

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

In re:

CHANTAY P. WHITE

Major, United States Air Force (Former)

Petitioner

v.

UNITED STATES

Respondent

PETITION FOR WRIT OF ERROR CORAM NOBIS

Submitted by:

CHANTAY P. WHITE

Major, United States Air Force (Former)

Petitioner

United States Air Force Court of Criminal Appeals

Clerk of the Court

1500 West Perimeter Road, Suite 1100

Joint Base Andrews, MD 20762

Counsel for Service (Government):

Government Appellate Division

Office of The Judge Advocate General

1500 West Perimeter Road, Suite 1190

Joint Base Andrews, MD 20762

Date: March 3, 2026

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I. Jurisdictional Statement

Petitioner, **Chantay P. White**, respectfully invokes the jurisdiction of this Court under the All Writs Act, 28 U.S.C. § 1651(a). This Court retains authority to review and correct fundamental errors in court-martial convictions that have become final when no other adequate remedy exists. See *United States v. Denedo*, 556 U.S. 904 (2009).

II. Issues Presented

1. Whether coram nobis relief is warranted where the military has formally determined that the conduct underlying Petitioner's conviction was unintentional, negating the mens rea required for Article 107, UCMJ.
2. Whether the conviction must be vacated where the government's later findings directly contradict an essential element of the offense.
3. Whether equitable tolling applies where Petitioner was deployed to a combat zone during the appellate window and was unable to file a timely appeal.
4. Whether fundamental fairness and the integrity of the military justice system require vacatur of a conviction the government now concedes was factually and legally unsupported.

III. Statement of Relevant Facts

1. Petitioner, Chantay P. White, was convicted at a court-martial of making a false official statement in violation of Article 107, UCMJ.
2. The conviction was based on the allegation that Petitioner intentionally provided false information on a renewal credentials form and security clearance application.
3. During subsequent administrative and appellate proceedings, the United States Air Force determined that Petitioner's response on the form constituted an unintentional error, not an intentional misrepresentation.
4. Based on this finding, the Air Force corrected Petitioner's discharge to Honorable, acknowledging the injustice of the prior characterization.
5. At the time Petitioner should have filed her appeal, she was deployed to Iraq in support of U.S. Government operations with the Department of State.
6. During this deployment, the Government of Iraq delayed and eventually prohibited the entry of U.S. mail for more than 30 days due to the military drawdown, preventing Petitioner from receiving time-sensitive legal correspondence.
7. Petitioner submitted her application to the Supreme Court prior to the required due date of 29 July 2011. The Court returned the package for correction, but Petitioner did not receive it until after the deadline because of the mail suspension in Iraq.
8. Petitioner immediately contacted the Court to explain the circumstances, but the filing was deemed "Out of Time."
9. As a result, Petitioner's conviction became final without meaningful appellate review, despite circumstances entirely outside her control.
10. Petitioner continues to suffer ongoing collateral consequences, including reputational harm, loss of professional opportunities, adverse entries in federal databases (including the FBI and National Practitioner Data Bank), and denial of retirement benefits despite 16 years of Honorable service.
11. The government's own later findings now directly contradict the essential mens rea element of the offense for which Petitioner was convicted.

IV. Standard for Coram Nobis Relief

A writ of error coram nobis is an extraordinary remedy available to correct fundamental errors in criminal convictions when no other avenue of relief exists. The Supreme Court and military appellate courts have established the following criteria:

- The error is of the most fundamental character.
- No other adequate remedy is available.
- Valid reasons exist for not seeking relief earlier.
- The new information could not have been discovered through reasonable diligence.
- The conviction carries continuing collateral consequences.
- The error renders the conviction invalid as a matter of law.

See *United States v. Denedo*, 556 U.S. 904 (2009); *United States v. Morgan*, 346 U.S. 502 (1954).

Petitioner satisfies each of these requirements.

V. Argument

A. The Government's Own Findings Establish That the Conviction Was Legally and Factually Invalid

Article 107 requires intentional falsification. The Air Force has now formally determined that Petitioner's statement was unintentional, eliminating the mens rea required for conviction. A conviction cannot stand where the government later acknowledges that an essential element of the offense was not met.

(Exhibit 1: AFBCMR Determination)

B. The Error Is Fundamental and Undermines the Integrity of the Court-Martial

A conviction based on conduct the government now concedes was not criminal constitutes a structural defect. Military appellate courts have consistently held that convictions resting on legally insufficient evidence or incorrect factual premises warrant extraordinary relief.

C. Petitioner Had Valid Reasons for Not Seeking Relief Earlier Due to Deployment in a Combat Zone

Petitioner was deployed to Iraq during the appellate window and lacked access to counsel, legal resources, and the ability to file. Mail delivery into Iraq was suspended for more than 30 days, preventing timely receipt of Supreme Court correspondence.

