IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee* v. Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force *Appellant*	)))))))))	**NOTICE OF DIRECT APPEAL PURSUANT TO ARTICLE 66(b)(1)(A), UCMJ** No. ACM SXXXXX 6 September 2024

TO THE HONORABLE, THE JUDGES OF THE
UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

On 21 May 2024, Appellant was tried by a military judge alone special court-martial pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ), at Shaw Air Force Base, South Carolina. R. at 1, 7. Contrary to his pleas, R. at 9, the military judge found Appellant guilty of one charge and specification of wrongful marijuana use in violation of Article 112a, UCMJ. R. at 111. Appellant was sentenced to a reduction in pay grade to E-2 and a reprimand. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action, 4 June 2024.

On 16 August 2024, the Government sent Appellant the required notice, by mail, of his right to appeal within 90 days. Pursuant to Article 66(b)(1)(A), UCMJ, Appellant hereby files his notice of direct appeal with this Court.

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Appellate Government Division on 6 September 2024.

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel

UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM ________**
Appellee	)	
	)	
v.	)	
	)	**NOTICE OF**
Collyn L. LAWRENCE	)	**DOCKETING**
Airman First Class (E-3)	)	
U.S. Air Force	)	
Appellant	)	

On 6 June 2024, this court received a notice of direct appeal from Appellant in the above-styled case, pursuant to Article 66(b)(1)(A), Uniform Code of Military Justice, 10 U.S.C. § 866(b)(1)(A).

As of the date of this notice, the court has not yet received a record of trial in Appellant's case.

Accordingly, it is by the court on this 6th day of September, 2024,

ORDERED:

The case in the above-styled matter is referred to Panel 2.

It is further ordered:

The Government will forward a copy of the record of trial to the court forthwith.

FOR THE COURT

OLGA STANFORD, Capt, USAF
Commissioner

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM 24064**
Appellee	)	
	)	
v.	)	
	)	**ORDER**
Collyn L. LAWRENCE	)	
Airman First Class (E-3)	)	
U.S. Air Force	)	
Appellant	)	**Panel 2**

On 19 November 2024, counsel for Appellant submitted a Motion for Enlargement of Time (First) requesting an additional 60 days to submit Appellant's assignments of error. The Government opposes the motion.

From the date of docketing to when this enlargement would end, 144 days will have elapsed, and from the date of receipt of the record of trial to when this enlargement would end, 120 days will have elapsed.

The court has considered Appellant's motion, the Government's opposition, case law, and this court's Rules of Practice and Procedure.

Accordingly, it is by the court on this 21st day of November, 2024,

ORDERED:

Appellant's Motion for Enlargement of Time (First) is **GRANTED**. Appellant shall file any assignments of error not later than **28 January 2025.**

Counsel should not rely on any subsequent requests for enlargement of time being granted. Each request will be considered on its merits.

Appellant's counsel is advised that any subsequent motions for enlargement of time shall include, in addition to matters required under this court's Rules of Practice and Procedure, statements as to: (1) whether Appellant was advised of Appellant's right to a timely appeal, (2) whether Appellant was provided an update of the status of counsel's progress on Appellant's case, (3) whether Appellant was advised of the request for an enlargement of time, and (4) whether Appellant agrees with the request for an enlargement of time. Counsel is not required to re-address item (1) in each subsequent motion for enlargement of time if counsel previously replied in the affirmative.

Counsel may request, and the court may order *sua sponte*, a status conference to facilitate timely processing of this appeal.

Appellant's counsel is further advised that any future requests for enlargements of time that, if granted, would expire more than 330 days after docketing, will not be granted absent exceptional circumstances.

FOR THE COURT

OLGA STANFORD, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	**APPELLANT'S MOTION FOR**
Appellee,	)	**ENLARGEMENT OF TIME (FIRST)**
	)	
v.	)	Before Panel 2
	)	
Airman First Class (E-3)	)	No. ACM 24064
COLLYN L. LAWRENCE,	)	
United States Air Force,	)	19 November 2024
Appellant.	)	

TO THE HONORABLE, THE JUDGES OF THE
UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his first enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 60 days, which will end on **28 January 2025**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the verbatim transcript to the present date, 50 days have elapsed. On the date requested, 120 days will have elapsed.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested first enlargement of time.

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel

[1] From the date of docketing to the present date, 74 days have elapsed. On the date requested, 144 days will have elapsed.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 19 November 2024.

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel

21 November 2024

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Airman First Class (E-3) COLLYN L. LAWRENCE, USAF, *Appellant.*	)))))))))	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME ACM 24064 Panel No. 2

TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

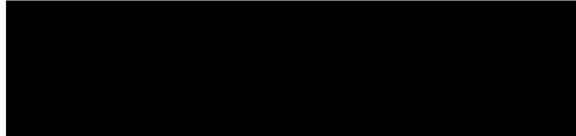
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 21 November 2024.



MARY ELLEN PAYNE
Associate Chief, Government Trial and
Appellate Operations Division

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

<table>
<tr><td>UNITED STATES
Appellee,

v.

Airman First Class (E-3)
COLLYN L. LAWRENCE,
United States Air Force
Appellant.</td><td>)
)
)
)
)
)
)
)
)</td><td>APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (SECOND)

Before Panel 2

No. ACM 24064

16 January 2025</td></tr>
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TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(1) and (2) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his second enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **27 February 2025**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the transcript to the present date, 108 days have elapsed. On the date requested, 150 days will have elapsed.

On 21 May 2024, R. at 1, Appellant was tried by a special court-martial comprised of a military judge sitting alone pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). R. at 7. Contrary to his pleas, R. at 9, Appellant was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. R. at 111. The military judge sentenced to a reduction to the grade of E-2 and a reprimand. R. at 126. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is confined.

[1] From the date of docketing to the present date, 132 days have elapsed. On the date requested, 174 days will have elapsed.

The ROT is two volumes consisting of 13 prosecution exhibits, 10 defense exhibit, and five appellate exhibits. The transcript is 126 pages long.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

(1) Appellant has been advised of his right to a timely appeal.

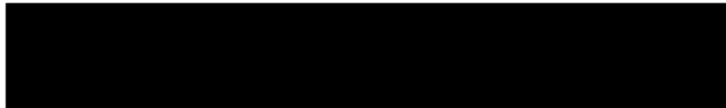
(2) Appellant has been advised of this request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown.

Respectfully submitted,



TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 16 January 2025.

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel

21 January 2025

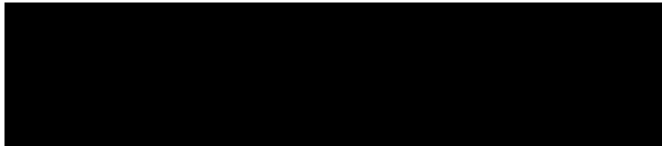
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Airman First Class (E-3) COLLYN L. LAWRENCE, USAF, *Appellant.*	)))))))))	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME ACM 24064 Panel No. 2

TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

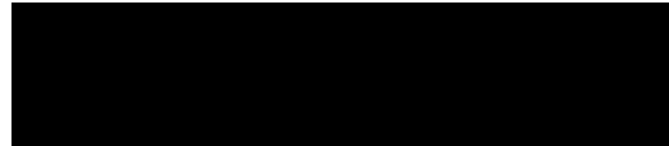
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations
Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 21 January 2025.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*, v. Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force *Appellant*.	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (THIRD)** Before Panel 2 No. ACM 24064 13 February 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his third enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **29 March 2025**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the transcript to the present date, 136 days have elapsed. On the date requested, 180 days will have elapsed.

On 21 May 2024, R. at 1, Appellant was tried by a special court-martial comprised of a military judge sitting alone pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). R. at 7. Contrary to his pleas, R. at 9, Appellant was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. R. at 111. The military judge sentenced to a reduction to the grade of E-2 and a reprimand. R. at 126. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is confined.

[1] From the date of docketing to the present date, 160 days have elapsed. On the date requested, 204 days will have elapsed.

The ROT is two volumes consisting of 13 prosecution exhibits, 10 defense exhibit, and five appellate exhibits. The transcript is 126 pages long.

Undersigned counsel is assigned 29 cases, 16 cases are pending initial AOEs before this Court. No case before the Supreme Court takes priority over this case. One case before the Court of Appeals for the Armed Forces takes priority over this case: *United States v. Couty*. Undersigned counsel is conducting research in preparation of filing a petition for review and corresponding supplement.

The following cases with this Court have priority over the instant case.

1) *United States v. Moreno*, ACM 40511 – The reply brief in this case was due on 12 February 2024. While undersigned counsel prepared his draft, civilian co-counsel has not yet reviewed. Therefore, today, undersigned counsel filed an out of time enlargement seeking a new deadline of 15 February 2025.

2) *United States v. Barlow*, ACM 40552 – The record of trial is four volumes, consisting of six prosecution exhibits, nine defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 338 pages. Undersigned counsel has not begun a review of this case, but has filed a motion to review sealed materials, which this Court granted. This Court ordered that no additional enlargements would be granted, despite this case not being the highest priority in undersigned counsel's docket.

3) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel has reviewed approximately 850 pages of this record and filed a motion to review sealed materials, which this Court granted. This appellant recently retained civilian counsel. Civilian counsel are in the process of obtaining the record of trial in this case.

4) *United States v. Tyson*, ACM 40612 – The record of trial is an electronic record consisting of 924 pages. There are four prosecution exhibits, four defense exhibits, and 11 appellate exhibits. The transcript is 92 pages. Undersigned counsel has not begun a review of this record.

5) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned counsel has not begun a review of this record.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

(1) Appellant has been advised of his right to a timely appeal.

(2) Appellant has been advised of this request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 13 February 2025.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

18 February 2025

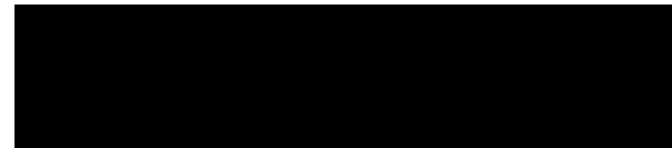
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Airman First Class (E-3) COLLYN L. LAWRENCE, USAF, *Appellant.*	)))))))))	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME ACM 24064 Panel No. 2

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

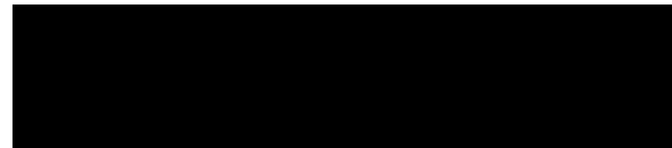
WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 18 February 2025.



JENNY A. LIABENOW, Lt Col, USAF
Director of Operations
Government Trial and Appellate Operations Division

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	**APPELLANT'S MOTION FOR**
Appellee,	)	**ENLARGEMENT OF TIME (FOURTH)**
	)	
v.	)	Before Panel 2
	)	
Airman First Class (E-3)	)	No. ACM 24064
COLLYN L. LAWRENCE,	)	
United States Air Force	)	19 March 2025
Appellant.	)	

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his fourth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **28 April 2025**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the transcript to the present date, 170 days have elapsed. On the date requested, 210 days will have elapsed.

On 21 May 2024, R. at 1, Appellant was tried by a special court-martial comprised of a military judge sitting alone pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). R. at 7. Contrary to his pleas, R. at 9, Appellant was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. R. at 111. The military judge sentenced to a reduction to the grade of E-2 and a reprimand. R. at 126. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is confined.

[1] From the date of docketing to the present date, 194 days have elapsed. On the date requested, 234 days will have elapsed.

The ROT is two volumes consisting of 13 prosecution exhibits, 10 defense exhibit, and five appellate exhibits. The transcript is 126 pages long.

Undersigned counsel is assigned 30 cases, 19 cases are pending initial AOEs before this Court. One case before the Supreme Court takes priority over this case: United States v. Kelnhofer. Undersigned counsel has not begun drafting this petition. Three cases before the Court of Appeals for the Armed Forces (CAAF) take priority over this case: (1) *United States v. Couty*; *United States v. Beyer*; and (3) *United States v. Covitz*. Undersigned counsel has begun research in Couty but has not begun drafting; for the remaining CAAF cases, undersigned counsel has not begun work.

In addition, the following cases with this Court have priority over the instant case.

1) *United States v. Barlow*, ACM 40552 – The record of trial is four volumes, consisting of six prosecution exhibits, nine defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 338 pages. The Government's Answer is due on 14 April 2025, with any Reply due on 21 April 2025.

2) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel has completed a review of the record. Civilian co-counsel is presently reviewing the record. However, the copy received by the civilian co-counsel from this appellant was heavily redacted. It is unclear why the Government chose to redact non-sealed and non-sensitive information. Regardless, undersigned counsel spent considerable time scanning and sending the unsealed record to civilian co-counsel. This copy of the record was sent to the civilian co-counsel today for review.

3) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned counsel has not begun a review of this record.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

(1) Appellant has been advised of his right to a timely appeal.

(2) Appellant has been advised of this request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 19 March 2025.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force, *Appellant.*	)	No. ACM 24064
	)	20 March 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

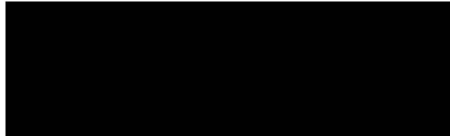
Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 20 March 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*, v. Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force *Appellant*.	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (FIFTH)** Before Panel 2 No. ACM 24064 11 April 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his fifth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **28 May 2025**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the transcript to the present date, 193 days have elapsed. On the date requested, 240 days will have elapsed.

On 21 May 2024, R. at 1, Appellant was tried by a special court-martial comprised of a military judge sitting alone pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). R. at 7. Contrary to his pleas, R. at 9, Appellant was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. R. at 111. The military judge sentenced to a reduction to the grade of E-2 and a reprimand. R. at 126. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is confined.

[1] From the date of docketing to the present date, 217 days have elapsed. On the date requested, 264 days will have elapsed.

The ROT is two volumes consisting of 13 prosecution exhibits, 10 defense exhibit, and five appellate exhibits. The transcript is 126 pages long.

Undersigned counsel is assigned 30 cases, 18 cases are pending initial AOEs before this Court. One case before the United States Supreme Court takes priority over this case: *United States v. Kelnhofer*. The petition for writ of certiorari is due in late May 2025. The petition must be prepared no later than 14 May 2025 to complete printing and file on time. Undersigned counsel has not yet begun work on this petition. Four cases before the Court of Appeals for the Armed Forces (CAAF) have priority over this case: (1) *United States v. Washington*; (2) *United States v. Couty*; (3) *United States v. Beyer*; and (4) *United States v. Covitz*. For *Washington*, undersigned counsel is coordinating with civilian co-counsel and Government counsel to complete the joint appendix. For *Couty*, undersigned counsel has completed research and has nearly completed drafting of the supplement, likely to be filed next week. Work on the remaining petitions and supplements has not yet begun. In addition, the following cases with this Court have priority over the instant case.

