2024*	Based CAAF's grant list as of 01/10/24						
		O	S	M	H	J	
1	MAYMI						I. WHETHER THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES HAS JURISDICTION TO DIRECT MODIFICATION OF THE 18 U.S.C. § 922 PROHIBITION NOTED ON THE STAFF JUDGE ADVOCATE'S INDORSEMENT TO THE ENTRY OF JUDGMENT. II. AS APPLIED TO APPELLANT, WHETHER THE GOVERNMENT CAN PROVE 18 U.S.C. § 922 IS CONSTITUTIONAL BY "DEMONSTRATING THAT IT IS CONSISTENT WITH THE NATION'S HISTORICAL TRADITION OF FIREARM REGULATION" WHEN APPELLANT WAS NOT CONVICTED OF A VIOLENT OFFENSE. (quoting New York State Rifle & Pistol Association, Inc. v. Bruen, 142 S. Ct. 2111, 2130 (2022)).
2	LUNDSTEN						
3	LAMPKINS						I. WHETHER THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES HAS JURISDICTION TO DIRECT MODIFICATION OF THE 18 U.S.C. § 922 PROHIBITION NOTED ON THE STAFF JUDGE ADVOCATE'S INDORSEMENT TO THE ENTRY OF JUDGMENT. II. AS APPLIED TO APPELLANT, WHETHER THE GOVERNMENT CAN PROVE 18 U.S.C. § 922 IS CONSTITUTIONAL BY "DEMONSTRATING THAT IT IS CONSISTENT WITH THE NATION'S HISTORICAL TRADITION OF FIREARM REGULATION" WHEN APPELLANT WAS NOT CONVICTED OF A VIOLENT OFFENSE. (quoting New York State Rifle & Pistol Association, Inc. v. Bruen, 142 S. Ct. 2111, 2130 (2022)).
4	DENNEY						I. WHETHER THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES HAS JURISDICTION TO DIRECT MODIFICATION OF THE 18 U.S.C. § 922 PROHIBITION NOTED ON THE STAFF JUDGE ADVOCATE'S INDORSEMENT TO THE ENTRY OF JUDGMENT. II. WHETHER 18 U.S.C. § 922 CAN CONSTITUTIONALLY APPLY TO APPELLANT, WHO STANDS CONVICTED OF A NONVIOLENT OFFENSE, WHERE THE GOVERNMENT CANNOT DEMONSTRATE THAT BARRING HIS POSSESSION OF FIREARMS IS "CONSISTENT WITH THE NATION'S HISTORICAL TRADITION OF FIREARM REGULATION" UNDER NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC. v. BRUEN, 142 S. Ct. 2111, 2130 (2022).
5	JOHNSON, DEVIN						I. WHETHER THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES HAS JURISDICTION TO DIRECT MODIFICATION OF THE 18 U.S.C. § 922 PROHIBITION NOTED ON THE STAFF JUDGE ADVOCATE'S INDORSEMENT TO THE ENTRY OF JUDGMENT. II. AS APPLIED TO APPELLANT, WHETHER THE GOVERNMENT CAN PROVE 18 U.S.C. § 922 IS CONSTITUTIONAL BY "DEMONSTRATING THAT IT IS CONSISTENT WITH THE NATION'S HISTORICAL TRADITION OF FIREARM REGULATION" WHEN APPELLANT WAS NOT CONVICTED OF A VIOLENT OFFENSE. (quoting New York State Rifle & Pistol Association, Inc. v. Bruen, 142 S. Ct. 2111, 2130 (2022)).

