are nontestimonial. Pursuant to *Bogdonas* and *Tearman*, any portions that may constitute testimonial hearsay have been redacted from each report.

28. Prosecution Exhibit 13 for Identification (P.E. 13): DDRP Records and Certification for the Accused's urine specimen collected on 21 March 2025.

a. *Description*: P.E. 13 are the DDRP records and Certification associated with the Accused's urinalysis test taking place on 21 March 2025. (**Att. 28**). The DDRP records each include the Order to Provide Urine Specimen for *Bickel* Testing, Drug Testing Program Testing Register, DD Form 2624 Specimen Custody Document, Drug Testing Observer's Briefing, and the Electronic Copy of the DD 2624.

b. *Foundation*: The prosecution obtained a business records certification from the Tinker Air Force Base Drug Testing Program Manager (DTPAM) Mr. [REDACTED] qualifying these records as true and accurate copies of the DDRP records that are kept as part of regularly conducted activities as defined by Mil. R. Evid. 803(6). Each record was made at or near the time of the event by someone with knowledge, was kept in the course of a regularly conducted activity, and was made as part of a regular practice of that activity. Additionally, Mr. [REDACTED] has personal knowledge to authenticate these exhibits. If Defense objects to foundation for these exhibits, the Government intends to call Mr. [REDACTED] (and the observer, SSgt [REDACTED], if needed) to testify to the foundation at an Article 39(a) prior to trial.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), 901(b)(1), and 902(11).

d. *Relevance*: This exhibit is relevant because it has a tendency to make a fact of consequence, that the Accused wrongfully used THC-9, more probable than it would be without the evidence. These documents demonstrate that the urine specimen collected from the Accused on 21 March 2025 was properly collected, handled, and shipped to AFDTL for testing. Specifically, the Order to Provide Testing is part of the chronological presentation of facts that led to the United States Air Force collecting the Accused's urine. The Drug Testing Program Testing Register is needed to demonstrate the process in which the Accused's urine was collected and to show that the urine specimen originated from the accused at 72d ABW DDRP. The DD Form 2624 Specimen Custody Document establishes that it was the same urine sample that the Accused confirmed was his urine that was ultimately sent to AFDTL for testing. That urine sample tested positive for THC-9 metabolites. This document also demonstrates the chain of custody of the Accused's sample and includes the collection, securing, quality check, and shipment of the specimen. The Drug Testing Observer's Briefing demonstrates that SSgt [REDACTED], the observer, was properly trained on drug testing observer responsibilities to ensure there was no contamination or dilution during the

process and that the Accused provided the specimen in accordance with Air Force regulations. The Electronic Copy of the DD 2624 establishes the amount of THC-9 found in the Accused's urine and connects the batch and specimen number, LAN, and the Accused's DoD ID.

29. Prosecution Exhibit 14 for Identification (P.E. 14): AFDTL Drug Testing Reports for the Accused's urine specimen collected on 21 March 2025 (Specimen ID F529-0049-260, B2503607001).

a. *Description:* P.E. 14 is the laboratory documentation from the AFDTL associated with the Accused's urinalysis test taking place on 21 March 2025. (**Att. 29**). It shows chain of custody information, testing methodologies, and results.

b. *Foundation:* This exhibit is a record of a regularly conducted activity under Mil. R. Evid. 803(6) because it was made at or near the time of the event by someone with knowledge, it was kept in the course of a regularly conducted activity, and it was made as part of a regular practice of that activity. It has been pre-certified as a business record under Mil. R. Evid. 902(11) by AFDTL.

c. *Basis of Admissibility:* Mil. R. Evid. 401, 803(6), and 902(11)

d. *Relevance:* This report shows that the Accused had THC-9 in his system on the dates of testing. These reports are admissible pursuant to *United States v. Bogdonas*, 2013 CCA LEXIS 316 (A.F.C.C.A. 2013) and *United States v. Tearman*, 72 M.J. 54 (C.A.A.F. 2013). Furthermore, the report contains the chain of custody documents pertaining to the urine sample, machine generated information, stamped entries indicating the purpose for the change in custody, data review worksheets including names, signatures, and dates—all of which are nontestimonial. Pursuant to *Bogdonas* and *Tearman*, any portions that may constitute testimonial hearsay have been redacted from each report.

