DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCE TRIAL JUDICIARY

UNITED STATES v. 1ST LT TRAVIS C. BAKER Delta 4 Detachment 2 (SpOC) Buckley Space Force Base, Colorado	)	Defense Motion to Suppress Statements and Evidence 15 May 2023

NOW COMES the Accused, 1st Lt Travis C. Baker, by and through counsel, and pursuant to the Fourth Amendment of the U.S. Constitution, Fifth Amendment of the U.S. Constitution, Article 31, Uniform Code of Military Justice (U.C.M.J.), Rule for Court-Martial (R.C.M.) 905(b)(3), Military Rule of Evidence (M.R.E.) 304(b), and M.R.E. 311 and respectfully moves this Honorable Court to suppress statements made by 1st Lt Baker on 14 October 2022, and all evidence seized as a result of such statements. The Defense requests an Article 39(a), U.C.M.J., session to present additional evidence and argument on the motion.

SUMMARY

1st Lt Baker faces one charge and two specifications in violation of Article 107, Uniform Code of Military Justice (U.C.M.J.), one charge and two specifications in violation of Article 113, U.C.M.J., and one charge and two specifications in violation of Article 133, U.C.M.J.

For the reasons set forth in this motion, the Defense respectfully asks that 1st Lt Baker's statements to [redacted], 21 SFS; [redacted], 21 SFS; [redacted], [redacted], 21 SFS, and [redacted], 21 SFS, be suppressed as being involuntary due to [redacted], [redacted], and [redacted] failure to advise 1st Lt Baker of his Article 31, U.C.M.J. rights, and that all evidence seized as a result of such statements, and all analysis conducted and results from such analyses be suppressed as well.

FACTS

1. 1st Lt Baker faces one charge and two specifications in violation of Article 107, Uniform Code of Military Justice (UCMJ), one charge and two specifications in violation of Article 113, UCMJ, and one charge and two specifications in violation of Article 133, UCMJ.

2. On 14 April 2023, the Government provided notice of its intent to introduce statements 1st Lt Baker allegedly made to [redacted], [redacted], [redacted] and [redacted]. Attachment 7.

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3. On 14 October 2023, while [redacted] was at the West Gate of Peterson Space Force Base, a driver coming through the gate informed him that the driver of a black Ram truck may be drunk. Attachment 1.

4. As a result of this report, [redacted] "stood by to identify any signs of intoxication." *Id.*

5. At approximately 1512, a driver in a black Ram truck pulled up and [redacted] smelled an odor she believed to be an alcohol. Attachments 1, 2.

6. [redacted] took the driver's Common Access Card (CAC), identified the driver as 1st Lt Baker, and, after scanning the CAC in the Defense Biometrics Identification System (DBIDS), discovered the CAC had been terminated. Attachment 2.

7. [redacted] closed the drop arm of the gate in front of the vehicle to restrict forward movement. *Id.*

8. [redacted] took the CAC inside the West Gate. *Id.*

9. [redacted] asked the driver to shut off the vehicle and hand [redacted] his keys. *Id.*

10. While [redacted] was checking the CAC, [redacted] asked Lt Baker how his day was going, and 1st Lt Baker responded his day was going ok, but he was running late for an appointment. Attachment 1.

11. [redacted] noticed 1st Lt Baker's speech was slurred during this conversation. *Id.*

12. [redacted] then told 1st Lt Baker he was concerned about his suitability to drive and asked if he would consent to a series of "pre-exit examinations," to which 1st Lt Baker said yes. *Id.*

13. [redacted] asked 1st Lt Baker to perform a "finger dexterity test," during which "1st Lt Baker failed to maintain a consistent count of 1 to 4 followed by 4 to 1." *Id.*

14. [redacted] asked 1st Lt Baker if he could have his driver's license and he said yes. *Id.*

15. While 1st Lt Baker was retrieving his license, [redacted] asked 1st Lt Baker if he could provide the last four of his social security number. *Id.*

16. 1st Lt Baker asked [redacted] if [redacted] needed to see his social security card, to which [redacted] said, "No, I just need you to tell me the last four numbers." *Id.*

17. 1st Lt Baker then pulled out his social security card and read the last four off of the card. *Id.*

18. [redacted] then asked 1st Lt Baker to state the alphabet starting at G and stopping at O. *Id.*

19. As 1st Lt Baker recited the alphabet, [redacted] believed he stared slowly, skipped the letter L and stated the letter M twice. *Id.*

20. As a result of these questions and answers, [redacted] "terminated the pre-exit examinations" and "asked Lt Baker if he would consent to conducting Field Sobriety Tests." *Id.*

21. 1st Lt Baker stated he would not perform the tests without legal representation present. *Id.*

22. After this interaction, [redacted] called BDOC to have [redacted] transported to the West Gate to advise 1st Lt Baker of his Article 31 rights. *Id.*

23. [redacted] asked [redacted] to "provide over watch" on 1st Lt Baker. Attachment 4.