6	HARBORTH						I. DID THE MILITARY JUDGE ERR BY (1) FINDING THE WARRANTLESS SEIZURE OF APPELLEE'S ELECTRONIC DEVICES WAS JUSTIFIED BY PROBABLE CAUSE, AND (2) NOT RULING ON LAW ENFORCEMENT'S RELIANCE ON ACTUAL AND APPARENT AUTHORITY? II. DID THE LOWER COURT ERR IN RULING THAT LAW ENFORCEMENT COULD NOT RELY ON ACTUAL OR APPARENT AUTHORITY AND BY HOLDING THE DELAY IN SECURING A SEARCH AUTHORIZATION WAS UNREASONABLE, THEREBY SETTING ASIDE APPELLEE'S CONVICTIONS? III. DID THE LOWER COURT ERR IN FAILING TO FIND THAT APPELLEE WAIVED OBJECTION TO THE DURATION OF THE SEIZURE, WHEN APPELLEE NEVER OBJECTED AT TRIAL TO THE DURATION OF THE SEIZURE, AND MIL. R. EVID. 311 STATES THAT OBJECTIONS NOT MADE AT TRIAL ARE WAIVED? IV. DID THE LOWER COURT ERR IN FAILING TO FIRST DETERMINE WHETHER MS. HOTEL WAS A GOVERNMENT ACTOR, AND IF SO, DID MS. HOTEL'S ACTIONS CONSTITUTE GOVERNMENT ACTION, THUS IMPLICATING FOURTH AMENDMENT PROTECTION, WHEN SHE SEIZED APPELLEE'S OTHER DEVICES AND PROVIDED THEM TO HPD AND NCIS? V. HAVING FOUND A REASONABLE PROBABILIY THAT A MOTION TO SUPPRESS THE RESULTS OF THE SEIZURE AND SEARCH OF APPELLEE'S IPHONE XS WOULD HAVE BEEN MERITORIOUS, DID THE NMCCA ERR IN NOT FINDING PREJUDICE FROM THE DEFENSE COUNSEL NOT MOVING TO SUPPRESS THIS EVIDENCE?
7	FERNANDEZ, KEEN						I. WHETHER THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES HAS JURISDICTION TO DIRECT MODIFICATION OF THE 18 U.S.C. § 922 PROHIBITION NOTED ON THE STAFF JUDGE ADVOCATE'S INDORSEMENT TO THE ENTRY OF JUDGMENT. II. AS APPLIED TO APPELLANT, WHETHER THE GOVERNMENT CAN PROVE 18 U.S.C. § 922 IS CONSTITUTIONAL BY "DEMONSTRATING THAT IT IS CONSISTENT WITH THE NATION'S HISTORICAL TRADITION OF FIREARM REGULATION" WHEN HE WAS NOT CONVICTED OF A VIOLENT OFFENSE. (quoting New York State Rifle & Pistol Association, Inc. v. Bruen, 597 U.S. 1, 24 (2022)).
8	STANFORD						I. WHETHER THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES HAS JURISDICTION TO DIRECT MODIFICATION OF THE 18 U.S.C. § 922 PROHIBITION NOTED ON THE STAFF JUDGE ADVOCATE'S INDORSEMENT TO THE ENTRY OF JUDGMENT. II. WHETHER 18 U.S.C. § 922 CAN CONSTITUTIONALLY APPLY TO APPELLANT, WHO STANDS CONVICTED OF NONVIOLENT OFFENSES, WHERE THE GOVERNMENT CANNOT DEMONSTRATE THAT BARRING HIS POSSESSION OF FIREARMS IS "CONSISTENT WITH THE NATION'S HISTORICAL TRADITION OF FIREARM REGULATION" UNDER NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC. v. BRUEN, 597 U.S. 1, 24 (2022).
9	GREENE-WATSON						WHETHER THE AIR FORCE COURT ERRED IN AFFIRMING THE MILITARY JUDGE'S DECISION TO ADMIT EVIDENCE OF DOMESTIC VIOLENCE OCCURRING 17 MONTHS AFTER THE CHARGED OFFENSE TO SHOW A COMMON SCHEME OR PLAN UNDER MIL. R. EVID. 404(b)—USING A DIFFERENT RATIONALE THAN THE MILITARY JUDGE.
10	DAVIS, TAYRON						I. WHETHER THE ARMY COURT ERRED IN FINDING THE REASSIGNMENT OF APPELLANT'S CASE RESULTED IN STRUCTURAL ERROR. II. WHETHER THE ARMY COURT ERRED IN FINDING THE REASSIGNMENT OF APPELLANT'S CASE RESULTED IN PREJUDICE AND THUS DISMISSING THE CASE WITH PREJUDICE.