1) *United States v. Barlow*, ACM 40552 – The record of trial is four volumes, consisting of six prosecution exhibits, nine defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 338 pages. The Government's Answer is due on 15 May 2025, with any Reply due on 22 May 2025.
2) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel has completed a review of the record. Civilian co-counsel is presently reviewing the record.
3) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The

transcript is 1,201 pages long. Undersigned counsel has not begun a review of this record but civilian co-counsel has completed a review.

4) *United States v. Ehly*, ACM 23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits; the transcript is 183 pages.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

(1) Appellant has been advised of his right to a timely appeal.

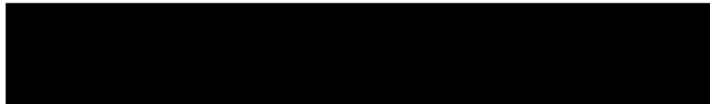
(2) Appellant has been advised of this request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown.

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 11 April 2025.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force, *Appellant.*	))))))))))))	UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME Before Panel No. 2 No. ACM 24064 15 April 2025

TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 15 April 2025.

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*, v. Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force *Appellant*.	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (SIXTH)** Before Panel 2 No. ACM 24064 18 May 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his sixth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **27 June 2025**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the transcript to the present date, 230 days have elapsed. On the date requested, 270 days will have elapsed.

On 21 May 2024, R. at 1, Appellant was tried by a special court-martial comprised of a military judge sitting alone pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). R. at 7. Contrary to his pleas, R. at 9, Appellant was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. R. at 111. The military judge sentenced to a reduction to the grade of E-2 and a reprimand. R. at 126. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

[1] From the date of docketing to the present date, 254 days have elapsed. On the date requested, 294 days will have elapsed.

The ROT is two volumes consisting of 13 prosecution exhibits, 10 defense exhibit, and five appellate exhibits. The transcript is 126 pages long.

Undersigned counsel is assigned 31 cases, 19 cases are pending initial AOEs before this Court. Two cases before the Court of Appeals for the Armed Forces (CAAF) have priority over this case: (1) *United States v. Washington*; (2) *United States v. Covitz*. The Government's Answer in *Covitz* is due on 30 May 2025; the reply, if any, is due on 6 June 2025. Undersigned counsel has completed research for *Covitz*, but has not yet begun drafting.

1) *United States v. Barlow*, ACM 40552 – The record of trial is four volumes, consisting of six prosecution exhibits, nine defense exhibits, 16 appellate exhibits, and two court exhibits; the transcript is 338 pages. The Government's Answer was filed on 15 May 2025, with any Reply due on 22 May 2025. Undersigned counsel has begun research and drafting for the reply.
2) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel has completed a review of the record. Civilian co-counsel has also completed a review and is drafting an AOE brief.
3) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned counsel has not begun a review of this record but civilian co-counsel has completed a review.
4) *United States v. Ehly*, ACM 23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits; the transcript is 183 pages. Undersigned counsel has not begun a review of this case.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel

time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

(1) Appellant has been advised of his right to a timely appeal.

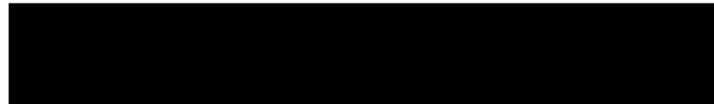
(2) Appellant has been advised of this request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown.

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 18 May 2025.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

<table>
<tr><td>UNITED STATES,

Appellee,

v.

Airman First Class (E-3)
COLLYN L. LAWRENCE
United States Air Force.
Appellant</td><td>)
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)</td><td>UNITED STATES' GENERAL OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME

Before Panel No. 2

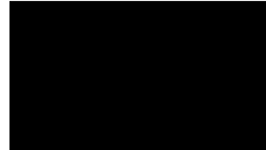
No. ACM 24064

20 May 2025</td></tr>
</table>

TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its general opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



KATE E. LEE, Maj, USAF
Appellate Government Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 20 May 2025.

KATE E. LEE, Maj, USAF
Appellate Government Counsel

UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM 24064**
Appellee	)	
	)	
v.	)	
	)	**ORDER**
Collyn L. LAWRENCE	)	
Airman First Class (E-3)	)	
U.S. Air Force	)	
Appellant	)	**Panel 2**

On 17 June 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Seventh), requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

The court has considered Appellant's motion, the Government's opposition, prior filings in this case, case law, and this court's Rules of Practice and Procedure.

Accordingly, it is by the court on this 20th day of June, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (Seventh) is **GRANTED**. Appellant shall file any assignments of error not later than **27 July 2025**.

Further requests by Appellant for enlargements of time may necessitate a status conference.

FOR THE COURT

CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*, v. Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force *Appellant*.	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (SEVENTH)** Before Panel 2 No. ACM 24064 17 June 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his seventh enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **27 July 2025**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the transcript to the present date, 260 days have elapsed. On the date requested, 300 days will have elapsed.

On 21 May 2024, R. at 1, Appellant was tried by a special court-martial comprised of a military judge sitting alone pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). R. at 7. Contrary to his pleas, R. at 9, Appellant was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. R. at 111. The military judge sentenced to a reduction to the grade of E-2 and a reprimand. R. at 126. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

[1] From the date of docketing to the present date, 284 days have elapsed. On the date requested, 324 days will have elapsed.

The ROT is two volumes consisting of 13 prosecution exhibits, 10 defense exhibit, and five appellate exhibits. The transcript is 126 pages long.

Undersigned counsel is assigned 33 cases, 20 cases are pending initial AOEs before this Court. One case before the Court of Appeals for the Armed Forces (CAAF) has priority over this case: *United States v. Washington*. The reply brief is due on 27 June 2025. Undersigned counsel has completed research for the reply.

In addition, the following cases before this Court take priority over the instant one:

1) *United States v. Evangelista*, ACM 40531 – The record of trial is 10 volumes, consisting of 56 appellate exhibits, 18 prosecution exhibits, 12 defense exhibits, and one court exhibit; the transcript is 1,439 pages. Undersigned counsel is awaiting the Government's Answer, which is due in July 2025. Any reply brief will be due seven days later.
2) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned counsel has not begun a review of this record but civilian co-counsel has completed a review.
3) *United States v. Ehly*, ACM 23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits; the transcript is 183 pages. Undersigned counsel has completed a review of this case and has begun drafting an AOE brief.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

(1) Appellant has been advised of his right to a timely appeal.

(2) Appellant has been advised of this request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 17 June 2025.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

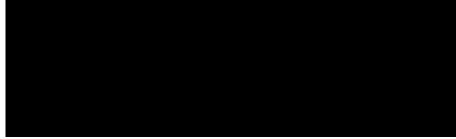
UNITED STATES, *Appellee,*	)))))	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	))	Before Panel No. 2
Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force, *Appellant.*	))))	No. ACM 24064 18 June 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 300 days in length. Appellant's nearly year long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two thirds of the 18 month standard for this Court to issue a decision, which only leaves about 8 months combined for the United Sates and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 18 June 2025.

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*, v. Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force *Appellant*.	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (EIGHTH)** Before Panel 2 No. ACM 24064 17 July 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his eighth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **26 August 2025**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the transcript to the present date, 290 days have elapsed. On the date requested, 330 days will have elapsed.

On 21 May 2024, R. at 1, Appellant was tried by a special court-martial comprised of a military judge sitting alone pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). R. at 7. Contrary to his pleas, R. at 9, Appellant was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. R. at 111. The military judge sentenced to a reduction to the grade of E-2 and a reprimand. R. at 126. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

[1] From the date of docketing to the present date, 314 days have elapsed. On the date requested, 354 days will have elapsed.

The ROT is two volumes consisting of 13 prosecution exhibits, 10 defense exhibit, and five appellate exhibits. The transcript is 126 pages long.

Undersigned counsel is assigned 34 cases, 21 cases are pending initial AOEs before this Court. One case before the Court of Appeals for the Armed Forces (CAAF) has priority over this case: *United States v. Gibbs*. Undersigned counsel has completed research and has begun drafting the supplement brief.

In addition, the following cases before this Court take priority over the instant one:

1) *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned counsel and civilian co-counsel have completed a review of this case. Undersigned counsel has begun research on several identified errors.

2) *United States v. Ehly*, ACM 23004 – The record of trial is three volumes consisting of three prosecution exhibits and 14 appellate exhibits; the transcript is 183 pages. The Government's Answer is due on 7 August 2025, with any reply due on 14 August 2025.

On 21 November 2024, this Court ordered that "enlargements of time that, if granted, would expire more than 330 days after docketing, will not be granted absent exceptional circumstances." The exceptional circumstances in this case are: (1) the number of cases older than Appellant's on undersigned counsel's docket; (2) the number of cases on undersigned counsel's docket before the CAAF and the Supreme Court of the United States; (3) the staffing shortages at the Appellate Defense Division coupled with a severe increase in workload; and (4) the time it took the Government to forward the verbatim record to this Court.

As noted in *United States v. May*, 47 M.J. 478, 481 (C.A.A.F. 1998), there is no substitute for the briefing by appellate defense counsel on behalf of an individual appellant, even considering this Court's broad mandate for independent review. Appellant requested representation under Article 70, UCMJ, when he elected to appeal. Undersigned counsel's limited progress so far is not due to an unwillingness to familiarize himself with the case or file a brief raising substantive issues, nor is it a deliberate tactical decision in order to create an appellate issue. *See United States v. Roach*, 66 M.J. 410, 418 (C.A.A.F. 2008).

Undersigned counsel regularly examines his docket with supervisory counsel to assess the possibility of assigning substitute counsel to expedite review of Appellant's case. However, no such substitute counsel has been identified due to the Appellate Defense Division's workload. For a more detailed accounting of the staffing shortages at the Appellate Defense Division, our dramatically increased workload, and the attempts to mitigate these problems, please see the attached appendix. *See generally* Mot. to Attch., App'x.

Counsel simply cannot work faster without sacrificing his competent representation, which he owes to his clients. For example, in *United States v. Gibbs*, this Court thought it appropriate to deny an enlargement of time when assigned appellate counsel had not begun a review of the record. No. ACM 40523, slip op. at 21 (A.F. Ct. Crim. App. May 20, 2025). As this Court noted, its denial of that enlargement resulted in subpar representation. *See id.* at 23 n.10 (acknowledging that this Court identified an error that assigned appellate defense counsel failed to identify). Just as in *Gibbs*, this Court cannot deny this enlargement without sacrificing Appellant's right to effective representation.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel

time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

(1) Appellant has been advised of his right to a timely appeal.

(2) Appellant has been advised of this request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown. Should this Court believe that denial of this motion is appropriate, Appellant demands a status conference.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 17 July 2025.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

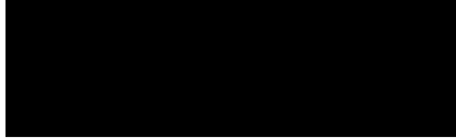
UNITED STATES, *Appellee,*	)	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	Before Panel No. 2
Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force, *Appellant.*	)	No. ACM 24064 17 July 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 330 days in length. Appellant's nearly year long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two thirds of the 18 month standard for this Court to issue a decision, which only leaves about 7 months combined for the United Sates and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 17 July 2025.

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	**MOTION TO ATTACH**
Appellee,	)	**APPENDIX**
	)	
	)	
v.	)	Before Panel 2
	)	
Airman First Class (E-3)	)	No. ACM 24064
COLLYN L. LAWRENCE,	)	
United States Air Force,	)	17 July 2025
Appellant.	)	

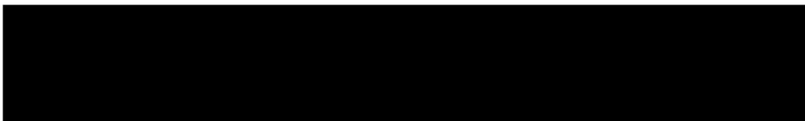
TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rules 23.3(b) of this Honorable Court's Rules of Practice and Procedure, Appellant moves to attach the Appendix to this motion to the record of trial. The Appendix is a declaration from Lieutenant Colonel Allen Abrams, Deputy Chief of the Appellate Defense Division. The declaration outlines the manning and workload challenges facing the Appellate Defense Division.

This declaration is relevant and necessary for two reasons: (1) to substantiate exceptional circumstances to comply with this Court's order; and (2) demonstrate that the post-trial delay in this case is caused by the Government's failure to adequately staff the Appellate Defense Division.

WHEREFORE, Appellant requests this Court grant this motion to attach.

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 17 July 2025.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM 24064**
Appellee	)	
	)	
v.	)	
	)	**NOTICE OF PANEL CHANGE**
Collyn L. LAWRENCE	)	
Airman First Class (E-3)	)	
U.S. Air Force	)	
Appellant	)	

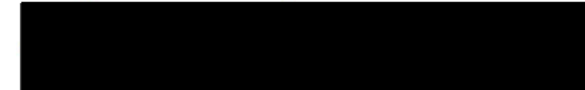
It is by the court on this 4th day of August, 2025,

ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from Panel 2 and referred to Panel 3 for appellate review.

This panel letter supersedes all previous panel assignments.

FOR THE COURT



AGNIESZKA M. GAERTNER, Capt, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*,	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (NINTH)**
v.	)	Before Panel 3
Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force *Appellant*.	)	No. ACM 24064 15 August 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his ninth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **25 September 2025**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the transcript to the present date, 319 days have elapsed. On the date requested, 360 days will have elapsed.

On 21 May 2024, R. at 1, Appellant was tried by a special court-martial comprised of a military judge sitting alone pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). R. at 7. Contrary to his pleas, R. at 9, Appellant was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. R. at 111. The military judge sentenced to a reduction to the grade of E-2 and a reprimand. R. at 126. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

[1] From the date of docketing to the present date, 343 days have elapsed. On the date requested, 384 days will have elapsed.

The ROT is two volumes consisting of 13 prosecution exhibits, 10 defense exhibit, and five appellate exhibits. The transcript is 126 pages long.

Undersigned counsel is assigned 27 cases, 12 cases are pending initial AOEs before this Court. Four cases before the United States Supreme Court take priority over this cases: (1) *United States v. Beyer*; (2) *United States v. Covitz*; (3) *United States v. Pulley*; and (4) *United States v. Arizpe*. Undersigned counsel has not begun work on any of these petitions. Additionally, one case before the Court of Appeals for the Armed Forces (CAAF) takes priority over this case: *United States v. Barlow*. Research is complete in that case.

In addition, the following cases before this Court take priority over the instant one: *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. Undersigned counsel will be filing an initial AOE in this case today.

On 21 November 2024, this Court ordered that "enlargements of time that, if granted, would expire more than 330 days after docketing, will not be granted absent exceptional circumstances." The exceptional circumstances in this case are: (1) the number of cases older than Appellant's on undersigned counsel's docket; (2) the number of cases on undersigned counsel's docket before the CAAF and the Supreme Court of the United States; (3) the staffing shortages at the Appellate Defense Division coupled with a severe increase in workload; and (4) the time it took the Government to forward the verbatim record to this Court.