24. [redacted] talked to 1st Lt Baker and noticed he was slurring his words, had glossy eyes, and was "not making sense" in his speech. *Id.*

25. [redacted] also relayed to [redacted] and [redacted] that 1st Lt Baker told [redacted] 1st Lt Baker was accused of opioid use and other mistreatment from his leadership. *Id.*

26. [redacted] conducted a three-way call with the SJA and installation commander. Attachment 1.

27. At 1617, [redacted], the installation commander, provided verbal authorization to seize blood and urine samples. Attachment 3.

28. At 1625, [redacted] advised 1st Lt Baker of his Article 31, U.C.M.J. rights. *Id.*

29. At 1627, 1st Lt Baker acknowledged and invoked his right to counsel. *Id.*

30. Between 1627 and 1630, [redacted] reiterated to 1st Lt Baker multiple times that his movement was being restricted. *Id.*

31. At 1630, [redacted] arrived at the West gate. *Id.*

32. At 1634, [redacted] told 1st Lt Baker to step out of his vehicle, to which 1st Lt Baker stated, no. *Id.*

33. The third time [redacted] told 1st Lt Baker to exit his vehicle, he also stated, "there is an easy way or a hard way to do this," so listen to my partner. *Id.*

34. 1st Lt Baker got out of his vehicle, looked at [redacted], and stated, "[redacted]… I'll remember that name." *Id.*

35. While [redacted] and [redacted] were transporting 1st Lt Baker, 1st Lt Baker stated, "He better not touch me," and "Sarge, why is the verbal abuser in the vehicle." *Id.*

36. At 1650, the parties arrived at the medical clinic, where 1st Lt Baker's blood was seized. *Id.*

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37. In his affidavit, [redacted] outlined the above statements made by 1st Lt Baker as a basis for a search authorization to search and seize blood and/or urine for the detection of alcohol and/or a controlled substance. Attachment 5.

38. On 17 October 2022, [redacted], Space Delta 1 Commander, signed an Air Force Form 1176, authority to search and seize, based on [redacted] affidavit. Attachment 6.

39. On 19 October 2022, the blood was sent to AFMES, and analyzed, resulting in a confirmed ethanol level. Attachment 8.

BURDEN OF PROOF AND PERSUASION

40. The Government has the burden of proving by a preponderance of the evidence that 1st Lt Baker's statements to [redacted] were voluntary, and therefore admissible. M.R.E. 304(f). Additionally, once a timely objection is made concerning an unlawful search and seizure, the Prosecution bears the burden of proof. R.C.M. 311(d). Any disputed facts necessary to decide the motion must be proved by a preponderance of the evidence. M.R.E. 304(f).

LAW

Statements

41. If an accused makes a timely motion or objection under M.R.E. 304, an involuntary statement from the accused, or any evidence derived therefrom, is inadmissible at trial. *See* M.R.E. 304(a). An involuntary statement is a statement obtained in violation of the self-incrimination privilege or Due Process Clause of the Fifth Amendment to the United States Constitution, Article 31, U.C.M.J., or through the use of coercion, unlawful influence, or unlawful inducement. M.R.E. 304(a)(1)(A); see also, Article 31(d), U.C.M.J.; *United States v. Freeman*, 65 M.J. 451, 453 (C.A.A.F. 2008).

42. The Fifth Amendment to the United States Constitution provides: "No person… shall be compelled in any criminal case to be a witness against himself." *Miranda v. Arizona*, 384 U.S. 436, 469 (1966).

43. The United States Supreme Court has stated that while "no talismanic incantation is required" to satisfy *Miranda*, the warnings required and the waiver necessary as dictated in *Miranda*, "in the absence of a fully effective equivalent," are the prerequisites to the admissibility of any statement made by a defendant. *California v. Prysock*, 453 U.S. 355, 359 (1981) (quoting *Miranda*).