(Exhibit 2: Deployment Documentation)

D. No Other Remedy Exists

- The Supreme Court cannot review the case due to timeliness.

- The President cannot overturn a court-martial conviction.
- The Secretary of Defense and BCMRs lack authority to void convictions.
- Only this Court can grant the relief necessary to correct the injustice.

E. Petitioner Continues to Suffer Collateral Consequences

Despite the corrected discharge, the conviction remains on Petitioner’s record and continues to affect:

- Employment opportunities
- Professional licensing
- Reputation and online visibility
- Federal databases (FBI, NPDB)
- Retirement eligibility

These consequences satisfy the requirement for ongoing harm.

VI. Requested Relief

Petitioner, Chantay P. White, respectfully requests that this Court:

1. Vacate the findings and sentence of the court-martial.
2. Set aside the conviction in its entirety.
3. Order correction of all military records to reflect vacatur.
4. Restore eligibility for retirement benefits consistent with Petitioner’s 16 years of Honorable service; full retirement.
5. Remove this case content from the Internet
6. Correct this record with the National Practitioners Data bank
7. Correct this information with all legal sources not limited to the FBI.
8. Grant any further relief the Court deems just and appropriate.

VII. Exhibits

Exhibit 1: AFBCMR Determination – Finding of “Did not believe the applicant intended to deceive”/ Unintentional Error”

Exhibit 2: DD-214 Showing Corrected Honorable Discharge

Exhibit 3: Deployment Orders / Baghdad Assignment Documentation

Exhibit 4: Evidence of Mail Suspension and Delayed

Exhibit 5: Affidavits from Counsel, Commanders, and Subject Matter Experts

Exhibit 6: Administrative Review Findings Acknowledging Injustice

Petitioner Continues to Suffer Collateral Consequences

Exhibit 7: Employment opportunities

Exhibit 8: Professional Credentialing

Exhibit 9: Reputation and online visibility

Exhibit 10: Federal databases (FBI, NPDB)

VIII. Conclusion

Petitioner's conviction rests on a factual and legal foundation the government has since repudiated. The interests of justice, the integrity of the military justice system, and the principles of fundamental fairness require that the conviction be vacated through the extraordinary remedy of coram nobis.

Respectfully submitted,



CHANTAY P. WHITE

Major, United States Air Force (Former)

Petitioner

SWORN DECLARATION OF CHANTAY P. WHITE

(28 U.S.C. § 1746)

I, **Chantay P. White**, declare under penalty of perjury that the following is true and correct:

I do not have access to my original deployment orders because this appellate process has been ongoing for nearly nineteen years. I was assigned to Iraq from October 2010 through November 2012, serving in Baghdad during the period in which my appellate deadlines occurred. I have included my performance evaluations and official documents covering those dates, which independently verify my assignment in Baghdad throughout the relevant timeframe.

Executed on this 3rd day of March, 2026.

Fort Washington, Maryland



CHANTAY P. WHITE
Major, United States Air Force (Former)
Petitioner

TABLE OF AUTHORITIES

Cases

United States v. Denedo, 556 U.S. 904 (2009)

United States v. Morgan, 346 U.S. 502 (1954)

United States v. Bevilacqua, 447 F.3d 124 (1st Cir. 2006)

United States v. Frischholz, 16 C.M.A. 150, 36 C.M.R. 306 (1966)

United States v. Cossio, 64 M.J. 254 (C.A.A.F. 2007)

United States v. Loving, 62 M.J. 235 (C.A.A.F. 2005)

United States v. Gray, 77 M.J. 5 (C.A.A.F. 2017)

Statutes and Authorities

All Writs Act, 28 U.S.C. § 1651(a)

Uniform Code of Military Justice, Article 107

28 U.S.C. § 1746

CERTIFICATE OF SERVICE

I certify that on this 3 day of March 2026, I served a true and correct copy of the **Petition for Writ of Error Coram Nobis**, including all exhibits, sworn declaration, and table of authorities, upon the following:

1. Government Appellate Division (Air Force)

Government Appellate Division
Office of The Judge Advocate General
1500 West Perimeter Road, Suite 1190
Joint Base Andrews, MD 20762
Phone: (240) 612-5070

2. Clerk of the Court

United States Air Force Court of Criminal Appeals
1500 West Perimeter Road, Suite 1100 or 1900
Joint Base Andrews, MD 20762

Service was accomplished by:

- U.S. Mail
- Certified Mail
- Courier
- Electronic submission (if permitted) AF.JAH.Filing.Workflow@us.af.mil
- Hand delivery

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