11	DOWNUM						I. WHETHER THE ARMY COURT ERRED IN CONDUCTING ITS LEGAL SUFFICIENCY ANALYSIS WHEN IT HELD THAT UNITED STATES V. CAMPBELL, 50 M.J. 154, 160 (C.A.A.F. 1999), REQUIRES NOT ONLY EXPERT TESTIMONY INTERPRETING URINALYSIS RESULTS BUT THE ADMISSION OF THE UNDERLYING PAPER URINALYSIS RESULTS AS WELL. II. WHETHER THE ARMY COURT ERRED WHEN IT HELD THAT UNOBJECTED TO EXPERT TESTIMONY INTERPRETING THE URINALYSIS RESULTS LACKED RELEVANCE WITHOUT THE ADMISSION OF THE PAPER URINALYSIS RESULTS. III. WHETHER THE ARMY COURT FAILED TO CONDUCT A PROPER FACTUAL SUFFICIENCY ANALYSIS UNDER ARTICLE 66(d)(1)(B).
							On consideration of Appellant's motion to amend the certificate for review, Appellee's answer, and Appellant's reply, it is ordered that Appellant shall, within 14 days of the date of this order, file a supplemental brief addressing the following issues specified by the Court: (1) Are the requirements of "appropriate notification" in Article 67(a)(2), Uniform Code of Military Justice, 10 U.S.C. § 867(a)(2) (2018) and Rule for Courts-Martial 1204(a)(2), satisfied by routing notification to the Government Appellate Division Chief of each respective service? (2) How may the Judge Advocate General demonstrate compliance with the notification requirements? (3) Is non-compliance with the notification requirements a jurisdictional error? (4) If non-compliance with the notification requirements is not a jurisdictional error, what are the consequences of non-compliance?

On consideration of Appellant's motion to amend its certificate for review, Appellant's motion to supplement the record, and Appellee's motion for appellate discovery, the Court notes the following:

1. Article 67(a)(2), Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 867(a)(2) (2018), directs this Court to review the record in "all cases reviewed by a Court of Criminal Appeals which the Judge Advocate General, after appropriate notification to the other Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps, orders sent to the Court of Appeals for the Armed Forces for review." (Emphasis added.) Rule for Courts-Martial (R.C.M.) 1204(a)(2) implements Article 67(a)(2), UCMJ, with the same requirement of "appropriate notification."

2. On April 30, 2024, according to representations that neither party disputes, the Chief of the Government Appellate Division, U.S. Army, sent a notice to the chiefs of the government appellate divisions of the other services informing them of the Army Judge Advocate General's intent to certify three issues to this Court pursuant to Article 67(a)(2), UCMJ.

3. On May 13, 2024, the Army Judge Advocate General signed a certificate for review in this Court requesting review of these issues. The certificate for review included the following statement: "Pursuant to Article 67(a)(2) the other Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps were notified of my consideration to certify the issues."

4. On May 15, 2024, again according to representations that neither party contests, Appellant learned that the service leadership of two services had not acquired actual knowledge of the certified issues as of May 13, 2024, the date on which the Army Judge Advocate General had signed the certificate for review. All the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps had been directly notified, and thus acquired actual knowledge, of the certified issues by May 20, 2024.

5. On May 22, 2024, Appellant moved to file an amended certificate for review. The text of the proffered amended certificate for review is identical to the certificate for review filed on May 13, 2024, but indicates that it was signed by the Judge Advocate General of the Army on May 20, 2024.

6. On May 28, 2024, Appellee filed an answer opposing Appellant's motion to amend the certificate for review and proposed further inquiry into whether the prerequisites for jurisdiction under Article 67(a)(2), UCMJ, had been met. On May 31, 2024, Appellant filed a reply to this answer in which it asserted that the prerequisites for jurisdiction had been met.

7. On June 14, 2024, this Court ordered supplemental briefing on several specified issues, including: "Are the requirements of 'appropriate notification' in Article 67(a)(2), Uniform Code of Military Justice, 10 U.S.C. § 867(a)(2) (2018) and Rule for Courts-Martial 1204(a)(2), satisfied by routing notification to the Government Appellate Division Chief of each respective service?

8. Appellant argued in its supplemental brief that it had provided appropriate notification, asserting that sending notice through appropriate personnel satisfies the requirement of notifying the Judge Advocates General of the other services and the Staff Judge Advocate to the Commandant of the Marine Corps. Appellee argued in his supplemental brief that notice to the chiefs of the government appellate divisions of the other services was not "appropriate notice" because these chiefs "are not part of the offices of the judge advocates general." Appellee therefore requested this Court to dismiss the appeal.

