

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

---

<b>UNITED STATES</b>	)	
	)	<b>MILITARY RULE OF</b>
<b>v.</b>	)	<b>EVIDENCE 304(d)</b>
	)	<b>NOTICE</b>
<b>CAPTAIN TONY A.T.S. BUDD</b>	)	
<b>20th Healthcare Operations Squadron (ACC)</b>	)	
<b>Shaw AFB, South Carolina</b>	)	<b>24 May 2023</b>

---

1. Pursuant to Military Rule of Evidence (“M.R.E.”) 304(d), the Government provides notice of the following oral or written statements made by Captain Tony A.T.S. Budd (“the Accused”) that are relevant to the case, known to the Government trial counsel, and within the control of the armed forces, and any derivative evidence, which the prosecution intends to offer against the accused:

a. All written (including electronic) and oral statements contained in the documents and videos previously provided to Defense Counsel on 26 January 2023 and again on 10 February 2023, including:

(1) The 20th Fighter Wing Security Forces Office of Investigations (“SFOI”) Report of Investigation (“ROI”), dated 10 December 2022, Case File number SFOI-2022-119. The Government specifically gives notice of the following statements of the Accused from Exhibits 2 through 6 of the ROI, pages 13 through 68, incorporating Exhibits 28 through 33, pages 130 through 174, in the Defense Travel System (“DTS”) vouchers reflecting amounts paid out to the Accused and the Accused’s signed travel vouchers. The Government specifically gives further notice of the following as “statements” of the Accused from her digitally signing the medical travel vouchers in DTS, concurring (in whole or in part) with the statement, “I certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me. I hereby assigned the United States any right I may have against any parties in connection, with reimbursable transportation charges described above, purchased under cash payment procedures (41 CFR Part 301-10),” on divers occasions, including:

i) The Accused filed a voucher in DTS for a trip to Fort Bragg, Fayetteville, North Carolina (“Ft Bragg”), occurring from on or about 26 January 2022 to on or about 29 January 2022. This travel voucher in DTS is Voucher number: TMFTBRAGGNC012622\_V01, Authorization number 2KUF3E. This was signed on or about 4 February 2022;

ii) The Accused filed a voucher in DTS for a trip to Ft Bragg occurring from on or about 23 February 2022 to on or about 25 February 2022. This travel voucher in DTS is Voucher number: TMFTBRAGGNC022322\_V01, Authorization number 2LGA1T. This was signed on or about 2 May 2022;

iii) The Accused filed a voucher in DTS for a trip to Ft Bragg occurring from on or about 5 May 2022 to on or about 7 May 2022. This travel voucher in DTS is Voucher number: TMFTBRAGGNC050522\_V01, Authorization number 2MJ6T7. This was signed on or about 19 May 2022;

iv) The Accused filed a voucher in DTS for a trip to Ft Bragg occurring from on or about 9 June 2022 to on or about 11 June 2022. This travel voucher in DTS is Voucher number: TMFTBRAGGNC060822\_V01, Authorization number 2N1S4K. This was signed on or about 15 June 2022;

v) The Accused filed a voucher in DTS for a trip to Ft Bragg occurring from on or about 27 July 2022 to on or about 30 July 2022. This travel voucher in DTS is Voucher number: TMFTBRAGGNC072722\_V01, Authorization number 2NVGMX. This was signed on or about 4 August 2022;

vi) The Accused filed a voucher in DTS for a trip to Ft Bragg occurring from on or about 24 August 2022 to on or about 27 August 2022. This travel voucher in DTS is Voucher number: TMFTBRAGGNC082422\_V01, Authorization number 2O100Q. This was signed on or about 7 September 2022;

vii) The Accused filed a Local travel claim for reimbursement voucher in DTS for a trip to Ft Bragg occurring from on or about 24 August 2022 to on or about 27 August 2022. This travel voucher in DTS is Voucher number: TMFTBRAGGNC082422\_V01, Authorization number 2O100Q

viii) The Accused submitted Local travel claims for reimbursement voucher requests in DTS for appointments at Three Rivers Behavioral Health Center, Columbia, South Carolina. The statements come from the Accused digitally signing the local travel claim vouchers in DTS, concurring with the statement, "I certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me." The submitted DTS vouchers (and associated electronic signatures, or "statements") are for appointments that occurred on the following dates:

- (A) 2 May 2022 (electronically signed on or about 6 June 2022);
- (B) 3 May 2022 (electronically signed on or about 6 June 2022);
- (C) 4 May 2022 (electronically signed on or about 6 June 2022);
- (D) 16 May 2022 (electronically signed on or about 6 June 2022);
- (E) 17 May 2022 (electronically signed on or about 6 June 2022);
- (F) 18 May 2022 (electronically signed on or about 6 June 2022);
- (G) 19 May 2022 (electronically signed on or about 6 June 2022);
- (H) 20 May 2022 (electronically signed on or about 6 June 2022);
- (I) 23 May 2022 (electronically signed on or about 6 June 2022);
- (J) 24 May 2022 (electronically signed on or about 6 June 2022);
- (K) 25 May 2022 (electronically signed on or about 6 June 2022);
- (L) 26 May 2022 (electronically signed on or about 6 June 2022);
- (M) 31 May 2022 (electronically signed on or about 6 June 2022);
- (N) 1 June 2022 (electronically signed on or about 6 June 2022);
- (O) 2 June 2022 (electronically signed on or about 6 June 2022);
- (P) 6 June 2022 (electronically signed on or about 21 June 2022);
- (Q) 7 June 2022 (electronically signed on or about 21 June 2022);
- (R) 8 June 2022 (electronically signed on or about 21 June 2022);
- (S) 9 June 2022 (electronically signed on or about 21 June 2022);
- (T) 10 June 2022 (electronically signed on or about 21 June 2022);
- (U) 13 June 2022 (electronically signed on or about 21 June 2022);
- (V) 14 June 2022 (electronically signed on or about 21 June 2022);
- (W) 15 June 2022 (electronically signed on or about 21 June 2022);
- (X) 16 June 2022 (electronically signed on or about 21 June 2022);
- (Y) 17 June 2022 (electronically signed on or about 21 June 2022);
- (Z) 21 June 2022 (electronically signed on or about 29 June 2022);
- (AA) 22 June 2022 (electronically signed on or about 29 June 2022);
- (BB) 23 June 2022 (electronically signed on or about 29 June 2022);
- (CC) 24 June 2022 (electronically signed on or about 29 June 2022);
- (DD) 27 June 2022 (electronically signed on or about 12 July 2022);
- (EE) 28 June 2022 (electronically signed on or about 12 July 2022);
- (FF) 29 June 2022 (electronically signed on or about 12 July 2022);
- (GG) 30 June 2022 (electronically signed on or about 12 July 2022);
- (HH) 1 July 2022 (electronically signed on or about 12 July 2022);
- (II) 5 July 2022 (electronically signed on or about 12 July 2022);
- (JJ) 6 July 2022 (electronically signed on or about 12 July 2022);
- (KK) 7 July 2022 (electronically signed on or about 12 July 2022);
- (LL) 8 July 2022 (electronically signed on or about 12 July 2022);
- (MM) 11 July 2022 (electronically signed on or about 18 July 2022);
- (NN) 12 July 2022 (electronically signed on or about 18 July 2022);
- (OO) 13 July 2022 (electronically signed on or about 18 July 2022);
- (PP) 14 July 2022 (electronically signed on or about 18 July 2022);
- (QQ) 15 July 2022 (electronically signed on or about 18 July 2022);
- (RR) 18 July 2022 (electronically signed on or about 25 July 2022);
- (SS) 19 July 2022 (electronically signed on or about 25 July 2022); and
- (TT) 20 July 2022 (electronically signed on or about 25 July 2022).

ix) The Accused submitted Local travel claims for reimbursement voucher requests in DTS for appointments at GreenBrook TMS Therapy Treatment Center, Columbia, South Carolina. The statements come from the Accused digitally signing the local travel claim vouchers in DTS, concurring with the statement, “I certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me.” The submitted DTS vouchers (and associated electronic signatures, or “statements”) are for appointments that occurred on the following dates:

- (A) 27 July 2022 (electronically signed on or about 2 August 2022);
- (B) 18 August 2022 (electronically signed on or about 19 August 2022);
- (C) 22 August 2022 (electronically signed on or about 23 August 2022);
- (D) 23 August 2022 (electronically signed on or about 23 August 2022);
- (E) 1 September 2022 (electronically signed on or about 7 September 2022);
- (F) 2 September 2022 (electronically signed on or about 7 September 2022); and
- (G) 6 September 2022 (electronically signed on or about 7 September 2022).

x) The Accused submitted a Local travel claim for reimbursement voucher request in DTS for an appointment at the Hammett Clinic, Columbia, South Carolina. The statement comes from the Accused digitally signing the local travel claim vouchers in DTS, concurring with the statement, “I certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me.” The submitted DTS vouchers (and associated electronic signatures, or “statements”) are for an appointment that occurred on or about 3 August 2022 (electronically signed on or about 4 August 2022).

xi) The Accused filed a voucher in DTS for a trip to Walter Reed National Military Medical Center, Bethesda, Maryland (“Walter Reed”), occurring from on or about 11 May 2022 to on or about 14 May 2022. The statement comes from the Accused digitally signing the medical travel voucher in DTS, concurring (in whole or in part) with the statement, “I certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me. I hereby assigned the United States any right I may have against any parties in connection, with reimbursable transportation charges described above, purchased under cash payment procedures (41 CFR Part 301-10).” This travel voucher in DTS is Voucher number: TMWALTERREEDN051122\_V01, Authorization number 2MKL50. This medical travel voucher was signed on or about 19 May 2022.

xii) The Accused filed a voucher in DTS for a trip to Walter Reed National Military Medical Center, Bethesda, Maryland (“Walter Reed”), occurring from on or about 22 May 2022 to on or about 31 May 2022. The statement comes from the Accused digitally signing the medical travel voucher in DTS, concurring (in whole or in part) with the statement, “I certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me. I hereby assigned the United States any right I may have against any parties in connection, with reimbursable transportation charges described above, purchased under cash payment procedures (41 CFR Part 301-10).” This travel voucher in DTS is Voucher number: TMWALTERREEDN052222\_V01, Authorization number 2MKPOM. This medical travel voucher was signed on or about 15 August 2022.

(2) The 20th Fighter Wing SFOI ROI, dated 10 December 2022, Case File number SFOI-2022-119. The Government specifically gives notice of the following statements of the Accused from Exhibit 13 of the ROI, pages 98 through 99, on the Accused’s AF Form 1168 (Statement of Suspect/ Witness/ Complainant):

i) The Accused initialed next to the box, “I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offenses(s) under investigation.”

ii) The Accused initialed next to and after the following typed statement: “On 27 OCT 22, at 1030, Capt MOE, Tony//(XXX-XX-XXXX)<sup>1</sup> was advised of her rights IAW Article 31/UCMJ, via AF Form 1168, by [REDACTED], as witnessed by [REDACTED]. Capt MOE acknowledged her rights declined legal counsel and agreed to be interviewed. The following questions were asked to Capt MOE/SUSPECT, by [REDACTED] and [REDACTED]:”

iii) The Accused initialed next to and after both the “Q” and the “A” of the following typed statement:  
“Q: Between JAN 2022 and AUG 2022, did you knowingly and wrongly submit numerous fraudulent documents, in conjunction with several DTS vouchers (which you signed), falsely claiming that you attended several medical appointments, when in fact you did not attend said appointments?”  
“A: Yes.”

iv) The Accused initialed next to and after both the “Q” and the “A” of the following typed statement:  
“Q: Between JAN 2022 and AUG 2022, did you knowingly and wrongly, file numerous fraudulent DTS vouchers, along with fraudulent documents, allegedly validating appointments in which you admitted you never attended, then requested reimbursements reflecting fraudulent travel mileage and fraudulent

---

<sup>1</sup> The Accused’s Social Security number, redacted here.

lodging, for medical appointments which you never attended?”  
“A: Yes.”

v) The Accused initialed next to and after both the “Q” and the “A” of the following typed statement:

“Q: Between JAN 2022 and AUG 2022, did you knowingly and wrongly utilize your government travel card, making numerous unauthorized transactions for personal use?”