As noted in *United States v. May*, 47 M.J. 478, 481 (C.A.A.F. 1998), there is no substitute for the briefing by appellate defense counsel on behalf of an individual appellant, even considering this Court's broad mandate for independent review. Appellant requested representation under Article 70, UCMJ, when he elected to appeal. Undersigned counsel's

limited progress so far is not due to an unwillingness to familiarize himself with the case or file a brief raising substantive issues, nor is it a deliberate tactical decision in order to create an appellate issue. *See United States v. Roach*, 66 M.J. 410, 418 (C.A.A.F. 2008).

Undersigned counsel regularly examines his docket with supervisory counsel to assess the possibility of assigning substitute counsel to expedite review of Appellant's case. However, no such substitute counsel has been identified due to the Appellate Defense Division's workload. For a more detailed accounting of the staffing shortages at the Appellate Defense Division, our dramatically increased workload, and the attempts to mitigate these problems, please see the attached appendix. *See generally* Mot. to Attch., App'x A.

Counsel simply cannot work faster without sacrificing his competent representation, which he owes to his clients. For example, in *United States v. Gibbs*, this Court thought it appropriate to deny an enlargement of time when assigned appellate counsel had not begun a review of the record. No. ACM 40523, slip op. at 21 (A.F. Ct. Crim. App. May 20, 2025). As this Court noted, its denial of that enlargement resulted in subpar representation. *See id.* at 23 n.10 (acknowledging that this Court identified an error that assigned appellate defense counsel failed to identify). As in *Gibbs*, this Court cannot deny this enlargement without sacrificing Appellant's right to effective representation.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to fully review Appellant's case and advise Appellant regarding potential errors. Appellant has provided limited consent to disclose confidential communications, wherein:

(1) Appellant has been advised of his right to a timely appeal.

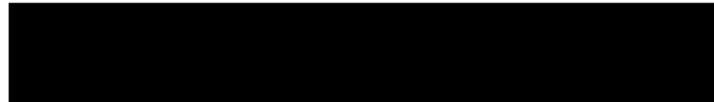
(2) Appellant has been advised of this request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown. Should this Court believe that denial of this motion is appropriate, Appellant demands a status conference.

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 15 August 2025.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force, *Appellant.*	)))))))))))	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME Before Panel No. 3 No. ACM 24064 19 August 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

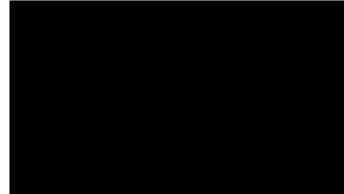
The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant nearly a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 360 days in length. Appellant's nearly year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed almost two thirds of the 18 month standard for this Court to issue a decision, which only leaves about 6 months combined for the United Sates and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

KATE E. LEE, Maj, USAF
Appellate Government Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 19 August 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel

UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM 24064**
Appellee	)	
	)	
v.	)	
	)	**ORDER**
Collyn L. LAWRENCE	)	
Airman First Class (E-3)	)	
U.S. Air Force	)	
Appellant	)	**Panel 3**

On 15 August 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Ninth), requesting an additional 30 days to submit Appellant's assignments of error. The Government opposes the motion.

In a 15 August 2025 filing by Appellant's counsel for another case before this same panel, counsel states he has not been able to begin review of Appellant's record of trial which has a 126-page transcript. Further, Appellant's counsel prioritized this case second to another case in which the assignments of error brief has since been filed, making this case his number one priority.

The court has considered Appellant's motion, Appellant's counsel's assertion that exceptional circumstances exist to justify the enlargement of time, the Government's opposition, prior filings in this case and other cases before this panel, case law, and this court's Rules of Practice and Procedure.

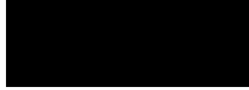
Accordingly, it is by the court on this 21st day of August, 2025,

ORDERED:

Appellant's Motion for Enlargement of Time (Ninth) is **GRANTED**. Appellant shall file any assignments of error not later than **25 September 2025**.

Based on the length of the record, the stated priority of the case, and the number of enlargements of time granted to date, this court will not look favorably upon future requests for enlargements of time absent exceptional circumstances.

FOR THE COURT



CAROL K. JOYCE
Clerk of the Court

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*, v. Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force *Appellant*.	)))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (TENTH)** Before Panel 3 No. ACM 24064 16 September 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his tenth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **25 October 2025**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the transcript to the present date, 351 days have elapsed. On the date requested, 390 days will have elapsed.

On 21 May 2024, R. at 1, Appellant was tried by a special court-martial comprised of a military judge sitting alone pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). R. at 7. Contrary to his pleas, R. at 9, Appellant was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. R. at 111. The military judge sentenced to a reduction to the grade of E-2 and a reprimand. R. at 126. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

[1] From the date of docketing to the present date, 375 days have elapsed. On the date requested, 414 days will have elapsed.

The ROT is two volumes consisting of 13 prosecution exhibits, 10 defense exhibit, and five appellate exhibits. The transcript is 126 pages long.

Undersigned counsel is assigned 27 cases, 11 cases are pending initial AOEs before this Court. Undersigned counsel is assigned three cases before the Supreme Court: (1) *United States v. Beyer*; (2) *United States v. Covitz*; and (3) *United States v. Pulley*. However, undersigned counsel has not begun work on any of these petitions and will be putting in a sixty day extension for these cases. These extensions were necessary because undersigned counsel discovered new evidence in a case before the Court of Appeals for the Armed Forces: *United States v. Barlow*. This new evidence likely requires a petition for a new trial, as well as a unique request for the CAAF to remand to this Court for further consideration. Undersigned counsel has been working to collect post-trial evidence in this case.

Only one case before this Court takes priority over this case: *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. The Government's answer is due on 29 September 2025, with any reply due on 6 October 2025.

Additionally, counsel has completed a review of the record, has identified several errors, conducted research on those errors, and has begun drafting an assignments of error brief. However, as will be detailed below, additional time is necessary to complete drafting in this case.

On 21 November 2024, this Court ordered that "enlargements of time that, if granted, would expire more than 330 days after docketing, will not be granted absent exceptional circumstances." Then, on 21 August 2025, this Court noted that it would not "look favorably upon future requests for enlargements of time absent exceptional circumstances." Appellant incorporates, by reference, the exceptional circumstances noted in his Motion for EOT (Ninth), which were: (1) the number of cases older than Appellant's on undersigned counsel's docket; (2)

the number of cases on undersigned counsel's docket before the CAAF and the Supreme Court of the United States; (3) the staffing shortages at the Appellate Defense Division coupled with a severe increase in workload; and (4) the time it took the Government to forward the verbatim record to this Court.

In addition to the exceptional circumstances noted above, Appellant requires the appointment of a confidential expert consultant to his case to assist with his ineffective assistance of counsel (IAC) claim. The appointment of this confidential consultant will take time. Undersigned counsel has already secured an available expert from the United States Army and has coordinated with the Government on obtaining approval for this expert. Undersigned counsel is presently drafting a memorandum and obtaining additional instructions from the Military Justice and Discipline Directorate on the routing process.

An expert consultant is necessary to assist Appellant. A review of the record has demonstrated that the trial defense counsel were likely ineffective. Part of the IAC claim is that the trial defense counsel failed to obtain and consult with an expert forensic toxicologist. To demonstrate ineffective assistance of counsel, Appellant must demonstrate both that his counsel's performance was deficient and that the deficient performance resulted in prejudice. *See United States v. Palik*, 84 M.J. 284, 288-89 (C.A.A.F. 2024).

Failing to consult or rely on expert witnesses may constitute IAC, but the inquiry is fact-specific to each case. *See United States v. Grigoruk*, 52 M.J. 312, 315, 381 (C.A.A.F. 2000) (finding that appellant met a threshold showing for IAC when his counsel failed to consult with an expert, requiring additional fact finding); *United States v. Akbar*, 74 M.J. 364, (C.A.A.F. 2015) (reasoning that "it can be assumed that in some cases counsel would be ineffective for failing to consult or rely on experts" (cleaned up)). In a case where the deficient performance

involves a failure to obtain an expert consultant, a prejudice analysis can be more difficult for an appellant. See *United States v. Datavas*, 71 M.J. 420, 426 (C.A.A.F. 2012) (finding that there was no IAC because the appellant failed to demonstrate the result at trial would have been different); *United States v. Dobson*, 62 M.J. 303, 308 (C.A.A.F. 2006) (holding there was no IAC where counsel's performance did not prejudice the outcome of the case).

An expert consultant is necessary for Appellant to provide input on a variety of topics that implicate prejudice. This includes, but is not limited to: (1) whether an expert consultant would have provided useful information for defense counsel's cross-examination of the Government's witness; (2) whether the Government's expert testimony was accurate and/or within his scope; (3) whether there were any problems with the Government's scientific evidence; (4) whether the expert consultant would have recommended that he testify on behalf of the Appellant; and (5) whether he would have provided information to the defense counsel prior to trial that would have altered trial strategy. An expert consultant is necessary to demonstrate prejudice in this case, and counsel has been working diligently to secure one.

Through no fault of Appellant, undersigned counsel has been unable to complete his review and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to secure the expert consultant, provide him with the record of trial in this case, and consult with the expert and Appellant.

Appellant has provided limited consent to disclose confidential communications, wherein:

(1) Appellant has been advised of his right to a timely appeal.

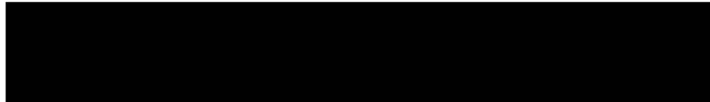
(2) Appellant has been advised of this request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown. Should this Court believe that denial of this motion is appropriate, Appellant demands a status conference.

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 16 September 2025.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME
v.	)	Before Panel No. 3
Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force, *Appellant.*	)	No. ACM 24064 18 September 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

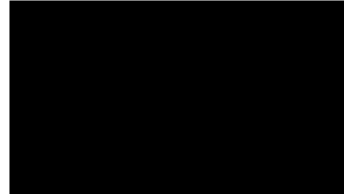
The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 390 days in length. Appellant's over year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed more than two thirds of the 18 month standard for this Court to issue a decision, which only leaves about 5 months combined for the United Sates and this Court to perform their separate statutory responsibilities. It appears that Appellant's counsel has not completed review of the record of trial at this late stage of the appellate process.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

KATE E. LEE, Maj, USAF
Appellate Government Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 18 September 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*, v. Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force *Appellant*.	))))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (ELEVENTH)** Before Panel 3 No. ACM 24064 16 October 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant moves for an enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **24 November 2025**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the transcript to the present date, 381 days have elapsed. On the date requested, 420 days will have elapsed.

On 21 May 2024, R. at 1, Appellant was tried by a special court-martial comprised of a military judge sitting alone pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). R. at 7. Contrary to his pleas, R. at 9, Appellant was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. R. at 111. The military judge sentenced to a reduction to the grade of E-2 and a reprimand. R. at 126. The convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

[1] From the date of docketing to the present date, 405 days have elapsed. On the date requested, 444 days will have elapsed.

The ROT is two volumes consisting of 13 prosecution exhibits, 10 defense exhibit, and five appellate exhibits. The transcript is 126 pages long.

Undersigned counsel is assigned 27 cases, 9 cases are pending initial AOEs before this Court. Undersigned counsel is assigned three cases before the Supreme Court: (1) *United States v. Beyer*; (2) *United States v. Covitz*; and (3) *United States v. Pulley*. However, undersigned counsel has not begun work on any of these petitions and obtained sixty-day extensions for each case. As a result, the initial brief in this case will likely be filed before these petitions.

The above Supreme Court extensions were necessary because undersigned counsel discovered new evidence in a case before the Court of Appeals for the Armed Forces (CAAF): *United States v. Barlow*. This new evidence required four different filings to the CAAF, which were filed last week.

Two matters before this Court take priority over this case: *United States v. Augustin*, ACM 40655 – The record of trial is eight volumes consisting of 10 prosecution exhibits, seven defense exhibits, 24 appellate exhibits, and one court exhibit. The transcript is 1,201 pages long. The reply brief was due earlier this week, however this appellant sought an enlargement to file this reply later this month based on civilian co-counsel's availability. Additionally, the undersigned is detailed to *In re Landry*, Misc. Dkt. No. 2025-12. This case required the undersigned to work the Columbus Day weekend preparing a Petition for Writ of Mandamus. Then, this week, additional filings were necessary.

Counsel has completed a review of the record, has identified several errors, conducted research on those errors, and has begun drafting an assignments of error brief. However, as will be detailed below, additional time is necessary to complete drafting in this case.

On 21 November 2024, this Court ordered that "enlargements of time that, if granted, would expire more than 330 days after docketing, will not be granted absent exceptional circumstances." Then, on 21 August 2025, this Court noted that it would not "look favorably

upon future requests for enlargements of time absent exceptional circumstances." Appellant incorporates, by reference, the exceptional circumstances noted in his Motion for EOT (Ninth), which were: (1) the number of cases older than Appellant's on undersigned counsel's docket; (2) the number of cases on undersigned counsel's docket before the CAAF and the Supreme Court of the United States; (3) the staffing shortages at the Appellate Defense Division coupled with a severe increase in workload; and (4) the time it took the Government to forward the verbatim record to this Court.

In addition to the above, the undersigned was selected to serve as the backfill Director of Staff to the Director of the Military Justice and Discipline Directorate. This assignment required several half-days of training last week, as well as three full days serving as the backfill.

Further, Appellant requires the appointment of a confidential expert consultant to his case to assist with his ineffective assistance of counsel (IAC) claim. Undersigned counsel has already secured an available expert from the United States Army and has coordinated with the Government on obtaining approval for this expert. Undersigned counsel prepared and submitted a memorandum to the Military Justice and Discipline Directorate to have an expert appointed. However, the Director did not appoint the expert. Instead, the Director stated that this Court is the appropriate authority to appoint such an expert. As a result, undersigned counsel is preparing a motion to appoint an expert consultant.

An expert consultant is necessary to assist Appellant. A review of the record has demonstrated that the trial defense counsel were likely ineffective. Part of the IAC claim is that the trial defense counsel failed to obtain and consult with an expert forensic toxicologist. To demonstrate ineffective assistance of counsel, Appellant must demonstrate both that his

counsel's performance was deficient and that the deficient performance resulted in prejudice. *See United States v. Palik*, 84 M.J. 284, 288-89 (C.A.A.F. 2024).