Having received the supplemental briefing and considered these procedural steps, this Court reaches the following conclusions:

Appellee has not filed a separate motion to dismiss the certificate for review for lack of jurisdiction but has merely asked for that remedy in his pleadings. Ordinarily, motions must be filed separately before this Court and cannot be incorporated into other pleadings. C.A.A.F. R. 30(d). This Court, however, has an independent duty to determine whether it has jurisdiction even if the issue is not properly raised by the parties. M.W. v. United States, 83 M.J. 361, 363 (C.A.A.F. 2023) (citing Arbaugh v. Y&H Corp., 546 U.S. 500, 514 (2006)). The Court therefore considers Appellee's request to dismiss the appeal in conjunction with our review of Appellant's motion to amend.

Article 67(a)(2), UCMJ, and R.C.M. 1204(a)(2) require a Judge Advocate General seeking to certify issues to this Court to provide "appropriate notification to" the senior leaders of the other services. The Court cannot equate "notification to" with "actual knowledge of" because these are well-recognized as distinct legal concepts. Compare Notification, Black's Law Dictionary 1280 (11th ed. 2019), with Knowledge, id. at 1043. In addition, if a requirement of actual knowledge of

12	SAUL						I. WHETHER A GUILTY PLEA FOR WILLFUL DESTRUCTION OF PROPERTY UNDER ARTICLE 109, UCMJ, CAN BE PROVIDENT WHEN APPELLANT THRICE TOLD THE MILITARY JUDGE THAT HE "DID NOT INTEND TO DAMAGE THE [PROPERTY]" AND THAT HE WAS SURPRISED THERE WAS ACTUAL DAMAGE.
13	COE						WHETHER APPELLANT'S CONVICTION IS LEGALLY SUFFICIENT BASED ON THE LOWER COURT'S STATUTORY INTERPRETATION OF ARTICLE 120(b)(2)(A).
14	CASILLAS						I. WHETHER ARTICLE 120(b)(2) AND (g)(7), UNIFORM CODE OF MILITARY JUSTICE, 10 U.S.C. §§ 920(b)(2) AND (g)(7), ARE UNCONSTITUTIONALLY VAGUE BECAUSE THEY FAIL TO PUT DEFENDANTS ON FAIR NOTICE OF THE SPECIFIC CHARGE AGAINST THEM. II. AS APPLIED, WHETHER ARTICLE 120(b)(2) AND (g)(7), UNIFORM CODE OF MILITARY JUSTICE, 10 U.S.C. §§ 920(b)(2) AND (g)(7), GAVE APPELLANT CONSTITUTIONAL FAIR NOTICE WHEN THE MILITARY JUDGE DENIED DEFENSE COUNSEL'S REQUEST FOR A TAILORED JURY INSTRUCTION. III. WHETHER APPELLANT'S CONVICTION FOR SEXUAL ASSAULT WITHOUT CONSENT WAS LEGALLY SUFFICIENT. IV. IN A SEXUAL ASSAULT TRIAL, DID THE MILITARY JUDGE ABUSE HIS DISCRETION WHEN HE DENIED THE ACCUSED'S CHALLENGE FOR ACTUAL AND IMPLIED BIAS FOR A MEMBER WHOSE WIFE HAD BEEN RAPED.
15	JACKSON, DEQ'						I. WHETHER THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES HAS JURISDICTION TO DIRECT MODIFICATION OF THE 18 U.S.C. § 922 PROHIBITION NOTED ON THE STAFF JUDGE ADVOCATE'S INDORSEMENT TO THE ENTRY OF JUDGMENT. II. AS APPLIED TO APPELLANT, WHETHER THE GOVERNMENT CAN PROVE 18 U.S.C. § 922 IS CONSTITUTIONAL BY "DEMONSTRATING THAT IT IS CONSISTENT WITH THE NATION'S HISTORICAL TRADITION OF FIREARM REGULATION" WHEN SHE WAS NOT CONVICTED OF A VIOLENT OFFENSE. (QUOTING NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC. v. BRUEN, 597 U.S. 1, 24 (2022).
16	JACINTO						I. DID THE LOWER COURT FAIL TO COMPLY WITH THIS COURT'S REMAND ORDER? II. DID APPELLANT SUFFER PREJUDICE FROM THE MILITARY JUDGE'S ERRONEOUS CONTINUANCE DENIAL?
17	CAMPOS, JUAN						DID THE MILITARY JUDGE ABUSE HIS DISCRETION BY ADMITTING AND CONSIDERING, OVER DEFENSE OBJECTION, ALLEGATIONS OF ADDITIONAL MISCONDUCT IN THE UNSWORN VICTIM IMPACT STATEMENT?
18	URIETA						WHETHER THE MILITARY JUDGE ABUSED HIS DISCRETION BY DENYING THE DEFENSE CHALLENGE FOR CAUSE AGAINST A MEMBER WHO BELIEVED A SOLDIER WHO HIRED A CIVILIAN DEFENSE COUNSEL DID NOT BELIEVE IN HIS DEFENSE.
19	GEORGE						I. WHETHER APPELLANT'S CONVICTION FOR ATTEMPTED SEXUAL ASSAULT WAS LEGALLY INSUFFICIENT BECAUSE THE GOVERNMENT DID NOT PROVE THE ALLEGED OVERT ACT.