44. If a person a suspected of an offense and subject to custodial interrogation requests counsel, any statement made in the interrogation after such request, or in evidence derived from the interrogation after such request, is inadmissible against the accused unless counsel was present for the interrogation. M.R.E. 305(c)(2); Fifth Amendment, U.S. Const.

45. "Custodial interrogation" means "questioning that takes place while the accused… is in custody, could reasonably believe himself… to be in custody, or is otherwise deprived of his … freedom of action in any significant way." M.R.E. 305(b)(3). "Two discrete inquiries are essential to the determination: first, what were the circumstances surrounding the interrogation; and second, given those circumstances, would a reasonable person have felt he or she was not at liberty to terminate the interrogation and leave." *United States v. Mitchell*, 76 M.J. 413, 417 (C.A.A.F. 2017) (quoting *Thompson v. Keohane*, 516 U.S. 99, 112 (1995). "The ultimate inquiry is simply whether there is a formal arrest or restraint on freedom of movement of the degree associated with a formal arrest." *Mitchell*, 76 M.J. at 417. Courts evaluate, "(1) whether the person appeared for questioning voluntarily; (2) the location and atmosphere of the place in which questioning occurred […] (3) the length of the questioning […] the number of law enforcement officers present at the scene […] and (5) the degree of physical restraint placed upon the suspect." *Id.* at 417 (citing *United States v. Chatfield*, 67 M.J. 432, 438 (C.A.A.F. 2009)).

46. "Protections afforded to servicemembers under Article 31, U.C.M.J., are in many respects broader than the rights afforded to servicemembers under the Fifth Amendment of the Constitution." *United States v. Evans*, 75 M.J. 302, 303 (C.A.A.F. 2016).

47. Article 31(b), U.C.M.J., states,

> No person subject to the code may interrogate, or request any statement from an accused or a person suspected of an offense without first informing him of the nature of the accusation, and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement against him may be used as evidence against him in a trial by court-martial.

48. Additionally, a warning that the servicemember has a right to counsel is required. *United States v. Benner*, 57 M.J. 210, 212 (C.A.A.F. 2002).

49. An "interrogation" is defined as any formal or *informal* questioning in which an incriminating response either is sought *or* is a *reasonable consequence of such questioning*. M.R.E. 305(b)(2) (emphasis added); *Rhode Island v. Innis*, 446 U.S. 291, 301 (1980). The term "interrogation" refers not only to express questioning, "but also to any words or actions on the part of the [law enforcement] (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response." *Id.*

50. Article 31(b), UCMJ, warnings are required when, "(a) a person subject to the U.C.M.J., (2) interrogates or requests any statement, (3) from an accused or person suspected of an offense, and (4) the statements regarding the offense of which the person questioned is accused or suspected." *United States v. Jones*, 73 M.J. 357, 361 (C.A.A.F. 2014) (citing *United States v. Cohen*, 63 M.J. 45, 49 (C.A.A.F. 2006)).

51. Whether a person is a suspect at the time of questioning is an objective question that "is answered by considering all the facts and circumstances at the time of the interview to determine

whether the military questioner believed or reasonably should have believed that the service member committed an offense." *Cohen*, 63 M.J. at 50 (quotation omitted). The amount of evidence required to treat an individual as a suspect is a "relatively low quantum of evidence." *United States v. Swift*, 53 M.J. 439, 447 (C.A.A.F. 2000).

52. Under Article 31(b)'s second requirement, "rights warnings are required 'if the person conducting the questioning is participating in an official law enforcement or disciplinary investigation or inquiry,' as opposed to having a personal motivation for the inquiry." *Jones*, 73 M.J. at 361 (citing *Swift*, M.J. at 446).

53. With few exceptions, statements obtained in violation of Article 31, U.C.M.J. may not be received in evidence against an accused in a trial by court-martial. Article 31(d), U.C.M.J.; *United States v. Gilbreath*, 74 M.J. 11, 2014 CAAF Lexis 1206, *22 (C.A.A.F. 2014) ("The U.C.M.J. and the M.R.E. provide that a statement obtained without a rights warning is akin to an involuntary statement, and is inadmissible"); M.R.E. 305(c)(1).