Failing to consult or rely on expert witnesses may constitute IAC, but the inquiry is fact-specific to each case. *See United States v. Grigoruk*, 52 M.J. 312, 315, 381 (C.A.A.F. 2000) (finding that appellant met a threshold showing for IAC when his counsel failed to consult with an expert, requiring additional fact finding); *United States v. Akbar*, 74 M.J. 364, (C.A.A.F. 2015) (reasoning that "it can be assumed that in some cases counsel would be ineffective for failing to consult or rely on experts" (cleaned up)). In a case where the deficient performance involves a failure to obtain an expert consultant, a prejudice analysis can be more difficult for an appellant. See *United States v. Datavas*, 71 M.J. 420, 426 (C.A.A.F. 2012) (finding that there was no IAC because the appellant failed to demonstrate the result at trial would have been different); *United States v. Dobson*, 62 M.J. 303, 308 (C.A.A.F. 2006) (holding there was no IAC where counsel's performance did not prejudice the outcome of the case).

An expert consultant is necessary for Appellant to provide input on a variety of topics that implicate prejudice. This includes, but is not limited to: (1) whether an expert consultant would have provided useful information for defense counsel's cross-examination of the Government's witness; (2) whether the Government's expert testimony was accurate and/or within his scope; (3) whether there were any problems with the Government's scientific evidence; (4) whether the expert consultant would have recommended that he testify on behalf of the Appellant; and (5) whether he would have provided information to the defense counsel prior to trial that would have altered trial strategy. An expert consultant is necessary to demonstrate prejudice in this case, and counsel has been working diligently to secure one.

Through no fault of Appellant, undersigned counsel has been unable to complete his review

and prepare a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to secure the expert consultant, provide him with the record of trial in this case, and consult with the expert and Appellant.

Appellant has provided limited consent to disclose confidential communications, wherein:

(1) Appellant has been advised of his right to a timely appeal.

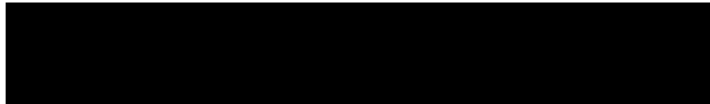
(2) Appellant has been advised of this request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown. Should this Court believe that denial of this motion is appropriate, Appellant demands a status conference.

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 16 October 2025

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

<table>
<tr><td>UNITED STATES,
Appellee,

v.

Airman First Class (E-3)
COLLYN L. LAWRENCE,
United States Air Force,
Appellant.</td><td>)
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)</td><td>UNITED STATES'
OPPOSITION TO APPELLANT'S
MOTION FOR ENLARGEMENT
OF TIME

Before Panel No. 3

No. ACM 24064

20 October 2025</td></tr>
</table>

TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

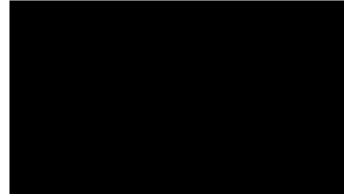
The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 420 days in length. Appellant's over year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed more than two thirds of the 18 month standard for this Court to issue a decision, which only leaves about 4 months combined for the United States and this Court to perform their separate statutory responsibilities.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

KATE E. LEE, Maj, USAF
Appellate Government Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 20 October 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*, v. Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force *Appellant*.	))))))))))	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (TWELFTH)** Before Panel 3 No. ACM 24064 17 November 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his twelfth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **24 December 2025**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the transcript to the present date, 413 days have elapsed. On the date requested, 450 days will have elapsed.

On 21 May 2024, R. at 1, Appellant was tried by a special court-martial comprised of a military judge sitting alone pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). R. at 7. Contrary to his pleas, R. at 9, Appellant was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. R. at 111. The military judge sentenced to a reduction to the grade of E-2 and a reprimand. R. at 126. The

[1] From the date of docketing to the present date, 437 days have elapsed. On the date requested, 475 days will have elapsed.

convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The ROT is two volumes consisting of 13 prosecution exhibits, 10 defense exhibit, and five appellate exhibits. The transcript is 126 pages long.

Undersigned counsel is assigned 27 cases, 9 cases are pending initial AOEs before this Court. Undersigned counsel is assigned two cases before the Supreme Court which require work: (1) *United States v. Covitz*; and (2) *United States v. Pulley*. Undersigned counsel is presently drafting *Covitz* and will begin work on *Pulley*, which is a joint petition with another JAJA client, once *Covitz* is complete. Covitz must be completed by this Friday, 21 November 2025, and Pulley must be completed by 5 December 2025. No case before the CAAF nor this Court takes priority over this case.[2]

In this case, undersigned counsel has completed a review of the record, identified several errors, completed research, and has begun drafting. However, drafting cannot be complete until undersigned counsel can consult with an expert consultant. The Government has denied undersigned counsel access to a confidential expert consultant—one which would come at no cost to the Government. And, on Friday, 14 November 2025, undersigned counsel moved this Court to compel the Government to provide one. This Court has not yet acted on this request.

On 21 November 2024, this Court ordered that "enlargements of time that, if granted, would expire more than 330 days after docketing, will not be granted absent exceptional circumstances." Then, on 21 August 2025, this Court noted that it would not "look favorably upon future requests for enlargements of time absent exceptional circumstances." Appellant incorporates, by reference, the exceptional circumstances noted in his Motion for EOT (Ninth), which were: (1) the number of cases older than Appellant's on undersigned counsel's docket; (2)

[2] However, this Court has indicated it would likely not grant another enlargement in *United States v. Parra-Peralta*. Should this Court deny an enlargement in that case, it would move this case down in undersigned counsel's order of priorities.

the number of cases on undersigned counsel's docket before the CAAF and the Supreme Court of the United States; (3) the staffing shortages at the Appellate Defense Division coupled with a severe increase in workload; and (4) the time it took the Government to forward the verbatim record to this Court.

In addition to the exceptional circumstances noted above, Appellant requires the appointment of a confidential expert consultant to his case to assist with his ineffective assistance of counsel (IAC) claim. Undersigned counsel has already secured an available expert from the United States Army. An expert consultant is necessary to assist Appellant. A review of the record has demonstrated that the trial defense counsel were likely ineffective. Part of the IAC claim is that the trial defense counsel failed to obtain and consult with an expert forensic toxicologist. To demonstrate ineffective assistance of counsel, Appellant must demonstrate both that his counsel's performance was deficient and that the deficient performance resulted in prejudice. *See United States v. Palik*, 84 M.J. 284, 288-89 (C.A.A.F. 2024).

Failing to consult or rely on expert witnesses may constitute IAC, but the inquiry is fact-specific to each case. *See United States v. Grigoruk*, 52 M.J. 312, 315, 381 (C.A.A.F. 2000) (finding that appellant met a threshold showing for IAC when his counsel failed to consult with an expert, requiring additional fact finding); *United States v. Akbar*, 74 M.J. 364, (C.A.A.F. 2015) (reasoning that "it can be assumed that in some cases counsel would be ineffective for failing to consult or rely on experts" (cleaned up)). In a case where the deficient performance involves a failure to obtain an expert consultant, a prejudice analysis can be more difficult for an appellant. See *United States v. Datavas*, 71 M.J. 420, 426 (C.A.A.F. 2012) (finding that there was no IAC because the appellant failed to demonstrate the result at trial would have been

different); *United States v. Dobson*, 62 M.J. 303, 308 (C.A.A.F. 2006) (holding there was no IAC where counsel's performance did not prejudice the outcome of the case).

An expert consultant is necessary for Appellant to provide input on a variety of topics that implicate prejudice. This includes, but is not limited to: (1) whether an expert consultant would have provided useful information for defense counsel's cross-examination of the Government's witness; (2) whether the Government's expert testimony was accurate and/or within his scope; (3) whether there were any problems with the Government's scientific evidence; (4) whether the expert consultant would have recommended that he testify on behalf of the Appellant; and (5) whether he would have provided information to the defense counsel prior to trial that would have altered trial strategy. An expert consultant is necessary to demonstrate prejudice in this case, and counsel has been working diligently to secure one.

Through no fault of Appellant, undersigned counsel has been unable to complete a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to secure the expert consultant, provide him with the record of trial in this case, and consult with the expert and Appellant.

Appellant has provided limited consent to disclose confidential communications, wherein:

(1) Appellant has been advised of his right to a timely appeal.

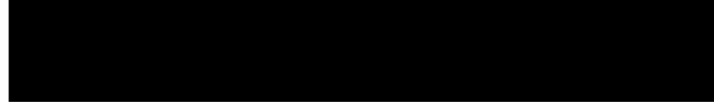
(2) Appellant has been advised of this request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown. Should this Court believe that denial of this motion is appropriate, Appellant demands a status conference.

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 17 November 2025.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Airman First Class (E-3) **COLLYN L. LAWRENCE**, United States Air Force, *Appellant.*	)))))))))))	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME Before Panel No. 3 No. ACM 24064 19 November 2025

TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

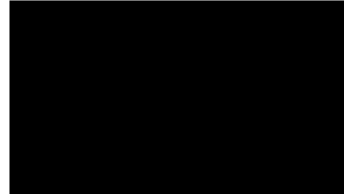
The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 450 days in length. Appellant's over year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed more than two thirds of the 18 month standard for this Court to issue a decision, which only leaves about 3 months combined for the United States and this Court to perform their separate statutory responsibilities.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

KATE E. LEE, Maj, USAF
Appellate Government Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 19 November 2025.



KATE E. LEE, Maj, USAF
Appellate Government Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*,	)	**SECOND MOTION TO ATTACH APPENDICES**
v.	)	Before Panel 3
Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force, *Appellant*.	)	No. ACM 24064 14 November 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rules 23.3(b) of this Honorable Court's Rules of Practice and Procedure, Appellant moves to attach the Appendices to this motion to the record of trial. The attached appendices are:

1. Request for Confidential Expert Consultant, dated 17 September 2025.
2. Government Recommendation on Request for Confidential Expert Consultant, dated 26 September 2025.
3. Request for Appointment of Confidential Expert Response, dated 1 October 2025
4. MAJ Pucheng Ke Curriculum Vitae

These documents are necessary and relevant because they inform this Court's decision on Appellant's motion for an expert consultant. An expert consultant is necessary to litigate the identified ineffective assistance of counsel claims that are in the record and reasonably raised by the record. *See generally* Appellant's Motion for Leave and Motion to Compel Expert Consultant.

WHEREFORE, Appellant requests this Court grant his second motion to attach.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 14 November 2025.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*, v. Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force *Appellant*.	)	**MOTION FOR LEAVE TO FILE AND MOTION TO COMPEL THE GOVERNMENT APPOINT A CONFIDENTIAL EXPERT** Before Panel 3 No. ACM 24064 14 November 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23 of this Honorable Court's Rules of Practice and Procedure, A1C Collyn L. Lawrence, the Appellant, moves this Court to compel the Government to appoint a confidential expert consultant in forensic toxicology.

Relevant Background

Appellant was tried by a special court-martial comprised of a military judge sitting alone, pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). Entry of Judgement. He was convicted of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. Entry of Judgement. A review of Appellant's record indicates his trial defense counsel's performance was deficient. In part, this is because the trial defense counsel failed to retain a forensic toxicologist. As explained *infra*, an expert is necessary to adequately brief this ineffective assistance of counsel (IAC) claim.

Prior to this motion, Appellant requested an expert consultant from the Director of the Military Justice and Discipline Directorate. Mot. to Attach, App'x A (making the initial request). This request was denied because "[t]he appropriate authority to consider [the] request is [this Court]." Mot. to Attach, App'x C.

An Expert is Necessary to Raise the IAC Claim

An expert consultant is necessary on appeal. To prevail on an IAC claim, Appellant must show both that his counsel's performance was deficient and that the deficient performance resulted in prejudice. *See United States v. Palik*, 84 M.J. 284, 288-89 (C.A.A.F. 2024). Failing to consult or rely on expert witnesses may constitute IAC, but the inquiry is fact-specific to each case. *See United States v. Grigoruk*, 52 M.J. 312, 315, 381 (C.A.A.F. 2000) (finding that appellant met a threshold showing for IAC when his counsel failed to consult with an expert, requiring additional fact finding); *United States v. Akbar*, 74 M.J. 364, (C.A.A.F. 2015) (reasoning that "it can be assumed that in some cases counsel would be ineffective for failing to consult or rely on experts" (cleaned up)).

In a case where the deficient performance involves a failure to obtain an expert consultant, like here, a prejudice analysis can be more difficult for an appellant. *See United States v. Datavs*, 71 M.J. 420, 426 (C.A.A.F. 2012) (finding that there was no IAC because the appellant failed to demonstrate the result at trial would have been different); *United States v. Dobson*, 62 M.J. 303, 308 (C.A.A.F. 2006) (holding there was no IAC where counsel's performance did not prejudice the outcome of the case).

An expert consultant is necessary for Appellant to provide information on a variety of topics that demonstrate prejudice. This includes, but is not limited to: (1) whether an expert consultant would have provided useful information for defense counsel's cross-examination of the Government's witnesses; (2) whether the Government's expert testimony was accurate and/or within his scope as an expert; (3) whether there were any problems with the Government's scientific evidence; (4) whether the expert consultant would have recommended that he testify on behalf of the Appellant; and (5) whether the expert would have provided information to the defense

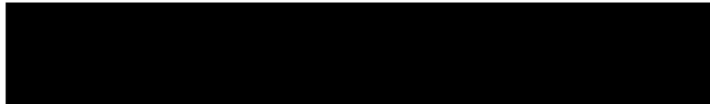
counsel prior to trial that would have altered trial strategy. All of this information is necessary for the IAC claim of prejudice—to show that the result would have been different but for counsel's deficient performance.

That the expert be confidential is likewise important. Preparation of arguments, especially those involving IAC, require communication between an attorney on appeal and the client. An expert assisting in the IAC claim will, necessarily, need access to the client's attorney-client privileged statements. Without confidentiality, any party—including the Government—could pierce attorney-client privilege by interviewing a non-confidential expert.

The undersigned has already contacted a forensic toxicologist, MAJ Pucheng Ke. MAJ Ke is an expert in forensic toxicology. His curriculum vitae has also been provided to this Court for review. Mot. to Attach, App'x D. MAJ Ke is available to assist in this case and, because he is a member of the Army, can be appointed with no cost to the Government.

WHEREFORE, Appellant respectfully requests that this Honorable Court compel the Government to appoint MAJ Ke as a confidential expert consultant for purposes of Appellant's appeal.

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 14 November 2025

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Airman First Class (E-3) **COLLYN L. LAWRENCE**, United States Air Force, *Appellant.*	))))))))))	UNITED STATES OPPOSITION TO MOTION TO COMPEL THE GOVERNMENT TO APPOINT A CONFIDENTIAL EXPERT Before Panel No. 3 No. ACM 24064 21 November 2025

TO THE HONORABLE, THE JUDGES OF
THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

This Court should deny Appellant's motion to compel appointment of a confidential expert because the underlying justification—that the expert is necessary to investigate an ineffective assistance of counsel (IAC) claim related to trial defense counsel's purported failure to request expert assistance—has no basis in fact. Contrary to Appellant's representations to this Court, (*see* App. Mot. at 1), trial defense counsel *did* retain the services of an expert toxicologist at trial. Thus, Appellant cannot in good faith claim that his counsel were ineffective for failing to obtain one, which means his planned IAC claim on that ground is dead in the water. By extension, so is his motion to compel expert assistance based on the same. Given that Appellant's motion is based on an unsupported factual assertion, this Court should deny it.