“A: Yes sir.”

vi) The Accused initialed next to and after both the “Q” and the “A” of the following typed statement:

“Q: Between JAN 2022 and AUG 2022, were you absent from your duty location on at least 40 days, because you deceived your leadership, falsely claiming you had medical appointments?”

“A: Yes sir.”

vii) The Accused initialed next to and after both the “Q” and the “A” of the following typed statement:

“Q: Did you knowingly and wrongly between JAN 2022 and AUG 2022 file fraudulent documents along with fraudulent DTS vouchers, for the sole purpose of not having to report for duty and to fraudulently receive monies for expenses you fraudulently stated were part of the fraudulent travel?”

“A: Yes sir.”

viii) The Accused initialed next to and after both the “Q” and the “A” of the following typed statement:

“Q: Do you have anything to add to this statement?”

“A: No sir. ///END OF STATEMENT///”

ix) The Accused initialed next to and after the following typed statement:

“I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement, initialed all pages and corrections, and it is true and correct to the best of my knowledge.”

x) The Accused signed the first page of the AF Form 1168.

xi) The Accused signed the second page of the AF Form 1168.

(3) All statements of the Accused contained in the recorded video interview with SFOI from on or about 27 October 2022. Specifically, the Accused’s statements and the approximate timestamp of the video interview:

i) “Yes” (around 12:26);

- ii) “No” (around 12:35);
- iii) [The Accused shakes her head no] (around 12:50);
- iv) [The Accused nods her head yes] (around 12:56);
- v) “I haven’t used that in a while” (around 13:45);
- vi) “Yes” (around 13:50);
- vii) “I should only have one pending, but yeah” (around 13:55);
- viii) “Yes” (around 14:00);
- ix) “So that was I had a discussion with patient Travel, in the JTR it states that if I am traveling a certain distance, I am authorized to stay overnight at a hotel - [the Accused is cut off]” (around 15:27);
- x) “I don’t know if that was my first appointment up there - [the Accused is cut off]” (around 17:01)
- xi) [The Accused nods her head yes] (around 19:40)
- xii) “I went up twice to Walter Reed” (around 20:34);
- xiii) “Yes” (around 21:03)
- xiv) “No I didn’t see any providers” (around 21:10);
- xv) [The Accused nods her head yes] (around 21:16);
- xvi) “That was my pre-op appointment” (around 21:19);
- xvii) “It goes through medical, it doesn’t go to the Commander, for like a patient travel person ... and I’ve been doing like, my medical treatment” (around 21:42);
- xviii) “I just have never had that approved, unless it was like, not medical?” (around 22:22);
- xix) [The Accused nods her head yes] (around 22:32);
- xx) “So I know they, one of them initially had me on a first Zoom call, and then when I got there that surgeon like walked me over to another surgeon’s office and I saw both of them” (around 22:55);



- xxi) “One was one day and one was another day” (around 23:13);
- xxii) “Well I had them scheduled on 2 different days” (around 23:22);
- xxiii) [The Accused nods her head yes] (around 23:33);
- xxiv) “Well no, that one, like the issue they had with it was... the issue they had with that one...” (around 23:39);
- xxv) “I was up there 12 May” (around 27:42);
- xxvi) “So that was when I was supposed to have the surgery – [the Accused is cut off]” (around 27:48);
- xxvii) “Yeah, that’s when I found out it was . . . yeah” (around 28:02);
- xxviii) “Yeah, yes” (around 28:47);
- xxix) “No” (around 29:02);
- xxx) “So that’s when they turned it off” (around 29:18);
- xxxi) [The Accused nods her head yes] (around 30:15);
- xxxii) “No” (around 30:31);
- xxxiii) [The Accused nods her head yes] (around 30:38);
- xxxiv) “So I was just trying to not go to work” (around 31:02);
- xxxv) “Yes” (around 31:39);
- xxxvi) [The Accused nods her head yes] (around 31:48);
- xxxvii) [The Accused nods her head yes] (around 32:39);
- xxxviii) [Inaudible, but the Government believes, “not all”] (around 32:54);
- xxxix) [The Accused nods her head yes] (around 33:04);
- xl) [The Accused nods her head yes] (around 33:11);
- xli) [The Accused nods her head yes] (around 33:17);
- xlii) [The Accused nods her head yes] (around 33:37);