20	SHELBY						DID THE MILITARY JUDGE ERR WHEN HE DISMISSED CHARGE II WITH PREJUDICE AFTER "CONSIDERING THE INTERESTS OF JUSTICE, THE ACCUSED'S RIGHT TO A FAIR TRIAL, AND THE CUMULATIVE ERROR" OF THE GOVERNMENT?
21	CSITI						I. WHETHER THE COURT OF APPEALS FOR THE ARMED FORCES HAS STATUTORY AUTHORITY TO DECIDE WHETHER A CONVICTION IS FACTUALLY SUFFICIENT. II. WHETHER APPELLANT'S CONVICTION FOR SEXUAL ASSAULT IS FACTUALLY AND LEGALLY INSUFFICIENT BECAUSE AH WAS CAPABLE OF CONSENTING – AND DID CONSENT – TO SEXUAL ACTIVITY WITH APPELLANT. III. WHETHER THE LOWER COURT ERRONEOUSLY INTERPRETED AND APPLIED THE AMENDED FACTUAL SUFFICIENCY STANDARD UNDER ARTICLE 66(d)(1)(B), UCMJ.
22	MCLEOD						I. WHETHER THE COURT OF APPEALS FOR THE ARMED FORCES HAS STATUTORY AUTHORITY TO DECIDE WHETHER A CONVICTION IS FACTUALLY SUFFICIENT. II. WHETHER APPELLANT'S CONVICTION FOR ATTEMPTED MURDER OF "SARAH" AND ATTEMPTED CONSPIRACIES TO RAPE AND KIDNAP AB ARE FACTUALLY AND LEGALLY SUFFICIENT. III. WHETHER THE LOWER COURT ERRONEOUSLY INTERPRETED AND APPLIED THE AMENDED FACTUAL SUFFICIENCY STANDARD UNDER ARTICLE 66(d)(1)(B), UCMJ.
23	ROAN						I. WHETHER THE LOWER COURT'S ERRONEOUS RESOLUTION OF A QUESTION OF LAW -- FINDING THAT WITHHELD EVIDENCE WAS IMMATERIAL AND THERE WAS NO PREJUDICE TO APPELLANT -- VIOLATED BRADY v. MARYLAND, 373 U.S. 83 (1963).
24	SHAFRAN						DOES THE SPECIFICATION OF CHARGE II, ALLEGING A VIOLATION OF ARTICLE 134, UCMJ (PROVIDING SEVERAL ALCOHOLIC BEVERAGES TO A PERSON UNDER THE AGE OF 21), FAIL TO STATE AN OFFENSE BECAUSE IT FAILS TO ALLEGE WORDS OF CRIMINALITY?
25	MAEBANE						II. WHETHER THE LOWER COURT'S ERRONEOUS RESOLUTION OF A QUESTION OF LAW -- FINDING THAT THE GOVERNMENT DID NOT VIOLATE APPELLANT'S RIGHTS UNDER RULE FOR COURTS-MARTIAL 701(A)(6) -- VIOLATED BINDING PRECEDENT SET BY THIS COURT.
26	VALENTIN-ANDINO						I. WHETHER "APPROPRIATE RELIEF" FOR EXCESSIVE POST-TRIAL DELAY UNDER ARTICLE 66(d)(2), UCMJ, ALSO REQUIRES "MEANINGFUL RELIEF". II. WHETHER THE AIR FORCE COURT ERRED BY FAILING TO AWARD "MEANINGFUL RELIEF" DESPITE FINDING THAT RELIEF WAS WARRANTED PURSUANT TO ARTICLE 66(d)(2), UCMJ, AND UNITED STATES v. TARDIF, 57 M.J. 219 (C.A.A.F. 2002), FOR UNREASONABLE POST-TRIAL DELAY.
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