Facts

In the lead-up to Appellant's court-martial, his trial defense counsel informed the military judge that they intended to request an "expert consultant in toxicology." (App. Ex. I.) Trial defense counsel eventually enlisted the services of Dr. HCW, (Capt Andrew Rock Declaration, dated 20 November 2025), who traveled to Shaw Air Force Base at government expense for Appellant's special court-martial. (SrA Sierra Catton Declaration, dated 19 November 2025.) At trial, Dr.

HCW sat behind the trial defense team—which included Appellant—for the duration of the proceedings. (Capt Rock Declaration); (*see generally* ROT, Vol. 2, Transcript).

On appeal, Appellant moved this Court to compel the Government to appoint a confidential expert, claiming that "trial defense counsel failed to retain a forensic toxicologist," and that the requested expert was necessary to investigate whether trial defense counsel were ineffective as a result. (App. Mot. at 1.) Appellant did not explain why he was claiming that his trial defense counsel failed to retain an expert despite having been in the courtroom with Dr. HCW. (*See generally* id.)

Law & Analysis

"An accused, alike with the Government, must deal fairly with the court." United States v. Wolfe, 24 C.M.R. 57, 60 (C.M.A. 1957).

1. Appellant's claim that trial defense counsel did not obtain an expert is incorrect.

In his motion, Appellant provides no support at all for his claim that Appellant's trial defense counsel did not retain an expert consultant. The fact that the defense expert is not heard or mentioned in the record is unsurprising, considering trial defense counsel indicated they intended to request an expert *consultant.* *See* United States v. Langston, 32 M.J. 894, 896 (A.F.C.M.R. 1991) (expert consultants are members of the defense team who may receive confidential communications and are not subject to questioning unless the defense calls them as a witness). But, in any event, the United States has now provided this Court with evidence establishing that trial defense counsel did retain an expert witness. As a result, the basis for Appellant's request for expert assistance on appeal does not exist.

2. Even if Appellant intends to raise IAC on other grounds, expert assistance is unjustified.

An appellant is entitled to expert assistance at government expense only if he can demonstrate reasonable necessity. United States v. Gray, 51 M.J. 1, 20 (C.A.A.F. 1999) (citing

Ake v. Oklahoma, 470 U.S. 68 (1985)). A proper showing of necessity requires more than a "mere possibility of assistance from the requested expert." United States v. Bresnahan, 62 M.J. 137, 143 (C.A.A.F. 2005); *see also* United States v. Kelly, 39 M.J. 235, 237 (C.M.A. 1994) ("[I]t is not enough to state that an expert would be of great assistance."). The appellant must show: (1) why the expert is needed; (2) what the expert assistance would accomplish for her; and (3) why her counsel cannot educate themselves using available primary and secondary materials. Bresnahan, 62 M.J. at 143; United States v. Short, 50 M.J. 370, 373 (C.A.A.F. 1999).

Expert assistance is not limited to the trial level and has been made available on appeal in capital cases "to properly litigate the unique constitutional issues" related to the imposition of the death penalty in the military. Gray, 51 M.J. at 21 (citing United States v. Curtis, 31 M.J. 395 (C.M.A. 1990)). However, expert requests on appeal have been rejected when related to claims of ineffective assistance of counsel (IAC), since the question of "whether trial defense counsel made a valid tactical decision" is not answered by "by dredging up some new evidence." United States v. Tharpe, 38 M.J. 8, 15 (C.M.A. 1993).

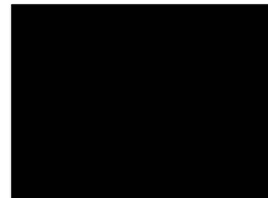
This is because an IAC claim is "not a new trial on the merits smuggled into the appellate process." Id. Permitting expert assistance on appeal simply because an Appellant wishes to raise ineffective assistance risks transforming IAC claims into an impermissible second bite at the apple after the "formal evidentiary phase of the court-martial has passed." Id. If an appellant is allowed to rely on an expert's affidavit about what could have been, this Court would be considering as "fact" information that may have been different from what was known to trial defense counsel at the time they were making decisions. Id. Instead of "eliminat[ing] the distorting effects of hindsight," appellants would be injecting it into this Court's review of trial defense counsels' performance. Strickland v. Washington, 466 U.S. 668, 689 (1984). Denial is

necessary to avoid setting the dangerous precedent of allowing non-legal experts to second guess a trial defense team's tactical choices. *See* Tharpe, 38 M.J. at 16 ("The professional opinions of an expert directly (or, indirectly, through the argument of counsel) on the quality of trial representation or on other approaches that might have been taken are not presently germane.").

Conclusion

Appellant's statement that "trial defense counsel failed to retain a forensic toxicologist" (App. Mot. at 1) is incorrect. Since that was Appellant's entire basis for his request for expert assistance on appeal, his request should be denied.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's motion.



KATE E. LEE, Maj, USAF
Appellate Government Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 21 November 2025.

KATE E. LEE, Maj, USAF
Appellate Government Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Airman First Class (E-3) **COLLYN L. LAWRENCE** United States Air Force *Appellant.*	)))))))))	UNITED STATES' MOTION TO ATTACH DOCUMENTS Before Panel No. 3 No. ACM 24064 21 November 2025

TO THE HONORABLE, THE JUDGES OF THE
UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(b) of this Honorable Court's Rules of Practice and Procedure, the United States moves this Court to attach the following documents to this motion:

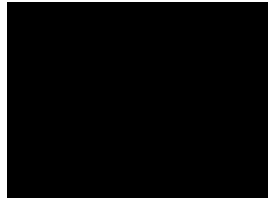
- Appendix A – Declaration of Capt Andrew Rock with attachment, dated 20 November 2025 (4 pages)

- Appendix B – Declaration of SrA Sierra Catton with attachments, dated 19 November 2025 (7 pages)

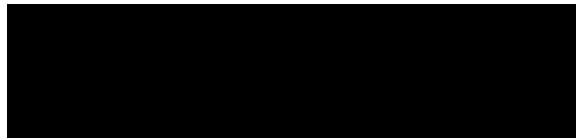
Our superior Court held matters outside the record may be considered "when doing so is necessary for resolving issues raised by materials in the record." United States v. Jessie, 79 M.J. 437, 444 (C.A.A.F. 2020). The Court concluded that "based on experience . . . 'extra-record fact determinations' may be 'necessary predicates to resolving appellate questions.'" Id. at 442 (quoting United States v. Parker, 36 M.J. 269, 272 (C.M.A. 1993)). This issue of expert assistance is raised in the record, where trial defense counsel informed the military judge that they intended to request an "expert consultant in toxicology." (App. Ex. I.) Here, the attached appendices provide additional factual background necessary to resolving Appellant's motion to compel appointment of a forensic toxicologist on appeal, which he claims is necessary to investigate whether trial defense counsel were ineffective for "failing to obtain a forensic

toxicologist." (App. Mot. to Compel at 1.) Appendix A is a declaration from the lead trial counsel on United States v. Lawrence, who was present for the entirety of trial and verified that the trial defense team had a forensic toxicologist sitting behind them during the proceedings. Appendix B is a declaration from the military justice paralegal who assisted the trial defense team's expert with his government-funded travel.

WHEREFORE, the United States respectfully requests this Court deny Appellant's Motion for Oral Argument.



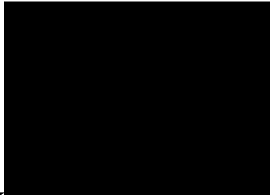
KATE E. LEE, Maj, USAF
Appellate Government Counsel



MARY ELLEN PAYNE
Associate Chief
Government Trial & Appellate Operations Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and the Air Force Appellate Defense Division on 21 November 2025.



K USAF
Appellate Government Counsel

UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS

UNITED STATES	)	**No. ACM 24064**
Appellee	)	
	)	
v.	)	
	)	**ORDER**
Collyn L. LAWRENCE	)	
Airman First Class (E-3)	)	
U.S. Air Force	)	
Appellant	)	**Panel 3**

On 14 November 2025, counsel for Appellant moved this court for leave to file a motion to compel the Government to appoint an expert to Appellant's case during its review on appeal. On this same date, the Appellant filed a Second Motion to Attach several documents: (1) Appellant's request for confidential expert consultant to the Director, Military Justice and Discipline Directorate (JAJ), dated 17 September 2025; (2) Government recommendation on request for confidential expert consultant, dated 26 September 2025; (3) response by Director of JAJ, dated 1 October 2025; and (4) curriculum vitae on MAJ PK, Director, Forensic Toxicology Drug Testing Laboratory.

On 17 November 2025, counsel for Appellant submitted a Motion for Enlargement of Time (Twelfth), requesting an additional 30 days to submit Appellant's assignments of error. The Government opposed the motion.

On 21 November 2025, the Government moved this court to attach the following two documents: (1) declaration by the trial counsel for Appellant's court-martial; and (2) declaration by a military justice paralegal with the 20th Fighter Wing Office of the Staff Judge Advocate during Appellant's court-martial.

On 21 November 2025, we stamped as GRANTED Appellant's Second Motion to Attach and Motion for Enlargement of Time (Twelfth). We also stamped as GRANTED the Government's Motion to Attach. We stamped as DENIED Appellant's Motion for Leave to File and Motion to Compel the Government to Appoint an Expert.

We amend this latter motion to properly reflect that we accept Appellant's motion for leave to file, but deny the motion to compel itself.

Accordingly, it is by the court on this 24th day of November, 2025,

ORDERED:

Appellant's Motion for Leave to File Motion to Compel the Government Appoint a Confidential Expert is **GRANTED**.

Appellant's Motion to Compel the Government Appoint a Confidential Expert is **DENIED**.

FOR THE COURT

JACOB B. HOEFERKAMP, Capt, USAF
Acting Clerk of the Court

United States Air Force
Court of Criminal Appeals

UNITED STATES	)	**No. ACM 24064**
Appellee	)	
	)	
v.	)	
	)	**NOTICE OF PANEL CHANGE**
Collyn L. LAWRENCE	)	
Airman First Class (E-3)	)	
U.S. Air Force	)	
Appellant	)	

It is by the court on this 15th day of December, 2025,

ORDERED:

That the Record of Trial in the above-styled matter is withdrawn from Panel 3 and referred to Panel 2 for appellate review.

This panel letter supersedes all previous panel assignments.

FOR THE COURT

JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES	)	**APPELLANT'S MOTION FOR**
Appellee,	)	**ENLARGEMENT OF TIME**
	)	**(THIRTEENTH)**
	)	
v.	)	Before Panel 3
	)	
Airman First Class (E-3)	)	No. ACM 24064
COLLYN L. LAWRENCE,	)	
United States Air Force	)	15 December 2025
Appellant.	)	

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his thirteenth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 30 days, which will end on **23 January 2026**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the transcript to the present date, 441 days have elapsed. On the date requested, 480 days will have elapsed.

On 21 May 2024, R. at 1, Appellant was tried by a special court-martial comprised of a military judge sitting alone pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). R. at 7. Contrary to his pleas, R. at 9, Appellant was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. R. at 111. The military judge sentenced to a reduction to the grade of E-2 and a reprimand. R. at 126. The

[1] From the date of docketing to the present date, 465 days have elapsed. On the date requested, 504 days will have elapsed.

convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The ROT is two volumes consisting of 13 prosecution exhibits, 10 defense exhibit, and five appellate exhibits. The transcript is 126 pages long.

Undersigned counsel is assigned 27 cases, 11 cases are pending initial AOEs before this Court. No case before the Supreme Court or the Court of Appeals for the Armed Forces takes priority over this case. In this case, undersigned counsel has completed a review of the record, identified several errors, completed research, and has begun drafting. While this was undersigned counsel's highest priority before any Court, this Court ordered that *United States v. Hon* and *United States v. Parra Peralta* should be completed first. Therefore, those cases now take priority over this case. The information for those cases is listed below.

1) *United States v. Hon*, ACM 40671 – The record of trial is six volumes long consisting of 14 prosecution exhibits, seven defense exhibits, 28 appellate exhibits, and one court exhibit. The transcript is 483 pages long. Undersigned counsel has completed a review of the record, excluding the transcript. Undersigned counsel is about halfway through review of the transcript.
2) *United States v. Parra Peralta*, ACM 40684 – The record of trial is eight volumes long consisting of 13 prosecution exhibits, 13 defense exhibits, 67 appellate exhibits, and one court exhibit. The transcript is 744 pages long.

On 21 November 2024, this Court ordered that "enlargements of time that, if granted, would expire more than 330 days after docketing, will not be granted absent exceptional circumstances." Then, on 21 August 2025, this Court noted that it would not "look favorably upon future requests for enlargements of time absent exceptional circumstances." Appellant incorporates, by reference, the exceptional circumstances noted in his Motion for EOT (Ninth), which were: (1) the number of cases older than Appellant's on undersigned counsel's docket; (2)

the number of cases on undersigned counsel's docket before the CAAF and the Supreme Court of the United States; (3) the staffing shortages at the Appellate Defense Division coupled with a severe increase in workload; and (4) the time it took the Government to forward the verbatim record to this Court.

In addition to the exceptional circumstances referenced above, undersigned counsel also notes this Court's order in *Parra Peralta*, which compelled undersigned counsel to complete both *Hon* and *Parra Peralta* before this case. *United States v. Parra Peralta*, No. ACM 40684 (A.F. Ct. Crim. App. Jan. 13, 2025) (Order) ("[T]he court (sic) made clear this case is a higher priority than two other docketed cases—[*Turner*] and [*Lawrence*]. . . . [W]e anticipate Appellant's counsel filing a brief in another case—[Hon]—before 24 December 2025 and then turning his focus on this case."). During the status conference precipitating the above referenced order, this Court intimated that it would grant this enlargement of time as a result of its reordering of counsel's priorities.

Through no fault of Appellant, undersigned counsel has been unable to complete a brief of Appellant's case. An enlargement of time is necessary to allow counsel time to secure the expert consultant, provide him with the record of trial in this case, and consult with the expert and Appellant.

Appellant has provided limited consent to disclose confidential communications, wherein:

(1) Appellant has been advised of his right to a timely appeal.

(2) Appellant has been advised of this request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown. Should this Court believe that denial of this motion is appropriate, Appellant demands a status conference.

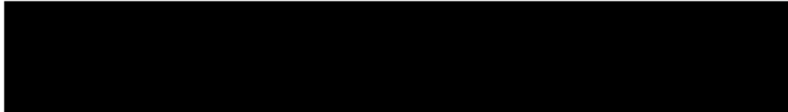
Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 15 December 2025.