54. Officer intent is relevant to all pre-interview tactics. *Missouri v. Seibert*, 542 U.S. 600 (2004). The Supreme Court considered "question first" interrogation techniques in Seibert, whereby police first questioned the suspect without rights warnings and then, after obtaining incriminating information, provided a rights advisement (without an explicit "cleansing statement"). The court ruled that this purposeful technique violated *Miranda*. *Id.* at 617. The Supreme Court emphasized that the pre-warning statements by the police reflected a police strategy to undermine the effectiveness of Miranda warnings. *Id.* at 616.

55. In a note in *Seibert*, the Court clarified that the reason for usually focusing on facts versus officer intent was not because evidence of officer intent was irrelevant, but rather because explicit evidence of intent was hard to come by: "Because the intend of the officer will rarely be as candidly admitted as it was here (even as it is likely to determine the conduct of the interrogation), the focus is on facts apart from intent that show the question-first tactic at work." *Id.* at n. 6. This principle is applicable to Article 31, U.C.M.J. analyses as well. *See, United States v. Brisbane*, 63 M.J. 106, 115 (C.A.A.F. 2006), *but see*, *United States v. Stevenson*, 2015 CCA LEXIS 404, unpub. op. at *9 (A.F. Ct. Crim. App. 2015) (quoting *Innis*, 446 U.S. at 299).

56. "Once a suspect in custody has 'expressed his desire to deal with police only through counsel, [he] is not subject to further interrogation by the authorities until counsel has been made available to him, unless the accused himself initiates further communication." *Mitchell*, 76 M.J. at 416-17 (quoting *Edwards v. Arizona*, 451 U.S. 477, 484-85 (1980)); M.R.E. 305(e)(3)(A). "Whether the accused has reinitiated further communications and whether his waiver of his rights to silence and counsel was knowing and intelligent, 'depends upon the particular facts and circumstances surrounding [the] case [….]" *United States v. Sunday*, 2021 CCA LEXIS 94, unpub. op. at *18 (A.F. Ct. Crim. App. 2021 (Quoting *Oregon v. Bradshaw* 462 U.S. 1039, 1046 (1983)). "[N]ot all communications initiated by an accused or law enforcement will trigger the protections under Edwards." *United States v. Hutchins*, 72 M.J. 294, 298 (C.A.A.F. 2013). "[I]nquiries or statements by either a police officer or a defendant that represented a desire to open a more 'generalized discussion relating directly or indirectly to the investigation' and those 'inquiries or statements, by either an accused or a police officer, relating to routine incidents of

the custodial relationship" are distinguished by the Supreme Court, as the former constitutes a reinitiating of communication, whereas the latter does not. *Hutchins*, 72 M.J. at 498 (quoting *Bradshaw*, 462 U.S. at 1045).

Evidence Seized – Blood Sample and Analysis by AFMES

57. Under M.R.E. 304(b), when the defense has made an appropriate and timely motion or objection under this rule, evidence allegedly derived from a statement of the accused may not be admitted unless the military judge finds by a preponderance of the evidence that:

(1) The statement was made voluntarily,

(2) The evidence was not obtained by use of the accused's statement, or

(3) The evidence would have been obtained even if the statement had not been made.

58. Additionally, under the Fourth Amendment and M.R.E. 311, evidence obtained as a result of an unlawful search or seizure made by a person acting in a governmental capacity is inadmissible against the accused if:

(1) the accused makes a timely motion to suppress or an objection to the evidence under this rule;

(2) the accused had a reasonable expectation of privacy in the person, place, or property searched; the accused had a legitimate interest in the property or evidence seized when challenging a seizure; or the accused would otherwise have grounds to object to the search or seizure under the Constitution of the United States as applied to members of the Armed Forces; and

(3) exclusion of the evidence results in appreciable deterrence of future unlawful searches or seizures and the benefits of such deterrence outweigh the costs to the justice system.

59. Evidence obtained from nonconsensual extraction of body fluids is admissible if seized pursuant to a search warrant of search authorization under M.R.E. 315. M.R.E. 312.

ARGUMENT

60. From the point 1st Lt Baker was stopped at the gate around approximately 1500 to approximately 1625, not one of the security forces officers advised 1st Lt Baker of his *Miranda* or Article 31 rights. At 1625, [redacted] read 1st Lt Baker his rights, and for the second time that day, 1st Lt Baker told the security forces members he wanted a lawyer.