30. Prosecution Exhibit 15 for Identification (P.E. 15): DDRP Records and Certification for the Accused's urine specimen collected on 31 March 2025.

a. *Description:* P.E. 15 is the DDRP records and Certification associated with the Accused's urinalysis test taking place on 31 March 2025. (**Att. 30**). The DDRP records each include the Order to Provide Urine Specimen for *Bickel* Testing, Drug Testing Program Testing Register, DD Form 2624 Specimen Custody Document, Drug Testing Observer's Briefing, and the Electronic Copy of the DD 2624.

b. *Foundation:* The prosecution obtained a business records certification from the Tinker Air Force Base Drug Testing Program Manager (DTPAM) Mr. [REDACTED] qualifying these records as true and accurate copies of the DDRP records that are kept as part of regularly conducted activities as defined by Mil. R. Evid. 803(6). Each record was made at or near the time of the event by someone with knowledge, was kept in the course of a regularly conducted activity, and was made as part of a regular practice of that activity. Additionally, Mr. [REDACTED] has personal knowledge to authenticate these exhibits. If Defense objects to foundation for these exhibits, the

Government intends to call Mr. [REDACTED] (and the observer, SSgt [REDACTED], if needed) to testify to the foundation at an Article 39(a) prior to trial.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), 901(b)(1), and 902(11).

d. *Relevance*: This exhibit is relevant because it has a tendency to make a fact of consequence, that the Accused wrongfully used THC-9, more probable than it would be without the evidence. These documents demonstrate that the urine specimen collected from the Accused on 31 March 2025 was properly collected, handled, and shipped to AFDTL for testing. Specifically, the Order to Provide Testing is part of the chronological presentation of facts that led to the United States Air Force collecting the Accused's urine. The Drug Testing Program Testing Register is needed to demonstrate the process in which the Accused's urine was collected and to show that the urine specimen originated from the accused at 72d ABW DDRP. The DD Form 2624 Specimen Custody Document establishes that it was the same urine sample that the Accused confirmed was his urine that was ultimately sent to AFDTL for testing. That urine sample tested positive for THC-9 metabolites. This document also demonstrates the chain of custody of the Accused's sample and includes the collection, securing, quality check, and shipment of the specimen. The Drug Testing Observer's Briefing demonstrates that SSgt [REDACTED], the observer, was properly trained on drug testing observer responsibilities to ensure there was no contamination or dilution during the process and that the Accused provided the specimen in accordance with Air Force regulations. The Electronic Copy of the DD 2624 establishes the amount of THC-9 found in the Accused's urine and connects the batch and specimen number, LAN, and the Accused's DoD ID.

31. Prosecution Exhibit 16 for Identification (P.E. 16): AFDTL Drug Testing Reports for the Accused's urine specimen collected on 31 March 2025 (Specimen ID F529-0049-494, B2504021037).

a. *Description*: P.E. 16 is the laboratory documentation from the AFDTL associated with the Accused's urinalysis test taking place on 31 March 2025. (**Att. 31**). It shows chain of custody information, testing methodologies, and results.

b. *Foundation*: This exhibit is a record of a regularly conducted activity under Mil. R. Evid. 803(6) because it was made at or near the time of the event by someone with knowledge, it was kept in the course of a regularly conducted activity, and it was made as part of a regular practice of that activity. It has been pre-certified as a business record under Mil. R. Evid. 902(11) by AFDTL.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), and 902(11)

d. *Relevance*: This report shows that the Accused had THC-9 in his system on the dates of testing. These reports are admissible pursuant to *United States v. Bogdonas*, 2013 CCA LEXIS 316 (A.F.C.C.A. 2013) and *United States v. Tearman*, 72 M.J. 54 (C.A.A.F. 2013). Furthermore, the report contains the chain of custody documents pertaining to the urine sample, machine generated information, stamped entries indicating the purpose for the change in custody, data review worksheets including names, signatures, and dates—all of which are nontestimonial.

Pursuant to *Bogdonas* and *Tearman*, any portions that may constitute testimonial hearsay have been redacted from each report.