- xliv) [The Accused nods her head yes] (around 33:42);
- xlv) [The Accused nods her head yes] (around 35:08);
- xlv) [The Accused nods her head yes] (around 35:16);
- xlvi) [The Accused nods her head yes] (around 35:30);
- xlvii) [The Accused nods her head yes] (around 35:38);
- xlviii) “Yeah” (around 36:17);
- xlix) [The Accused nods her head yes] (around 36:25);
- l) “Yes,” as the Accused nods her head (around 37:25);
- li) [The Accused shakes her head no] (around 37:46);
- lii) [The Accused nods her head yes] (around 38:33);
- liii) [The Accused nods her head yes] (around 38:55);
- liv) [The Accused nods her head yes] (around 39:01);
- lv) [The Accused nods her head yes] (around 39:28);
- lvi) “Umm so no, like I feel like a couple of times it was . . . I think it was probably just the missing work thing” (around 39:55);
- lvii) [The Accused nods her head yes] (around 40:20);
- lviii) [The Accused nods her head yes] (around 40:24);
- lvix) [The Accused nods her head yes] (around 40:54);
- lx) [The Accused nods her head yes] (around 41:09);
- lxi) “Umm . . . no that sounds right” (around 41:24);
- lxii) [The Accused shakes her head no] (around 41:41);
- lxiii) [The Accused nods her head yes] (around 42:05);
- lxiv) [The Accused nods her head yes] (around 42:17);
- lxv) “Yeah that charge was real” (around 42:27);

- lxxvi) [The Accused shakes her head no] (around 43:19);
- lxxvii) [The Accused nods her head yes] (around 53:29);
- lxxviii) [The Accused nods her head yes] (around 53:42);
- lxxix) [The Accused nods her head yes] (around 53:50);
- lxxx) [The Accused nods her head yes] (around 54:03);
- lxxxi) [The Accused shakes her head no] (around 54:25);
- lxxxii) “Yes,” as the Accused nods her head (around 54:32);
- lxxxiii) [The Accused nods her head yes] (around 54:38);
- lxxxiv) [The Accused routinely nods her head yes] (starting around 54:45 through 55:09);
- lxxxv) [The Accused shakes her head no] (around 55:18);
- lxxxvi) [The Accused nods her head yes] (around 55:22);

b. The contents of email communication between the Accused, Major [REDACTED] and [REDACTED], beginning with an email from the Accused on 1 September 2022 and containing the conversation up through 7 September 2022. The entire email exchange is captured at Attachment 1.

2. Please contact me at [REDACTED] or at [REDACTED] with any questions or concerns.

3. Any modification of this evidentiary notice will be provided as soon as practicable.

LAYMAN.DAVID.MIC  
HAEL [REDACTED]

DAVID M. LAYMAN, Capt, USAF  
Assistant Trial Counsel

Attachment:

- 1. Email communication between the Accused, Major [REDACTED], and [REDACTED] [REDACTED], dated 1 September 2022 through 7 September 2022, 15 pages

---

**CERTIFICATE OF SERVICE**

I hereby certify that I delivered a copy of this MRE 304(d) Notice on Defense Counsel via email and the JAT e-filing website on 24 May 2023.

LAYMAN.DAVID.MIC  
HAEL

DAVID M. LAYMAN, Capt, USAF  
Assistant Trial Counsel