61. For over an hour, 1st Lt Baker was questioned by [redacted], [redacted], and [redacted] all without any rights advisement. Under Article 31, U.C.M.J., no person subject to the code may interrogate, or request any statement from an accused or a person suspected of an offense without first informing him of the nature of the accusation, and advising him that he does not have to

make any statement regarding the offense of which he is accused or suspected and that any statement against him may be used as evidence against him in a trial by court-martial, and *Brenner* confirms this includes advisement of the right to counsel.

62. All of the security forces members present who questioned 1st Lt Baker were subject to the U.C.M.J. as military members on duty that day. Based on the initial report from another driver going through the gate to [redacted], [redacted] believed the driver in a black Ram truck would be intoxicated, and [redacted] "stood by to identify any signs of intoxication." [redacted] believed she smelled the odor of alcohol on Lt Baker as he came to the gate. [redacted] was informed by the others—indeed, the 1168s make clear in this case that all of the officers were communicating information to each other—that 1st Lt Baker was slurring his speech and making statements the security forces members believed did not make sense. All of these law enforcement officers suspected 1st Lt Baker of the offense of Driving Under the Influence prior to their questioning of him, both formally and informally. [redacted] even verbally told 1st Lt Baker he was "concerned about his suitability to drive." None of them advised him of his rights prior to questioning.

63. Additionally, during this time frame, 1st Lt Baker was not only subjected to this interrogation, meaning any formal or *informal* questioning in which an incriminating response either is sought *or* is a *reasonable consequence of such questioning*, M.R.E. 305(b)(2), the interrogation was also custodial. Under the *Mitchell* factors, 1st Lt Baker had not appeared for question voluntarily, he was merely passing through the gate on his way into the installation. He was questioned at the gate, in his truck, for over an hour, by at least four security forces members, while other security forces members were present at the gate, and he was completely physically restrained. The gate arm in front of him was dropped down to prevent his vehicle's forward movement. He was told to shut of his truck and hand over his keys. [redacted] had taken his common access card. No reasonable person would have believed themselves free to leave under the circumstances 1st Lt Baker faced.

64. An involuntary statement is any statement obtained in violation of the self-incrimination privilege or Due Process Clause of the Fifth Amendment to the United States Constitution, Article 31, or through the use of coercion, unlawful influence, or unlawful inducement. While "no talismanic incantation is required" to satisfy *Miranda*, the warnings required and the waiver necessary as dictated in *Miranda*, "in the absence of a fully effective equivalent," are the prerequisites to the admissibility of any statement made by a defendant. *California v. Prysock*, 453 U.S. 355, 359 (1981) (quoting *Miranda*). Here, there was no warning at all the entire time period 1st Lt Baker was stopped at the gate prior to [redacted]'s arrival. Therefore, under both Article 31, U.C.M.J., and the Fifth Amendment to the United States Constitution, all statements made by 1st Lt Baker, to include statements in response to [redacted] "pre-exit examinations" designed to illicit incriminating responses, and observations that the statements the security forces members made that the responses were "slurred," should be suppressed.

65. With regard to all statements 1st Lt Baker made after [redacted] had read him his Article 31, U.C.M.J., rights, the court should suppress them as law enforcement officers are not allowed to engage in "question first" interrogation techniques, as the court outlined in *Seibert*. The Supreme Court has outlined, and C.A.A.F. has agreed, that the pre-warning statements by the

police reflected a police strategy to undermine the effectiveness of *Miranda* warnings. Because of the use of these tactics in this case, all subsequent statements made by 1st Lt Baker after his rights advisement should also be suppressed.