32. Prosecution Exhibit 17 for Identification (P.E. 17): DDRP Records and Certification for the Accused's urine specimen collected on 8 April 2025.

a. *Description:* P.E. 17 is the DDRP records and Certification associated with the Accused's urinalysis test taking place on 8 April 2025. (**Att. 32**). The DDRP records each include the Order to Provide Urine Specimen for *Bickel* Testing, Drug Testing Program Testing Register, DD Form 2624 Specimen Custody Document, Drug Testing Observer's Briefing, and the Electronic Copy of the DD 2624.

b. *Foundation:* The prosecution obtained a business records certification from the Tinker Air Force Base Drug Testing Program Manager (DTPAM) Mr. [REDACTED] qualifying these records as true and accurate copies of the DDRP records that are kept as part of regularly conducted activities as defined by Mil. R. Evid. 803(6). Each record was made at or near the time of the event by someone with knowledge, was kept in the course of a regularly conducted activity, and was made as part of a regular practice of that activity. Additionally, Mr. [REDACTED] has personal knowledge to authenticate these exhibits. If Defense objects to foundation for these exhibits, the Government intends to call Mr. [REDACTED] (and the observer, 1st Lt [REDACTED], if needed) to testify to the foundation at an Article 39(a) prior to trial.

c. *Basis of Admissibility:* Mil. R. Evid. 401, 803(6), 901(b)(1), and 902(11).

d. *Relevance:* This exhibit is relevant because it has a tendency to make a fact of consequence, that the Accused wrongfully used THC-9, more probable than it would be without the evidence. These documents demonstrate that the urine specimen collected from the Accused on 8 April 2025 was properly collected, handled, and shipped to AFDTL for testing. Specifically, the Order to Provide Testing is part of the chronological presentation of facts that led to the United States Air Force collecting the Accused's urine. The Drug Testing Program Testing Register is needed to demonstrate the process in which the Accused's urine was collected and to show that the urine specimen originated from the accused at 72d ABW DDRP. The DD Form 2624 Specimen Custody Document establishes that it was the same urine sample that the Accused confirmed was his urine that was ultimately sent to AFDTL for testing. That urine sample tested positive for THC-9 metabolites. This document also demonstrates the chain of custody of the Accused's sample and includes the collection, securing, quality check, and shipment of the specimen. The Drug Testing Observer's Briefing demonstrates that 1st Lt [REDACTED], the observer, was properly trained on drug testing observer responsibilities to ensure there was no contamination or dilution during the process and that the Accused provided the specimen in accordance with Air Force regulations. The Electronic Copy of the DD 2624 establishes the amount of THC-9 found in the Accused's urine and connects the batch and specimen number, LAN, and the Accused's DoD ID.

33. Prosecution Exhibit 18 for Identification (P.E. 18): AFDTL Drug Testing Reports for the Accused's urine specimen collected on 8 April 2025 (Specimen ID F529-0049-752, B2504258002).

a. *Description*: P.E. 18 is the laboratory documentation from the AFDTL associated with the Accused's urinalysis test taking place on 8 April 2025. (**Att. 33**). It shows chain of custody information, testing methodologies, and results.

b. *Foundation*: This exhibit is a record of a regularly conducted activity under Mil. R. Evid. 803(6) because it was made at or near the time of the event by someone with knowledge, it was kept in the course of a regularly conducted activity, and it was made as part of a regular practice of that activity. It has been pre-certified as a business record under Mil. R. Evid. 902(11) by AFDTL.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), and 902(11)

d. *Relevance*: This report shows that the Accused had THC-9 in his system on the dates of testing. These reports are admissible pursuant to *United States v. Bogdonas*, 2013 CCA LEXIS 316 (A.F.C.C.A. 2013) and *United States v. Tearman*, 72 M.J. 54 (C.A.A.F. 2013). Furthermore, the report contains the chain of custody documents pertaining to the urine sample, machine generated information, stamped entries indicating the purpose for the change in custody, data review worksheets including names, signatures, and dates—all of which are nontestimonial. Pursuant to *Bogdonas* and *Tearman*, any portions that may constitute testimonial hearsay have been redacted from each report.

34. Prosecution Exhibit 19 for Identification (P.E. 19): DDRP Records and Certification for the Accused's urine specimen collected on 16 April 2025.

a. *Description*: P.E. 19 is the DDRP records and Certification associated with the Accused's urinalysis test taking place on 16 April 2025. (**Att. 34**). The DDRP records each include the Order to Provide Urine Specimen for *Bickel* Testing, Drug Testing Program Testing Register, DD Form 2624 Specimen Custody Document, Drug Testing Observer's Briefing, and the Electronic Copy of the DD 2624.

