

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

UNITED STATES)	
)	
v.)	MILITARY RULE OF
)	EVIDENCE 304(d)
)	NOTICE #1
SSGT DAVID JOHNSON)	
621st Contingency Response)	
Support Squadron (AMC))	
Joint Base McGuire-Dix-Lakehurst, NJ)	4 May 2023

1. Pursuant to Military Rule of Evidence ("Mil. R. Evid.") 304(d), the Government provides notice of the following oral or written statements made by the accused that are relevant to the case, known to the trial counsel, and within the control of the armed forces, and any derivative evidence, which the Government intends to offer against the accused:

a. Any and all oral statements included in the Subject Interview previously provided to Defense Counsel, including but not limited to the following:

- i. The Accused stated "I asked her, [REDACTED] can I cum on your face? She said yes, but I didn't get consent in the moment.
- ii. The Accused stated "Around like 7:30, so like two hours later I go downstairs, still drunk and I see her laying there on the couch. And then I cum on her face...She didn't like it clearly and that's when I realize oh shit I just fucked up because I didn't have consent in the moment."
- iii. The Accused stated "I tried to contact her to set the wheels straight even though what I did was still fucked up, and wrong, I understand that."
- iv. The Accused stated "...she was still asleep. The thought crossed my mind to cum on her face. And that's what I did."

b. Any and all written statements included in the Accused 1168, previously provided to Defense Counsel, including but not limited to the following:

- i. The Accused stated "I see [REDACTED] laying on the couch and the thought to ejaculate onto her face crosses my mind...This being 3-4 hours later was well outside of the window of consent. I carried out my drunken thought and ejaculated on her face."

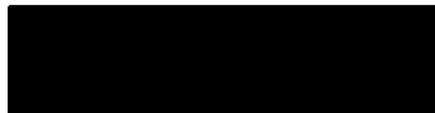
2. Any modification of this evidentiary notice will be provided as soon as practicable.



ROBERT D. HEINS, 1st Lt, USAF
Assistant Trial Counsel

CERTIFICATE OF SERVICE

I hereby certify that I delivered a copy of this Mil. R. Evid. 304(d) Notice #1 on Defense Counsel via e-mail on 4 May 2023.



ROBERT D. HEINS, 1st Lt, USAF
Assistant Trial Counsel