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,* v. Airman First Class (E-3) **COLLYN L. LAWRENCE**, United States Air Force, *Appellant.*	)	UNITED STATES' OPPOSITION TO APPELLANT'S MOTION FOR ENLARGEMENT OF TIME Before Panel No. 2 No. ACM 24064 17 December 2025

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 480 days in length. Appellant's over year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed more than two thirds of the 18 month standard for this Court to issue a decision, which only leaves about 2 months combined for the United States and this Court to perform their separate statutory responsibilities.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

KATE E. LEE, Maj, USAF
Appellate Government Counsel

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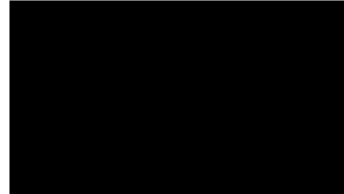


KATE E. LEE, Maj, USAF
Appellate Government Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES *Appellee*,	)	**APPELLANT'S MOTION FOR ENLARGEMENT OF TIME (FOURTEENTH)**
v.	)	Before Panel 2
Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force *Appellant*.	)	No. ACM 24064 15 January 2026

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.3(m)(4) and (6) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for his fourteenth enlargement of time to file an Assignment of Error (AOE). Appellant requests an enlargement for a period of 7 days, which will end on **30 January 2026**. This case was docketed with this Court on 6 September 2024.[1] The verbatim transcript was received by this Court on 30 September 2024. From the date of receipt of the transcript to the present date, 472 days have elapsed. On the date requested, 487 days will have elapsed.

On 21 May 2024, R. at 1, Appellant was tried by a special court-martial comprised of a military judge sitting alone pursuant to Article 16(c)(2)(A), Uniform Code of Military Justice (UCMJ). R. at 7. Contrary to his pleas, R. at 9, Appellant was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ. R. at 111. The military judge sentenced to a reduction to the grade of E-2 and a reprimand. R. at 126. The

[1] From the date of docketing to the present date, 496 days have elapsed. On the date requested, 511 days will have elapsed.

convening authority took no action with respect to the findings or sentence. Convening Authority Decision on Action. Appellant is not confined.

The ROT is two volumes consisting of 13 prosecution exhibits, 10 defense exhibit, and five appellate exhibits. The transcript is 126 pages long.

Undersigned counsel is assigned 25 cases, 10 cases are pending initial AOEs before this Court. No case before any court takes priority over this case.

On 21 November 2024, this Court ordered that "enlargements of time that, if granted, would expire more than 330 days after docketing, will not be granted absent exceptional circumstances." Then, on 21 August 2025, this Court noted that it would not "look favorably upon future requests for enlargements of time absent exceptional circumstances." Appellant incorporates, by reference, the exceptional circumstances noted in his Motion for EOT (Ninth), which were: (1) the number of cases older than Appellant's on undersigned counsel's docket; (2) the number of cases on undersigned counsel's docket before the CAAF and the Supreme Court of the United States; (3) the staffing shortages at the Appellate Defense Division coupled with a severe increase in workload; and (4) the time it took the Government to forward the verbatim record to this Court.

In addition to the exceptional circumstances referenced above, undersigned counsel also notes this Court's order in *Parra Peralta*, which compelled undersigned counsel to complete both *Hon* and *Parra Peralta* before this case. *United States v. Parra Peralta*, No. ACM 40684 (A.F. Ct. Crim. App. Jan. 13, 2025) (Order) ("[T]he court (sic) made clear this case is a higher priority than two other docketed cases—[*Turner*] and [*Lawrence*]. . . . [W]e anticipate Appellant's counsel filing a brief in another case—[Hon]—before 24 December 2025 and then turning his focus on this case."). In the time since the last enlargement, undersigned counsel completed a review of both *Hon* and *Parra Peralta* and

conducted research for both cases. Both those clients elected to withdraw. No, counsel can move to this case to re-familiarize himself with the issues and complete the drafting process.

Through no fault of Appellant, undersigned counsel has been unable to complete a brief of Appellant's case. This enlargement of time is necessary to allow counsel time to complete briefing and file the assignments of error.

Appellant has provided limited consent to disclose confidential communications, wherein:

(1) Appellant has been advised of his right to a timely appeal.

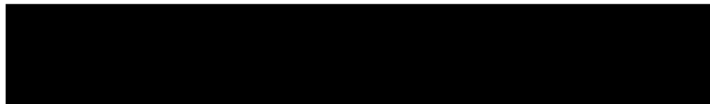
(2) Appellant has been advised of this request for enlargement of time.

(3) Appellant has been apprised of the status of undersigned counsel's progress on his case.

(4) Appellant has consented to this enlargement of time.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested enlargement of time for good cause shown. Should this Court believe that denial of this motion is appropriate, Appellant demands a status conference.

Respectfully submitted,



TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were sent via email to the Court and served on the Government Trial and Appellate Operations Division on 15 January 2026.

Respectfully submitted,

TREVOR N. WARD, Maj, USAF
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
	)	OPPOSITION TO
Appellee,	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Airman First Class (E-3)	)	
COLLYN L. LAWRENCE,	)	No. ACM 24064
United States Air Force.	)	
Appellant	)	20 January 2026

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

Pursuant to Rule 23.2 of this Court's Rules of Practice and Procedure, the United States hereby enters its opposition to Appellant's Motion for Enlargement of Time to file an Assignment of Error in this case.

The United States respectfully maintains that short of a death penalty case or other extraordinary circumstances, it should not take any appellant over a year to submit an assignment of error to this Court. If Appellant's new delay request is granted, the defense delay in this case will be 487 days in length. Appellant's over year-long delay practically ensures this Court will not be able to issue a decision that complies with our superior Court's appellate processing standards. Appellant has already consumed more than two-thirds of the 18-month standard for this Court to issue a decision, which only leaves about 2 months combined for the United States and this Court to perform their separate statutory responsibilities.

WHEREFORE, the United States respectfully requests that this Court deny Appellant's enlargement motion.

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Air Force Appellate Defense Division on 20 January 2026.

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee*, v. Airman First Class (E-3), **Collyn L. LAWRENCE,** United States Air Force, *Appellant*.	**BRIEF ON BEHALF OF APPELLANT** Before Panel No. 2 No. ACM 24064 January 30, 2026

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

ASSIGNMENTS OF ERROR

I. Was Airman First Class Lawrence's conviction for wrongful use of marijuana legally and factually insufficient where the Government failed to prove a knowing use?

II. Are special courts-martial under 10 U.S.C. § 816(c)(2)(A) unconstitutional?

Statement of Statutory Jurisdiction

Airman First Class (A1C) Collyn L. Lawrence filed a timely appeal of his court-martial judgment on June 6, 2024, pursuant to Article 60c(a), Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 860c. This Court has jurisdiction pursuant to Article 66(b)(1)(A), UCMJ, 10 U.S.C. § 866(b)(1)(A).

STATEMENT OF THE CASE

A1C Lawrence was tried by a military judge sitting as a special court-martial pursuant to Article 16(c)(2)(A), UCMJ, 10 U.S.C. § 816(c)(2)(A). Contrary to his pleas, R. at 9, A1C Lawrence was found guilty of one charge and specification of wrongful use of marijuana, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. R. at 111. The military judge sentenced A1C Lawrence to a reduction to the grade of E-2 and a reprimand. R. at 126. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action.

STATEMENT OF FACTS

A. A1C Lawrence tests positive for a small amount of marijuana.

The Department of Defense cutoff limit for reporting positive results for Tetrahydrocannabinol-9 (THC-9) is 15 nanograms per milliliter (ng/ml). R. at 37. This cutoff level is based on research from the 1990s,[1] and is purportedly high enough to separate the "non-using population" from the "known users." R. at 37.

On January 9, 2024, A1C Lawrence was selected for a random urinalysis. Pros. Ex. 6 at 1. A1C Lawrence's sample returned a positive test result for THC-9 at 22 ng/ml, Pros. Ex. 3—just 7 ng/ml above the Department of Defense cutoff level. The Government offered A1C Lawrence nonjudicial punishment under Article 15, UCMJ, 10 U.S.C. § 815. Record of Trial (ROT), Vol. 2, Record of Nonjudicial Punishment, at 1. A1C Lawrence turned down the Article 15 and demanded a trial by court-martial. *Id.*

At the time of his court-martial, A1C Lawrence had been in the Air Force for nearly two years. Pros. Ex. 11. Aside from this positive urinalysis result, A1C Lawrence was not involved in any other serious misconduct. *Cf.* Pros. Ex. 12 (showing A1C Lawrence received a record of individual counsel (RIC) for using a vape while at work); Pros. Ex. 13 (showing A1C Lawrence received a RIC for failing to attend a scheduled appointment). In fact, A1C Lawrence had terrific

[1] In 1990, no state had legalized marijuana for any purpose. *See The Evolution of Marijuana as a Controlled Substance and the Federal-State Policy Gap* (2026), https://www.congress.gov/crs-product/R44782 [hereinafter *Evolution of Marijuana*] (showing that California was the first state to legalize marijuana for medicinal purposes in 1996). Even by 1999, only five states had legalized marijuana for medicinal purposes; no state had legalized marijuana products for recreational or over-the-counter use. *Id.* ("Until 2012, the recreational use of marijuana had not been legal in any U.S. state since . . . 1970."). Contrasted with today, "[i]t is now more the rule than the exception that states have laws and policies allowing for some manufacturing, sale, distribution, and possession of marijuana." *Id.*

military character, as demonstrated by various letters from colleagues and supervisors admitted during findings. *See* Def. Ex. A-J

B. The Government put on no evidence that A1C Lawrence knowingly used THC-9 and relied on the permissive inference to prove knowledge. The remainder of the Government's case on knowledge relied on supposed economic principles.

The Government put on no evidence that A1C Lawrence knowingly used THC-9. *See* R. at 99–102 (talking about black market factors, economic incentives, and the permissive inference, but pointing to no evidence of knowledge). Instead, the Government asked the trier of fact to use the permissive inference to "infer knowledge." R. at 102. The remainder of the Government's case relied on elementary economic principles, albeit incorrect ones. *Compare* R. at 99–101 (detailing the economic "incentives" of supposed drug abusers), *with infra* discussion at Part II.C. (explaining why these economic principles are wrong). Much of this came from the testimony of the Government's forensic expert. R. at 32. Despite having no background in economics or marketing research, R. at 32–34 (showing he was qualified as a drug testing forensic expert), he nevertheless opined about manufacturers' labeling incentives. R. at 59.

ARGUMENT

I. A1C Lawrence's conviction for marijuana use is legally and factually insufficient because the Government failed to prove a knowing use.

The Government presented no evidence that A1C Lawrence knowingly ingested THC-9. Despite this, he was found guilty of knowingly using THC-9. Because the Government failed to prove a knowing use, and because ethe permissive inference could not be used in this case, A1C Lawrence's conviction is legally and factually insufficient.

A. Standard of review.

1. Legal Sufficiency

This Court reviews legal sufficiency de novo. *United States v. Washington*, 57 M.J. 394, 399 (C.A.A.F. 2002) ((citing *United States v. Cole*, 31 M.J. 270, 272 (C.M.A. 1990)).

2. Factual Sufficiency

This Court reviews questions of factual sufficiency only when an appellant requests factual sufficiency review and he shows a specific deficiency in proof. *United States v. Augustin*, No. ACM 40655 (f rev), 2026 CCA LEXIS 11, at *25–26 (A.F. Ct. Crim. App. Jan. 21, 2026) (citing *United States v. Harvey*, 85 M.J. 127, 129 (C.A.A.F. 2024)). "[T]he quantum of proof necessary to sustain a finding of guilty during a factual sufficiency review is proof beyond a reasonable doubt, the same as the quantum of proof necessary to find an accused guilty at trial." *Harvey*, 85 M.J. at 131. The language in the new Article 66, UCMJ, "clearly convinced," does not change this quantum of proof. *Id.* at 132.

A. A1C Lawrence's conviction is legally insufficient because the Government failed to prove knowledge and the permissive inference is unconstitutional.

"The test for legal sufficiency is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *United States v. Robinson*, 77 M.J. 294, 297–98 (C.A.A.F. 2018) (quoting *United States v. Rosario*, 76 M.J. 114, 117 (C.A.A.F. 2017)). To be guilty of wrongful use of marijuana under Article 112a, UCMJ, the Government must prove that the use was knowing. *Manual for Courts-Martial* (*MCM*), Part IV, ¶ 50.b(2)(b); *MCM*, Part IV, ¶ 50.c.(5). Here, the Government failed to do so. Because the Government did not prove knowledge—and because the permissive inference for marijuana use is unconstitutional—A1C Lawrence's conviction is legally insufficient.

1. The Government failed to prove knowledge.

In this case, no rational trier of fact could have found A1C Lawrence wrongfully used THC-9 because the Government failed to prove knowledge. *MCM*, Part IV, ¶ 50.b (2)(b); *MCM*, Part IV, ¶ 50.c.(5); *United States v. Harper*, 22 M.J. 157, 162 (C.M.A. 1986). Specifically, no witness testified that A1C Lawrence (1) knowingly ingested THC-9 or (2) experienced the effects of THC-9.

2. The permissive inference is facially unconstitutional, especially for marijuana cases, because it is unsupported by common sense or science.

Because there was no evidence of knowledge, the trier of fact could only have found A1C Lawrence guilty by using the so-called permissive inference. But the permissive inference is unconstitutional for marijuana cases.

The Court of Appeals for the Armed Forces (CAAF) allows the use of a permissive inference in drug cases to prove knowledge. *See, e.g.*, *United States v. Campbell*, 50 M.J. 154, 161 (C.A.A.F. 1999) [hereinafter Campbell I], *supplemented upon reconsideration*, 52 M.J. 386 (C.A.A.F. 2000) [hereinafter *Campbell II*], (citing *Harper*, 22 M.J. at 163) (explaining that "the inferences of drug use and wrongfulness . . . [can] be drawn from a positive drug-test result supported by expert testimony explaining the significance of the result"); *MCM*, Part IV, ¶ 50.c.(10).

In *Leary v. United States*, the Supreme Court reasoned that "a criminal statutory presumption must be regarded as . . . unconstitutional unless it can at least be said with substantial assurance that the presumed fact is more likely than not to flow from the proved fact." 395 U.S. 6, 36 (1969); *cf. Barnes v. United States*, 412 U.S. 837, 842 (1973) (summarizing this same standard). An inference must be supported by "present-day experience." *Barnes*, 412 U.S. at 844–45. The drug use inference is facially unconstitutional for marijuana cases because

present-day experience does not demonstrate it is "more likely than not" true.