b. *Foundation*: The prosecution obtained a business records certification from the Tinker Air Force Base Drug Testing Program Manager (DTPAM) Mr. [REDACTED] qualifying these records as true and accurate copies of the DDRP records that are kept as part of regularly conducted activities as defined by Mil. R. Evid. 803(6). Each record was made at or near the time of the event by someone with knowledge, was kept in the course of a regularly conducted activity, and was made as part of a regular practice of that activity. Additionally, Mr. [REDACTED] has personal knowledge to authenticate these exhibits. If Defense objects to foundation for these exhibits, the Government intends to call Mr. [REDACTED] (and the observer, TSgt [REDACTED], if needed) to testify to the foundation at an Article 39(a) prior to trial.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), 901(b)(1), and 902(11).

d. *Relevance*: This exhibit is relevant because it has a tendency to make a fact of consequence, that the Accused wrongfully used THC-9, more probable than it would be without the evidence. These documents demonstrate that the urine specimen collected from the Accused on 16 April 2025 was properly collected, handled, and shipped to AFDTL for testing. Specifically, the Order

to Provide Testing is part of the chronological presentation of facts that led to the United States Air Force collecting the Accused's urine. The Drug Testing Program Testing Register is needed to demonstrate the process in which the Accused's urine was collected and to show that the urine specimen originated from the accused at 72d ABW DDRP. The DD Form 2624 Specimen Custody Document establishes that it was the same urine sample that the Accused confirmed was his urine that was ultimately sent to AFDTL for testing. That urine sample tested positive for THC-9 metabolites. This document also demonstrates the chain of custody of the Accused's sample and includes the collection, securing, quality check, and shipment of the specimen. The Drug Testing Observer's Briefing demonstrates that TSgt [REDACTED], the observer, was properly trained on drug testing observer responsibilities to ensure there was no contamination or dilution during the process and that the Accused provided the specimen in accordance with Air Force regulations. The Electronic Copy of the DD 2624 establishes the amount of THC-9 found in the Accused's urine and connects the batch and specimen number, LAN, and the Accused's DoD ID.

35. Prosecution Exhibit 20 for Identification (P.E. 20): AFDTL Drug Testing Reports for the Accused's urine specimen collected on 16 April 2025 (Specimen ID F529-0049-859, B2504448039).

a. *Description:* P.E. 20 is the laboratory documentation from the AFDTL associated with the Accused's urinalysis test taking place on 16 April 2025. (**Att. 35**). It shows chain of custody information, testing methodologies, and results.

b. *Foundation:* This exhibit is a record of a regularly conducted activity under Mil. R. Evid. 803(6) because it was made at or near the time of the event by someone with knowledge, it was kept in the course of a regularly conducted activity, and it was made as part of a regular practice of that activity. It has been pre-certified as a business record under Mil. R. Evid. 902(11) by AFDTL.

c. *Basis of Admissibility:* Mil. R. Evid. 401, 803(6), and 902(11)

d. *Relevance:* This report shows that the Accused had THC-9 in his system on the dates of testing. These reports are admissible pursuant to *United States v. Bogdonas*, 2013 CCA LEXIS 316 (A.F.C.C.A. 2013) and *United States v. Tearman*, 72 M.J. 54 (C.A.A.F. 2013). Furthermore, the report contains the chain of custody documents pertaining to the urine sample, machine generated information, stamped entries indicating the purpose for the change in custody, data review worksheets including names, signatures, and dates—all of which are nontestimonial. Pursuant to *Bogdonas* and *Tearman*, any portions that may constitute testimonial hearsay have been redacted from each report.

36. Prosecution Exhibit 21 for Identification (P.E. 21): DDRP Records and Certification for the Accused's urine specimen collected on 24 April 2025.

a. *Description:* P.E. 21 is the DDRP records and Certification associated with the Accused's urinalysis test taking place on 24 April 2025. (**Att. 36**). The DDRP records each include the Order to Provide Urine Specimen for *Bickel* Testing, Drug Testing Program Testing Register, DD Form

2624 Specimen Custody Document, Drug Testing Observer's Briefing, and the Electronic Copy of the DD 2624.

b. *Foundation*: The prosecution obtained a business records certification from the Tinker Air Force Base Drug Testing Program Manager (DTPAM) Mr. [REDACTED] qualifying these records as true and accurate copies of the DDRP records that are kept as part of regularly conducted activities as defined by Mil. R. Evid. 803(6). Each record was made at or near the time of the event by someone with knowledge, was kept in the course of a regularly conducted activity, and was made as part of a regular practice of that activity. Additionally, Mr. [REDACTED] has personal knowledge to authenticate these exhibits. If Defense objects to foundation for these exhibits, the Government intends to call Mr. [REDACTED] (and the observer, 1st Lt [REDACTED], if needed) to testify to the foundation at an Article 39(a) prior to trial.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), 901(b)(1), and 902(11).