66. Moreover, 1st Lt Baker's statements made after his rights advisement should be suppressed as a violation of his invocation of his right to counsel. "Whether the accused has reinitiated further communications and whether his waiver of his rights to silence and counsel was knowing and intelligent, 'depends upon the particular facts and circumstances surrounding [the] case [….]" *Sunday*, 2021 CCA LEXIS 94, unpub. op. at *18 (A.F. Ct. Crim. App. 2021 (Quoting *Oregon v. Bradshaw* 462 U.S. 1039, 1046 (1983)). "[I]nquiries or statements by either a police officer or a defendant that represented a desire to open a more 'generalized discussion relating directly or indirectly to the investigation' and those 'inquiries or statements, by either an accused or a police officer, relating to routine incidents of the custodial relationship" are distinguished by the Supreme Court, as the former constitutes a reinitiating of communication, whereas the latter does not. *Hutchins*, 72 M.J. at 498 (quoting *Bradshaw*, 462 U.S. at 1045). Here, after [redacted] read 1st Lt Baker his rights, and 1st Lt Baker invoked, [redacted] repeated multiple times that 1st Lt Baker was not free to leave. A Security Forces Captain then arrived, and 1st Lt Baker was then ordered out of his vehicle. At this point, [redacted] statement that "there is an easy way or a hard way to do this," and to listen to his partner was not merely related to a custodial relationship—the reasonable consequence of this discussion was an incriminating response, and at this point 1st Lt Baker was again subject to interrogation. [redacted] continued to engage with 1st Lt Baker throughout this time despite the invocation.

67. Based on review of the affidavit that the Delta 1 Commander used to grant the search authorization, it is clear that the seizure and subsequent analysis of 1st Lt Baker's blood was based on statements obtained in violation of 1st Lt Baker's Constitutional rights. Under M.R.E. 304(b), when the defense has made an appropriate and timely motion or objection under this rule, evidence allegedly derived from a statement of the accused may not be admitted unless the military judge finds by a preponderance of the evidence that: (1) The statement was made voluntarily, (2) The evidence was not obtained by use of the accused's statement, or (3) the evidence would have been obtained even if the statement had not been made. As outlined above, the statements were not voluntary as 1st Lt Baker was never advised of his rights. The evidence was obtained by using 1st Lt Baker's statements, as his statements are throughout the affidavit. Finally, based on the affidavit, it is far from clear whether the Delta 1 Commander would have found that there was enough evidence to seize. The majority of the affidavit focuses on statements from 1st Lt Baker in response to [redacted] questioning. To say that the Delta 1 Commander would have nonetheless authorized the seizure would be nothing more than a guess.

68. Last, under the Fourth Amendment and MRE 311, the evidence should be suppressed. 1st Lt Baker, through is Defense counsel, has made this motion in a timely manner, and he had a reasonable expectation of privacy in his bodily fluids, i.e., his blood. Additionally, as outlined above, he has grounds to object to the seizure as the affidavit was based on statements obtained in violation of his Fifth Amendment and Article 31 rights. Because the multiple officers in this case each had had plenty of opportunity to rights advise Lt Baker prior to questioning, and they instead engaged in "question first" techniques, suppression of the evidence would result in an appreciable deterrence of future unlawful searches or seizures, particularly given the number of

officers involved in this case who failed to provide the appropriate rights advisement. Last, the benefit of this exclusion is the protection of multiple Constitutional rights, which outweighs any cost to the justice system.

RELIEF REQUESTED

69. THEREFORE, the Defense, pursuant to the above-referenced law, respectfully moves this Honorable Court to suppress statements made by 1st Lt Baker to the above-named parties as being obtained in violation of 1st Lt Baker's Fourth and Fifth Amendments and Article 31, U.C.M.J. rights. The Defense also requests that all evidence seized and all analyses from evidence seized be suppressed as obtained in violation of these rights. The defense requests an Article 39(a), U.C.M.J., session to present additional evidence and argument.

70. Respectfully submitted this 15th day of May 2023.

[redacted]
ANNE K. FREEBY, Capt, USAF
Defense Counsel

8 Attachments:
1. AF IMT 1168, [redacted], 15 October 2022, 2 pages
2. AF IMT 1168, [redacted], 15 October 2022, 2 pages
3. AF IMT 1168, [redacted], 15 October 2022, 3 pages
4. AF IMT 1168, [redacted] 15 October 2022, 2 pages
5. Affidavit for search authorization, undated, 2 pages
6. AF Form 1176, Authority to Search and Seize Signed by [redacted], 17 October 2022, 1 page
7. Government notice of MRE 304(d) and 404(b) evidence, 14 April 2023, 5 pages
8. AFMES Report and MRO review, issued 7 November 2022, 2 pages

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CERTIFICATE OF SERVICE

I certify that on 15 May 2023, I delivered a copy of this Motion to Suppress Statements and evidence via e-mail to the Military Judge and Trial Counsel.

[redacted]
ANNE K. FREEBY, Capt, USAF
Defense Counsel

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