



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE LEGAL OPERATIONS AGENCY



August 14, 2017

Dear Mrs. Anderson,

I am in receipt of the e-mail you sent to the Secretary of the Air Force regarding the case of your son. The Secretary has requested I respond to your e-mail on her behalf.

As stated in your e-mail, your son's counsel requested a post-trial session to explore the issue of payment to a witness. The convening authority granted your son's request and, in doing so, specified the hearing would focus on the sole issue raised by your son's counsel. However, during the post-trial session, your son's counsel asked the military judge to permit them to explore other areas of concern and to grant a new trial. The military judge did not grant either request because, under the Rules for Court-Martial, the military judge lacked the authority to do so.

Respectfully, your contention that the letter to Congresswoman Roby was intentionally misleading is incorrect. The military judge heard testimony on the issue specified by the convening authority. The military judge also entertained your son's request for additional relief and formally denied the request on the record. On appeal, the Air Force Court of Criminal Appeals (AFCCA) affirmed the military judge's decision to deny the relief requested.

Your son also requested AFCCA order a new trial, pursuant to Article 73, UCMJ. AFCCA did not limit the evidence he could present to them on this matter, and he, in fact, presented newly discovered evidence regarding the post-trial payment. On May 31, 2017, after considering his petition, AFCCA declined to grant a new trial.

Shortly after AFCCA released their decisions, your son filed a petition with the Court of Appeals for the Armed Forces (CAAF) for relief. As we have noted in previous inquiry responses, your son has been assigned a military appellate counsel to assist him free of charge. Seeking redress through CAAF and the appellate process provides the best avenue for your son to pursue the relief referenced in your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Cordova".

DOUGLAS P. CORDOVA, Colonel, USAF
Director, U.S. Air Force Judiciary