d. *Relevance*: This exhibit is relevant because it has a tendency to make a fact of consequence, that the Accused wrongfully used THC-9, more probable than it would be without the evidence. These documents demonstrate that the urine specimen collected from the Accused on 24 April 2025 was properly collected, handled, and shipped to AFDTL for testing. Specifically, the Order to Provide Testing is part of the chronological presentation of facts that led to the United States Air Force collecting the Accused's urine. The Drug Testing Program Testing Register is needed to demonstrate the process in which the Accused's urine was collected and to show that the urine specimen originated from the accused at 72d ABW DDRP. The DD Form 2624 Specimen Custody Document establishes that it was the same urine sample that the Accused confirmed was his urine that was ultimately sent to AFDTL for testing. That urine sample tested positive for THC-9 metabolites. This document also demonstrates the chain of custody of the Accused's sample and includes the collection, securing, quality check, and shipment of the specimen. The Drug Testing Observer's Briefing demonstrates that 1st Lt [REDACTED], the observer, was properly trained on drug testing observer responsibilities to ensure there was no contamination or dilution during the process and that the Accused provided the specimen in accordance with Air Force regulations. The Electronic Copy of the DD 2624 establishes the amount of THC-9 found in the Accused's urine and connects the batch and specimen number, LAN, and the Accused's DoD ID.

37. Prosecution Exhibit 22 for Identification (P.E. 22): AFDTL Drug Testing Reports for the Accused's urine specimen collected on 24 April 2025 (Specimen ID F529-0050-018, B2504644002).

a. *Description*: P.E. 22 is the laboratory documentation from the AFDTL associated with the Accused's urinalysis test taking place on 24 April 2025. (**Att. 37**). It shows chain of custody information, testing methodologies, and results.

b. *Foundation*: This exhibit is a record of a regularly conducted activity under Mil. R. Evid. 803(6) because it was made at or near the time of the event by someone with knowledge, it was kept in the course of a regularly conducted activity, and it was made as part of a regular practice of that activity. It has been pre-certified as a business record under Mil. R. Evid. 902(11) by AFDTL.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), and 902(11)

d. *Relevance*: This report shows that the Accused had THC-9 in his system on the dates of testing. These reports are admissible pursuant to *United States v. Bogdonas*, 2013 CCA LEXIS 316 (A.F.C.C.A. 2013) and *United States v. Tearman*, 72 M.J. 54 (C.A.A.F. 2013). Furthermore, the report contains the chain of custody documents pertaining to the urine sample, machine generated information, stamped entries indicating the purpose for the change in custody, data review worksheets including names, signatures, and dates—all of which are nontestimonial. Pursuant to *Bogdonas* and *Tearman*, any portions that may constitute testimonial hearsay have been redacted from each report.

38. Prosecution Exhibit 23 for Identification (P.E. 23): DDRP Records and Certification for the Accused's urine specimen collected on 5 May 2025.

a. *Description*: P.E. 22 is the DDRP records and Certification associated with the Accused's urinalysis test taking place on 5 May 2025. (**Att. 38**). The DDRP records each include the Order to Provide Urine Specimen for *Bickel* Testing, Drug Testing Program Testing Register, DD Form 2624 Specimen Custody Document, Drug Testing Observer's Briefing, and the Electronic Copy of the DD 2624.

b. *Foundation*: The prosecution obtained a business records certification from the Tinker Air Force Base Drug Testing Program Manager (DTPAM) Mr. [REDACTED] qualifying these records as true and accurate copies of the DDRP records that are kept as part of regularly conducted activities as defined by Mil. R. Evid. 803(6). Each record was made at or near the time of the event by someone with knowledge, was kept in the course of a regularly conducted activity, and was made as part of a regular practice of that activity. Additionally, Mr. [REDACTED] has personal knowledge to authenticate these exhibits. If Defense objects to foundation for these exhibits, the Government intends to call Mr. [REDACTED] (and the observer, SSgt [REDACTED], if needed) to testify to the foundation at an Article 39(a) prior to trial.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), 901(b)(1), and 902(11).