The drug use permissive inference states that military members know they ingested a controlled substance because a metabolite of that substance is detected in a drug test. *MCM*, Part IV, ¶ 50.c.(10). This is unsupported by present-day experience. Accidental or otherwise unknowing ingestion of marijuana is exceedingly frequent. People who attend weddings are accidentally—or sometimes purposefully—dosed by their hosts. Maria Cramer, *Florida Wedding Guests are Sickened by Marijuana in Food*, Police Say, N.Y. TIMES, Apr. 21, 2022. Others are routinely subjected to civilians using drugs near them as they walk through city streets or go out to public restaurants and bars. Amanda Michiko Shigihara, *Health Behaviors in the Service Sector: Substance Use Among Restaurant Employees*, 14 J. SOCIAL, BEHAVIORAL & HEALTH SCIENCES 37 (2020). Airmen are not even safe on base, where products sold by installation vendors sometimes contain marijuana. Military.com, *Protein Shakes Pulled from Military Base GNC Stores because they Contained Hemp Seeds*, (Sep. 23, 2024), available at https://www.military.com/daily-news/2024/09/23/protein-shakes-pulled-military-base-gnc-stores-because-they-contained-hemp-seeds.html.

The prevalence of marijuana exposure by unwitting persons is made even more common by the number of states that have legalized or decriminalized the manufacture, distribution, sale, and use of marijuana. *See Evolution of Marijuana*. With all but two states in the country allowing some type of use, sale, and manufacture of marijuana, "[i]t is now more the rule than the exception" that marijuana is legal. *Id.* As the Government's expert indicated at trial, THC is sold recreationally in many states and can often be purchased as a vape. R. at 54. The Government's expert conceded that the Government does not regulate shops selling such products, R. at 55, and labeling has been inconsistent. R. at 56.

As demonstrated by present-day experience—and the testimony of the Government's expert in this case—servicemembers, no matter how vigilant, cannot avoid accidental or otherwise unknowing exposure to marijuana. Therefore, it is not "more likely than not" true that a metabolite for marijuana in one's system means that that person *knowingly* ingested marijuana.

Despite the inference not being supported by present-day experience, military courts have long justified its use so long as the scientific report from the drug testing lab is reliable. *See United States v. Green*, 55 M.J. 76, 80 (2001); *Campbell I*, 50 M.J. at 160; *see also* Anthony Yim, *Drug Use Cases in the Military: The Problems of Using Scientific Circumstantial Evidence to Meet the Burden of Proof*, 50 NAVAL L.R. 83 (2004) [hereinafter *Drug Use Cases in the Military*] (explaining the permissive inference's pervasive impact on the military justice system). This is a far cry from the Constitution's demand that a criminal permissive inference be supported by present-day experience. *Barnes*, 412 U.S. at 844–45; *Drug Use Cases in the Military* at 98. As Judge Gierke noted in his dissenting opinion in *Green*, "a reliable urinalysis test is relevant . . . to prove *use* of drugs. However, it does not prove *knowing use* unless it is supplemented by expert testimony or other evidence showing knowing use." 55 M.J. at 87 (Gierke, J., dissenting) (emphasis added).

The permissive inference was developed by the Court of Military Appeals "in the context of [the] longstanding recognition [of] the serious threat to military readiness posed by drug abuse." *Campbell I*, 50 M.J. at 159. But historic use by military courts cannot, on its own, justify an otherwise unconstitutional inference. *Barnes*, 412 U.S. at 844–45 (reasoning that history of courts' use of an inference does not make an inference constitutional). Even military courts have recognized that the permissive inference goes beyond the limitations prescribed by this Court. *Campbell I*, 50 M.J. at 159; *cf. Downum*, 2025 CAAF LEXIS 828, at *17–18 (upholding

ACCA's decision to overturn a drug use conviction where the Government failed to satisfy *Campbell I*'s evidentiary requirements).

Because of this, the permissive inference is facially unconstitutional, at least with regard to marijuana cases.

3. If not facially unconstitutional, the permissive inference is at least unconstitutional as applied to A1C Lawrence.

When an inference is the only proof of guilt, it must meet a standard higher than "more likely than not;" it must establish guilt beyond a reasonable doubt. *Turner v. United States*, 396 U.S. 398, 405 (1970); *cf. Barnes*, 412 U.S. at 846. In this case, the inference was insufficient to prove A1C Lawrence's guilt beyond a reasonable doubt. The inference in this case was the only proof that A1C Lawrence knowingly ingested THC-9. As such, the inferred fact had to be proved beyond a reasonable doubt. In this case, that inferred fact could not be proved beyond a reasonable doubt.

In *Campbell I*, the CAAF established certain safeguards for the permissive inference to protect against due process problems; these safeguards include expert testimony showing: (1) that an accused reasonably experienced the effects of the drug; and (2) that the use of the drug was knowing. 50 M.J. at 160. Here, the Government failed to satisfy these safeguards. First, the Government did not present expert testimony to demonstrate that the cutoff level and reported concentration were high enough to discount the possibility of an unknowing ingestion. *Campbell I*, 50 M.J. at 160. Instead, the Government's own expert drew the standard into question in two ways. The expert noted that the cutoff was created in the 1990s, when most (if not all) states criminalized marijuana use of any kind. *Evolution of Marijuana*. This undermines the applicability of the permissive inference when, today, all but two states have some form of legal marijuana production and sale. *Evolution of Marijuana*. The expert also conceded that the cutoff

doesn't tell the trier of fact whether the member felt the effects of the marijuana use nor could he say whether A1C Lawrence knowingly ingested THC-9, R. at 57, contradicting *Campbell I*'s safeguards. *Campbell I*, 50 M.J. at 160.

The Constitution requires more than mere conjecture to convict. *Drug Use Cases in the Military* at 98. Yet, that's exactly what happened in this case. The permissive inference was not only unsupported by common sense and evidence admitted at trial, it was also contradicted by the Government's own scientist. When, as here, the permissive inference cannot be proved by any standard of proof, it is unconstitutional as applied.

4. Even if not unconstitutional, the Government failed to put on evidence which would have permitted the trier of fact to use the permissive inference.

Regardless of its constitutionality, the drawing of the inference is not required, *Campbell I*, 50 M.J. at 159, and is improper under certain circumstances. *United States v. Hall*, 58 M.J. 90, 94–95 (C.A.A.F. 2003) (overturning a conviction when the permissive inference was rebutted by the defense, but inadmissible hearsay evidence from the Government tainted the rebuttal); *Campbell I*, 50 M.J. at 159–60 (overturning a conviction where the Government failed to offer adequate expert testimony to discount "the possibly of unknowing ingestion"); *United States v. Downum*, ARMY 20220575, 2024 CCA LEXIS 70, at *4 (A. Ct. Crim. App. Feb. 6, 2024) (overturning a conviction where the Government failed to satisfy the evidentiary requirements in *Campbell*), *aff'd*, __ M.J. __, 2025 CAAF LEXIS 828 (C.A.A.F. 2025).

The *Campbell I* safeguards were not met in this case and, therefore, the trier of fact could not use the permissive inference.[2] In this case, the Government failed to present expert testimony

[2] While the CAAF seemed to relax these safeguards in *Campbell II*, its recent decision in *Downum* suggests that a lower court does not err by requiring those safeguards before considering the inference. 2025 CAAF LEXIS 828, at *3.

to demonstrate that the cutoff level and the reported concentration were high enough to discount the possibility of an unknowing ingestion. *Campbell I*, 50 M.J. at 160. In fact, the Government's own expert directly contradicted this standard. R. at 56–57. Similarly, the Government failed to present expert testimony to demonstrate that A1C Lawrence experienced the physical or psychological effects of the drug. *Campbell I*, 50 M.J. at 160; R. at 57.

In *United States v. Hernandez*, this Court dismissed similar arguments made by an appellant who tested positive at 3,651 ng/ml. ACM 39606 (rem), 2023 CCA LEXIS 104, at *12–13 (A.F. Ct. Crim. App. Feb. 28, 2023). However, *Hernandez* was distinct from the instant case because the Government's expert testified that the appellant's test level (3,651 ng/ml) "was . . . substantially higher than the 100 ng/ml cutoff level created to exclude individuals who were 'extraneously exposed to cocaine.'" *Id.* at *13. Here, there was no such testimony.

"[W]hen evidence . . . is . . . supported only by inherently inconsistent prosecutorial evidence, [the CAAF] ha[s] found such evidence to be legally insufficient." *United States v. Bond*, 46 M.J. 86, 91 (C.A.A.F. 1997) (internal citations omitted). The Government failed to introduce the expert testimony contemplated by *Campbell I*—instead, their expert offered testimony directly contradicting the standards established by the CAAF. As a result, the permissive inference was not available to the Government and could not form the basis for proving knowledge in this case. Therefore, without evidence of knowledge, the Government failed to prove that A1C Lawrence wrongfully used marijuana.

B. Even if legally sufficient, this Court should not be convinced beyond a reasonable doubt that A1C Lawrence knowingly ingested THC-9.

In addition to the lack of support for the permissive inference in this case, the Government's focus on economic incentives as the only evidence of "knowledge" makes little sense. First, the Government's argument was based on improper opinion evidence offered by its

expert. Second, the economic incentive argument ignores basic common sense. Trial counsel seemed to focus on a manufacturer's incentive to label THC-9 products correctly. R. at 59. But this ignores another economic incentive for the labeling of *non*-THC-9 products: it is expensive to remove all THC from non-THC marijuana products, such as cannabidiol (CBD). Because it is expensive to remove all THC, such products are not labeled as containing THC-9 despite containing trace amounts. Harvard Health, *CBD Products are everywhere. But do they work?* (Aug. 8, 2024), available at https://www.health.harvard.edu/staying-healthy/cbd-products-are-everywhere-but-do-they-work; *see* Melinda Urich & Dan DeLurio, *An In-Depth Comparison of the Cost and Effeciency of Cannabinoid Extraction Methods for Cannabis and Hemp*, RESTEK (June 28, 2023), available at https://discover.restek.com/articles/ffar3988/an-in-depth-comparison-of-the-cost-and-efficiency-of-cannabinoid-extraction-methods-for-cannabis-and-hemp-analysis. The Government's "Economics 101," R. at 99, explanation falls flat because it misunderstands the economic incentives of manufacturers. Therefore, not only was the Government's economics' evidence improperly admitted, it cannot logically form the basis for believing that ingestion in this case was knowing.

Further, even assuming that the Government could rely on the permissive inference to prove knowledge, it would still have to overcome A1C Lawrence's good military character. Def. Ex. A-J (showing A1C Lawrence's good military character). "A person of good military character is less likely to commit" drug offenses. *United States v. Vandelinder*, 20 M.J. 41, 45 (C.M.A. 1985). Therefore, evidence of good military character, if available, "is clearly pertinent . . . in military drug cases." *Id.*; *Military Judges' Benchbook* (hereinafter, *Benchbook*), Dept. of

the Army Pamphlet 27-9 at 1784 (Mar. 21, 2025)[3] ("Evidence of the accused's [good military character] may be sufficient to cause a reasonable doubt as to his guilt.").

The *Benchbook* instruction says it best: good military character evidence is, on its own, sufficient to cause reasonable doubt as to guilt. Where, as here, there is no evidence of actual knowledge and the trier of fact relied on the permissive inference, drawing that inference is improper when there is ample, unrebutted evidence of good military character. Therefore, even if the Government could rely on the permissive inference, the inference alone cannot overcome the good military character in this case.

Therefore, this Court should find that A1C Lawrence was "less likely" to commit a drug offense. And this, taken together with the remainder of the Government's weak case, should leave this Court unconvinced that A1C Lawrence knowingly used marijuana.

II. A1C Lawrence's court-martial under 10 U.S.C. § 816(c)(2)(A) was unconstitutional.

A. Standard of Review

This Court reviews questions of jurisdiction, law, and statutory interpretation de novo. *United States v. Lepore*, 81 M.J. 759, 760 (A.F. Ct. Crim. App. 2021) (citations omitted).

B. A1C Lawrence had a constitutional right to a panel of members. 10 U.S.C. § 816(c)(2)(A) violates that right.

The Due Process Clause of the Fifth Amendment provides that no one shall be "deprived of life, liberty, or property without due process of law." U.S. CONST. amend V. Although Congress may authorize courts-martial "without all the safeguards given an accused by Article III and the Bill of Rights," *Reid v. Covert*, 354 U.S. 1, 19 (1957) (citing *Dynes v. Hoover*, 61 U.S. 79 (1857)), the CAAF has been unequivocal that "the Due Process Clause of the Fifth

[3] Available at https://www.jagcnet.army.mil/EBB/.

Amendment applies to a service member at a court-martial." *United States v. Graf*, 35 M.J. 450,460 (C.A.A.F. 1992) (citing *Middendorf v. Henry*, 425 U.S. 25, 43 (1976)).

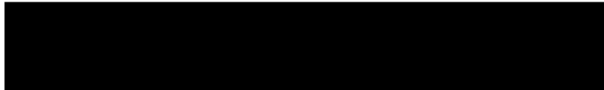
A military accused has a due process right to a multi-member panel. *See United States. v. Wiesen*, 56 M.J. 172, 174 (C.A.A.F. 2001) (internal citation omitted). "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury." U.S. CONST. amend VI. While a court-martial panel is not identical to a Sixth Amendment "jury," the constitutional guarantee of an impartial multi-member factfinder for "all criminal prosecutions" is a bedrock procedural right that the Supreme Court recognizes as "essential for preventing miscarriages of justice and for assuring that fair trials are provided for all defendants." *Duncan v. Louisiana*, 391 U.S. 145, 158 (1968).

A1C Lawrence has a due process right to a court-martial consisting of members, and 10 U.S.C § 816(c)(2)(A) violates this right. While A1C Lawrence recognizes that the CAAF's decision in *United States v. Wheeler*, 85 M.J. 137 (C.A.A.F. 2024), *cert. denied* 145 S. Ct. 2750 (2025), binds this Court, he continues to raise the issue in anticipation of further litigation on the matter.

CONCLUSION

The Government's case regarding knowledge was weak, which was only bolstered by trial defense counsel's deficient performance. Because of its weak case, the Government had to rely on the permissive inference to prove knowledge. But that reliance was misplaced because the permissive inference is unconstitutional for marijuana cases or, at the very least, is unconstitutional as applied to A1C Lawrence. Even if this Court does not hold the permissive inference unconstitutional, it should not be satisfied beyond a reasonable doubt that A1C Lawrence knowingly ingested THC-9. Therefore, the findings and sentence should be set-aside.

Respectfully submitted,



Trevor N. Ward
Maj, U.S. Air Force
Appellate Defense Counsel

Certificate of Filing and Service

I certify that the original and copies of the foregoing were electronically delivered to the Court and served on the Air Force Government Trial and Appellate Operations Division on January 30, 2026.

Trevor N. Ward
Maj, U.S. Air Force
Appellate Defense Counsel

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee,*	)	**ANSWER TO ASSIGNMENTS OF ERROR**
v.	)	No. ACM 24064
Airman First Class (E-3) **COLLYN L. LAWRENCE,** United States Air Force *Appellant.*	)	Before Panel No. 2
	)	2 March 2026

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:

ISSUES PRESENTED

I.

WAS [APPELLANT'S] CONVICTION FOR WRONGFUL USE OF MARIJUANA LEGALLY AND FACTUALLY INSUFFICIENT WHERE THE GOVERNMENT FAILED TO PROVE A KNOWING USE?