d. *Relevance*: This exhibit is relevant because it has a tendency to make a fact of consequence, that the Accused wrongfully used THC-9, more probable than it would be without the evidence. These documents demonstrate that the urine specimen collected from the Accused on 5 May 2025 was properly collected, handled, and shipped to AFDTL for testing. Specifically, the Order to Provide Testing is part of the chronological presentation of facts that led to the United States Air Force collecting the Accused's urine. The Drug Testing Program Testing Register is needed to demonstrate the process in which the Accused's urine was collected and to show that the urine specimen originated from the accused at 72d ABW DDRP. The DD Form 2624 Specimen Custody Document establishes that it was the same urine sample that the Accused confirmed was his urine that was ultimately sent to AFDTL for testing. That urine sample tested positive for THC-9 metabolites. This document also demonstrates the chain of custody of the Accused's sample and includes the collection, securing, quality check, and shipment of the specimen. The Drug Testing Observer's Briefing demonstrates that SSgt [REDACTED], the observer, was properly trained on drug testing observer responsibilities to ensure there was no contamination or dilution during the

process and that the Accused provided the specimen in accordance with Air Force regulations. The Electronic Copy of the DD 2624 establishes the amount of THC-9 found in the Accused's urine and connects the batch and specimen number, LAN, and the Accused's DoD ID.

39. Prosecution Exhibit 24 for Identification (P.E. 24): AFDTL Drug Testing Reports for the Accused's urine specimen collected on 5 May 2025 (Specimen ID F529-0050-268, B2505103150).

a. *Description:* P.E. 24 is the laboratory documentation from the AFDTL associated with the Accused's urinalysis test taking place on 5 May 2025. (**Att. 39**). It shows chain of custody information, testing methodologies, and results.

b. *Foundation:* This exhibit is a record of a regularly conducted activity under Mil. R. Evid. 803(6) because it was made at or near the time of the event by someone with knowledge, it was kept in the course of a regularly conducted activity, and it was made as part of a regular practice of that activity. It has been pre-certified as a business record under Mil. R. Evid. 902(11) by AFDTL.

c. *Basis of Admissibility:* Mil. R. Evid. 401, 803(6), and 902(11)

d. *Relevance:* This report shows that the Accused had THC-9 in his system on the dates of testing. These reports are admissible pursuant to *United States v. Bogdonas*, 2013 CCA LEXIS 316 (A.F.C.C.A. 2013) and *United States v. Tearman*, 72 M.J. 54 (C.A.A.F. 2013). Furthermore, the report contains the chain of custody documents pertaining to the urine sample, machine generated information, stamped entries indicating the purpose for the change in custody, data review worksheets including names, signatures, and dates—all of which are nontestimonial. Pursuant to *Bogdonas* and *Tearman*, any portions that may constitute testimonial hearsay have been redacted from each report.

40. Prosecution Exhibit 25 for Identification (P.E. 25): DDRP Records and Certification for the Accused's urine specimen collected on 9 June 2025.

a. *Description:* P.E. 25 is the DDRP records and Certification associated with the Accused's urinalysis test taking place on 9 June 2025. (**Att. 40**). The DDRP records each include the Order to Provide Urine Specimen for *Bickel* Testing, Drug Testing Program Testing Register, DD Form 2624 Specimen Custody Document, Drug Testing Observer's Briefing, and the Electronic Copy of the DD 2624.

b. *Foundation:* The prosecution obtained a business records certification from the Tinker Air Force Base Drug Testing Program Manager (DTPAM) Mr. [REDACTED] qualifying these records as true and accurate copies of the DDRP records that are kept as part of regularly conducted activities as defined by Mil. R. Evid. 803(6). Each record was made at or near the time of the event by someone with knowledge, was kept in the course of a regularly conducted activity, and was made as part of a regular practice of that activity. Additionally, Mr. [REDACTED] has personal knowledge to authenticate these exhibits. If Defense objects to foundation for these exhibits, the

Government intends to call Mr. [REDACTED] (and the observer, SSgt [REDACTED], if needed) to testify to the foundation at an Article 39(a) prior to trial.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), 901(b)(1), and 902(11).

d. *Relevance*: This exhibit is relevant because it has a tendency to make a fact of consequence, that the Accused wrongfully used THC-9, more probable than it would be without the evidence. These documents demonstrate that the urine specimen collected from the Accused on 9 June 2025 was properly collected, handled, and shipped to AFDTL for testing. Specifically, the Order to Provide Testing is part of the chronological presentation of facts that led to the United States Air Force collecting the Accused's urine. The Drug Testing Program Testing Register is needed to demonstrate the process in which the Accused's urine was collected and to show that the urine specimen originated from the accused at 72d ABW DDRP. The DD Form 2624 Specimen Custody Document establishes that it was the same urine sample that the Accused confirmed was his urine that was ultimately sent to AFDTL for testing. That urine sample tested positive for THC-9 metabolites. This document also demonstrates the chain of custody of the Accused's sample and includes the collection, securing, quality check, and shipment of the specimen. The Drug Testing Observer's Briefing demonstrates that SSgt [REDACTED], the observer, was properly trained on drug testing observer responsibilities to ensure there was no contamination or dilution during the process and that the Accused provided the specimen in accordance with Air Force regulations. The Electronic Copy of the DD 2624 establishes the amount of THC-9 found in the Accused's urine and connects the batch and specimen number, LAN, and the Accused's DoD ID.

41. Prosecution Exhibit 26 for Identification (P.E. 26): AFDTL Drug Testing Reports for the Accused's urine specimen collected on 9 June 2025 (Specimen ID F529-0051-089, B2506230003).

a. *Description*: P.E. 26 is the laboratory documentation from the AFDTL associated with the Accused's urinalysis test taking place on 9 June 2025. (**Att. 41**). It shows chain of custody information, testing methodologies, and results.

b. *Foundation*: This exhibit is a record of a regularly conducted activity under Mil. R. Evid. 803(6) because it was made at or near the time of the event by someone with knowledge, it was kept in the course of a regularly conducted activity, and it was made as part of a regular practice of that activity. It has been pre-certified as a business record under Mil. R. Evid. 902(11) by AFDTL.

c. *Basis of Admissibility*: Mil. R. Evid. 401, 803(6), and 902(11)

d. *Relevance*: This report shows that the Accused had THC-9 in his system on the dates of testing. These reports are admissible pursuant to *United States v. Bogdonas*, 2013 CCA LEXIS 316 (A.F.C.C.A. 2013) and *United States v. Tearman*, 72 M.J. 54 (C.A.A.F. 2013). Furthermore, the report contains the chain of custody documents pertaining to the urine sample, machine generated information, stamped entries indicating the purpose for the change in custody, data review worksheets including names, signatures, and dates—all of which are nontestimonial.

Pursuant to *Bogdonas* and *Tearman*, any portions that may constitute testimonial hearsay have been redacted from each report.

RELIEF REQUESTED

The Government moves this Honorable Court to pre-admit, in the interest of judicial economy, the foregoing Prosecution Exhibits for Identification into evidence.

The Government reserves the right to supplement this exhibit list at a future date and will provide notice to Your Honor and Defense Counsel immediately if requesting preadmission of additional exhibits.

Respectfully submitted,



ALISON R. SHERRILL, Capt, USAF
Assistant Trial Counsel

41 Attachments:

1. Charge Sheet (redacted), dated 10 September 2025 (2 pages)
2. 72 ABW Bickel Policy Memo, dated 26 August 2021 (2 pages)
3. 72 SFS/S5R Incident Report (redacted), dated 27 August 2024 (17 pages)
4. Forensic Toxicology Investigation Report (redacted), dated 13 September 2024 (6 pages)
5. DDRP Records (redacted) for 24 October 2024 Urinalysis, various dates (7 pages)
6. DDRP Records (redacted) for 5 November 2024 Urinalysis, various dates (5 pages)
7. DDRP Records (redacted) for 14 November 2024 Urinalysis, various dates (7 pages)
8. DDRP Records (redacted) for 25 November 2024 Urinalysis, various dates (7 pages)
9. DDRP Records (redacted) for 5 December 2024 Urinalysis, various dates (6 pages)
10. DDRP Records (redacted) for 13 December 2024 Urinalysis, various dates (7 pages)
11. DDRP Records (redacted) for 30 December 2024 Urinalysis, various dates (7 pages)
12. DDRP Records (redacted) for 13 January 2024 Urinalysis, various dates (7 pages)
13. DDRP Records (redacted) for 21 January 2024 Urinalysis, various dates (7 pages)
14. AF 3070, dated 3 February 2025 (4 pages)
15. Response to Nonjudicial Punishment Proceedings, dated 6 February 2025 (2 pages)
16. P.E. 1: DDRP Records (redacted) and Certification for 31 January 2025 Urinalysis (Specimen F529-0048-245), various dates (8 pages)
17. P.E. 2: AFDTL Drug Testing Report (redacted) and Certification for Specimen F529-0048-245, dated 10 July 2025 (35 pages)
18. P.E. 3: DDRP Records (redacted) and Certification for 10 February 2025 Urinalysis (Specimen F529-0048-579), various dates (8 pages)
19. P.E. 4: AFDTL Drug Testing Report (redacted) and Certification for Specimen F529-0048-579, dated 2 January 2026 (35 pages)

20. P.E. 5: DDRP Records (redacted) and Certification for 20 February 2025 Urinalysis (Specimen F529-0048-628), various dates (8 pages)
21. P.E. 6: AFDTL Drug Testing Report (redacted) and Certification for Specimen F529-0048-628, dated 31 December 2025 (34 pages)
22. P.E. 7: DDRP Records (redacted) and Certification for 27 February 2025 Urinalysis (Specimen F529-0048-831), various dates (8 pages)
23. P.E. 8: AFDTL Drug Testing Report (redacted) and Certification for Specimen F529-0048-831, dated 31 December 2025 (35 pages)
24. P.E. 9: DDRP Records (redacted) and Certification for 6 March 2025 Urinalysis (Specimen F529-0049-023), various dates (8 pages)
25. P.E. 10: AFDTL Drug Testing Report (redacted) and Certification for Specimen F529-0049-023, dated 12 January 2026 (34 pages)
26. P.E. 11: DDRP Records (redacted) and Certification for 13 March 2025 Urinalysis (Specimen F529-0049-217), various dates (8 pages)
27. P.E. 12: AFDTL Drug Testing Report (redacted) and Certification for Specimen F529-0049-217, dated 14 July 2025 (34 pages)
28. P.E. 13: DDRP Records (redacted) and Certification for 21 March 2025 Urinalysis (Specimen F529-0049-260), various dates (8 pages)
29. P.E. 14: AFDTL Drug Testing Report (redacted) and Certification for Specimen F529-0049-260, dated 9 July 2025 (36 pages)
30. P.E. 15: DDRP Records (redacted) and Certification for 31 Mar 2025 Urinalysis (Specimen F529-0049-494), various dates (8 pages)
31. P.E. 16: AFDTL Drug Testing Report (redacted) and Certification for Specimen F529-0049-494, dated 9 July 2025 (34 pages)
32. P.E. 17: DDRP Records (redacted) and Certification for 8 Apr 2025 Urinalysis (Specimen F529-0049-752), various dates (8 pages)
33. P.E. 18: AFDTL Drug Testing Report (redacted) and Certification for Specimen F529-0049-752, dated 9 July 2025 (33 pages)
34. P.E. 19: DDRP Records (redacted) and Certification for 16 Apr 2025 Urinalysis (Specimen F529-0049-859), various dates (8 pages)
35. P.E. 20: AFDTL Drug Testing Report (redacted) and Certification for Specimen F529-0049-859, dated 11 July 2025 (35 pages)
36. P.E. 21: DDRP Records (redacted) and Certification for 24 Apr 2025 Urinalysis (Specimen F529-0050-018), various dates (8 pages)
37. P.E. 22: AFDTL Drug Testing Report (redacted) and Certification for Specimen F529-0050-018, dated 8 January 2026 (34 pages)
38. P.E. 23: DDRP Records (redacted) and Certification for 5 May 2025 Urinalysis (Specimen F529-0050-268), various dates (8 pages)
39. P.E. 24: AFDTL Drug Testing Report (redacted) and Certification for Specimen F529-0050-268, dated 9 January 2026 (35 pages)
40. P.E. 25: DDRP Records (redacted) and Certification for 9 June 2025 Urinalysis (Specimen F529-0051-089), various dates (8 pages)
41. P.E. 26: AFDTL Drug Testing Report (redacted) and Certification for Specimen F529-0051-089, dated 10 July 2025 (34 pages)

CERTIFICATE OF SERVICE

I certify that I served a copy of this Motion to Pre-Admit Evidence via electronic mail and e-file to the Military Judge and Defense Counsel on 26 January 2026.



ALISON R. SHERRILL, Capt, USAF
Assistant Trial Counsel