II.

ARE SPECIAL COURTS-MARTIAL UNDER 10 U.S.C. §816(c)(2)(A) UNCONSTITUTIONAL?

STATEMENT OF THE CASE

The United States agrees with Appellant's Statement of the Case.

STATEMENT OF FACTS

On 9 January 2024, Appellant was selected for a random urinalysis. (Pros. Ex 6.) The test returned positive for Tetrahydrocannabinol-9 (THC-9) at a level of 22 ng/ml. (Pros. Ex. 3.) The Department of Defense cutoff limit for reporting positive results for THC-9 is 15 ng/ml. Appellant was offered nonjudicial punishment (NJP) under Article 15, Uniform Code of Military

Justice (UCMJ). Record of Trial (ROT), Vol. 2, Record of Nonjudicial Punishment. Appellant turned down NJP and demanded a trial by court-martial. Id.

At trial, the United States' primary evidence to support a conviction was Appellant's urinalysis results. (Pros Ex. 3 and 10.) The United States also called Dr. [EH] from the Air Force Drug Testing Laboratory to explain the results. (R. at 31-60.) The United States also put on evidence that Appellant was on leave from 27 December 2023 to 29 December 2023. (Pros. Ex. 1). During the United States' case, the following testimony was elicited on the levels that Appellant tested at:

> TC: Okay. So, Dr. [EH] based on your understanding, based on what you just told us, if a person used between 27 and 29 December 23 and their test came back with these results, what, if anything, would that tell you about their use during that time period?
>
> WIT: That they most likely ingested more than 50 milligrams of THC.
>
> TC: Would that be high use, low use?
>
> WIT: It's the highest use ever studied, but I'm not sure how much high use recreationally is anymore.

(R. at 52.) The United States also put on witness testimony that Appellant used vapes and that stores that sell vapes typically put THC vapes in a separate area and that such vapes would have a label saying they contain THC. (R. at 63-65.) In addition, to rebut innocent ingestion, the United States presented evidence that vape manufacturers have an economic incentive to clearly label THC vapes as such (to make more money). (R. at 59.)[1]

[1] At trial, Appellant did not dispute that the presence of a controlled substance was in his body or that the positive result was due to a lab error. In fact, he largely stipulated that his urine sample was collected and tested properly. (Pros. Ex. 3-9.)

ARGUMENT

I.

APPELLANT'S CONVICTION WAS LEGALLY AND FACTUALLY SUFFICIENT.

Standard of Review & Law

This Court reviews legal sufficiency de novo. United States v. Washington, 57 M.J. 394, 399 (C.A.A.F. 2002)(internal citation omitted). "The test for legal sufficiency is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of a crime beyond a reasonable doubt." United States v. Robinson, 77 M.J. 294, 297-98 (C.A.A.F. 2018) (quoting United States v. Rosario, 76 M.J. 114, 117 (C.A.A.F. 2017)). Applying this test, this Court draws every reasonable inference from the evidence in the record of trial in favor of the prosecution. United States v. McGinty, 38 M.J. 131, 132 (C.M.A. 1993).

This Court reviews questions of factual sufficiency only when an appellant requests factual sufficiency review and he shows a specific deficiency in proof. United States v. Augustin, No. ACM 40655 (f rev), 2026 CCA LEXIS 11, at *25–26 (A.F. Ct. Crim. App. Jan. 21, 2026) (citing United States v. Harvey, 85 M.J. 127, 129 (C.A.A.F. 2024)). "[T]he quantum of proof necessary to sustain a finding of guilty during a factual sufficiency review is proof beyond a reasonable doubt, the same as the quantum of proof necessary to find an accused guilty at trial." Harvey, 85 M.J. at 131. For this Court "to be clearly convinced that the finding of guilty was against the weight of the evidence, two requirements must be met." Id. at 132. First, this Court must decide that the evidence, as it weighs it, "does not prove that the appellant is guilty beyond a reasonable doubt." Id. Second, this Court "must be clearly convinced of the correctness of this decision." Id.

"A urinalysis properly admitted under the standards applicable to scientific evidence, when accompanied by expert testimony providing the interpretation required by [United States v. Murphy, 23 M.J. 310, 312 (C.M.A. 1987)], provides a legally sufficient basis upon which to draw the permissive inference of knowing, wrongful use . . . ." United States v. Green, 55 M.J. 76, 81 (C.A.A.F. 2001) (citing United States v. Bond, 46 M.J. 86, 89 (C.A.A.F. 1997)); *see also* United States v. Ford, 23 M.J. 331, 337 (C.M.A. 1987) (noting the permissive inference has existed in the military justice system since 1955 and has found "longstanding and consistent judicial approval" in the military and civilian courts (citation omitted)).

In United States v. Campbell, 50 M.J. 154 (C.A.A.F. 1999) (herein Campbell I), CAAF stated that expert testimony must show the following for an inference of wrongfulness:

> (1) that the "metabolite" is "not naturally produced by the body" or any substance other than the drug in question;
>
> (2) that the cutoff level and reported concentration are high enough to reasonably discount the possibility of unknowing ingestion and to indicate a reasonable likelihood that the user at some time would have "experienced the physical and psychological effects of the drug;" and
>
> (3) that the testing methodology reliably detected the presence and reliably quantified the concentration of the drug or metabolite in the sample

Campbell I, 50 M.J. at 160.

However, in United States v. Campbell, 52 M.J. 386, 388 (C.A.A.F. 2000) (herein Campbell II) and Green, our superior Court clarified this test. As our superior Court recently noted in Downum, "In Green, the Court clarified that an Article 112a conviction would still be legally sufficient if the expert testimony did not address whether the defendant would have experienced the physiological effects of the controlled substance, 55 M.J. at 81, but otherwise left the Campbell permissible-inference factors intact." *See* Downum, at *8.

Analysis

The military judge at Appellant's court-martial correctly found Appellant guilty of wrongfully using marijuana, and there is no credible basis in the record for this Court to disturb Appellant's just verdict and sentence. Here, the United States presented the military judge with ample evidence to convince him of Appellant's guilt beyond a reasonable doubt. This Honorable Court should equally be convinced and affirm Appellant's drug conviction.

Under the new factual sufficiency standard, Appellant has failed to make a specific showing of a deficiency of proof. Yet even if he had, after making the appropriate deference to the trial court hearing the witnesses at trial, the Court should not be clearly convinced that the weight of the evidence does not support Appellant's conviction beyond a reasonable doubt. Further, Appellant has failed to show his conviction is legally insufficient

A. Appellant's conviction is legally sufficient.

Appellant begins his legal sufficiency argument by declaring the entire concept of "permissive inference"– one which has been in place for over 70 years – facially unconstitutional. (App. Br. at 5.) In doing so, Appellant invites this Court to overturn well-established precedent before both this Court and our superior Court. This Court should decline his invitation.

As detailed above, the permissive inference has existed in the military justice system since 1955, and has consistently met judicial approval, including through late last year. *See* Ford, 23 M.J. at 337; Downum, at *8.

Still, Appellant claims this decades-old theory is facially unconstitutional because he believes "[a]ccidental or otherwise unknowing ingestion of marijuana is exceedingly frequent." (App. Br. at 6.) To support his claim, Appellant points to: (1) a singular news article stating that

a wedding in Florida four years ago had guests sickened by marijuana in food; (2) a study that shows people are "routinely subjected to civilians using drugs near them;" and (2) a separate news story that protein shakes were removed from a civilian vendor's military base store because the shakes contained hemp seeds. (Id.) Appellant also highlights that many states "have legalized or decriminalized the manufacture, distribution, sale, and use of marijuana." (Id.) Appellant concludes that "servicemembers, no matter how vigilant, cannot avoid accidental or otherwise unknowing exposure to marijuana." (Id. at 7.)

The logical conclusion to Appellant's contention that *all* servicemembers seemingly "cannot avoid" marijuana is that all servicemembers now have the marijuana metabolite in their systems and are at risk of testing positive during a drug test. Yet, if, as Appellant posits, servicemembers – in what Appellant calls the "present-day experience" – "cannot avoid" exposure to marijuana to the point that the exposure would cause a positive drug result, one would expect a rampant epidemic of positive marijuana drug tests across the military. Strikingly though, Appellant presents no news articles, studies, or evidence at all showing a deluge of servicemembers testing positive for marijuana due to this supposed, newfound widespread and "unavoidable" exposure to marijuana.

This is, of course, because no such deluge of supposed unknowing ingestion drug tests positives has occurred. And the government's expert, Dr. EH, explained why, stating that the DoD cutoff of 15 nanograms per milliliter for THC-9 was "high enough so it's not, it's not noise," adding, "We know it's actually a signal there. And then the setoff is also set high enough for, at that time, the non-using population is completely separated from a population of known users." (R. at 37.) Dr. EH agreed that this cutoff level was designed to prevent someone who had not used THC-9 from testing positive for THC-9. (Id.) As shown by Dr. EH, the DoD cut-

off level was set high enough to separate users from non-users – which also separates knowing use versus unknowing use.

Appellant's contention here that the supposed increase in exposure to marijuana somehow translates into an increased potential for servicemembers to test positive for marijuana is unsupported by Appellant and discounted by Dr. EH's testimony about the basis for the DoD cutoff level. Appellant also fails to explain how supposed unknowing use could result in Appellant's 22 nanograms per milliliter level, a level that was nearly 50% higher than the DoD cutoff, which, as Dr. EH testified, was set on the high side to specifically prevent someone from testing positive in the first place if they had not used marijuana.

In short, Appellant's unconstitutional argument falls short in convincing this Court to overturn 70 years of precedent and the military justice system's acceptance of the permissive inference. Furthermore, Appellant's request that this Court overturn well-established CAAF precedent, which it reaffirmed just last year, is inappropriate. As this Court has held, "in the absence of a superseding statute or an intervening *decision* of [USCAAF] or the Supreme Court of the United States, [USCAAF precedent cases are] absolutely binding on the Court of Criminal Appeals." United States v. Plumb, 47 M.J. 771, 774 (A.F. Ct. Crim. App. 1997) (quoting United States v. Allbery, 44 M.J. 226 (C.A.A.F. 1996)) (emphasis in original). Appellant should make his request to CAAF to overturn CAAF precedent – not to this Court.

Unable to substantiate his theory that all servicemembers are in danger of testing positive for marijuana due simply to being unable to "avoid" exposure to marijuana, Appellant attacks the evidence in this case by claiming it does meet established "safeguards for the permissive inference." (App. Br. at 8.) In doing so, Appellant cites Campbell I, Campbell II, and Downum.

Appellant contends the Campbell safeguards were not satisfied because the "Government did not present expert testimony to demonstrate that the cutoff level and reported concentration were high enough to discount the possibility of an unknowing ingestion." (App. Br. at 8.) However, as detailed above, Dr. EH explained both how and why the DoD cut-off level was made. (*See* R. at 37.) Still, Appellant argues this explanation should be dismissed because the cutoff level was "created in the 1990s" when marijuana, unlike today, was "criminalized" in most states.

But Appellant fails to recognize that, just like "in the 1990s," drug use continues to be illegal in the military. He also fails to explain how marijuana being legal in more states now than in the 1990s somehow calls into question the validity of the current DoD cutoff level. This Court should dismiss his unsupported claim.

Appellant next states that the expert "also conceded that the cutoff doesn't tell the trier of fact whether the member felt the effects of the marijuana use nor could he say whether A1C Lawrence knowingly ingested THC-9, R. at 57, contradicting Campbell I's safeguards." (App. Br. at 8-9.) However, as noted above, our superior Court in Downum plainly stated that the "experienced the physiological effects of the controlled substance" requirement of Campbell I is no longer applicable. Thus, this contention should also be dismissed.

Appellant next argues that "drawing of the [permissive] inference is not required," and that it is "improper under certain circumstances." (App. Br. at 9.) To support his argument, Appellant cites Campbell I, Downum, and United States v. Hall, 58 M.J. 90, 94-95.

As detailed above, Campbell I provided the safeguard test, which was met in this case. Though Appellant maintains "the Government failed to present expert testimony to demonstrate

that the cutoff level and the reported concentration were high enough to discount the possibility of an unknowing ingestion," Dr. EH's testimony proves otherwise.[2]

In Downum, the Government did not introduce the paper urinalysis results into evidence. Downum, at *4. The Army Court of Criminal Appeals (ACCA) overturned the case for legal and factual insufficiency because, "Without the admission of the test results, commonly accomplished by offering them as non-testimonial business records under Mil. Rule Evid. 803(6), the expert's testimony lacked relevance. Beyond [Dr. CO] stating a ng/ml level, there were no facts in evidence for her to explain, and no test results for her to interpret." Id. at *5. ACCA further stated, "We are unfamiliar with any remotely recent authority supporting the government's contention that an expert opinion alone, devoid of sufficient factual basis, is adequate to prove drug use, let alone wrongful drug use. Our superior court has held expert testimony is required to explain the urinalysis results." United States v. Downum, ARMY 20220575, 2024 CCA LEXIS 156, *5 (A. Ct. Crim. App. Mar. 29, 2024) (citing Campbell I, 50 M.J. at 159.).

In this case, however, the urinalysis results were admitted into evidence, and Dr. EH explained and interpreted the results. Hence, Appellant's case is distinct from Downum.

As to Hall, Appellant cites the case as a time when it was "improper under certain circumstances" to use the permissive inference. (App. Br. at 9.) However, that case is quite distinct from the facts of this case. In that case, the permissive inference was used, and was then rebutted by the defense. Hall, 58 M.J. at 93. In response, the Government presented statements

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[2] *See* App. Br. at 10. Here again, Appellant also renews his argument that "the Government failed to present expert testimony to demonstrate that [Appellant] experienced the physical or psychological effects of the drug." (Id.) However, that is no longer a requirement, as our superior Court stated in Downum.

from the appellant's mother through an Air Force Office of Special Investigations (AFOSI) special agent because the Government had been unable to procure testimony from the mother herself. Id. CAAF found this amounted to inadmissible hearsay, and, given that the inadmissible hearsay were words that "came from the mouth of Appellant's own mother," the Court could not "determine beyond a reasonable doubt that the error did not contribute to the finding of guilt." Id. at 95.

That case, however, was not overturned due to any issue involving the permissive inference, but instead on a distinct evidentiary issue that is not present in this case. Thus, Appellant's case is distinct from Hall as well.

Here, the Government presented a laboratory report showing that Appellant's urinalysis sample tested positive for THC-9 (Pros Ex. 3 and 10), as well as thorough expert testimony as to the underlying scientific methodology and the significance of the test result. (R. at 31-60). At that point, there was "a rational basis for inferring that the substance was knowingly used and that the use was wrongful." Campbell II, 52 M.J. at 388. Thus, this evidence was more than enough to pass the permissive inference test for legal sufficiency in an unlawful drug use case.

Importantly, the whole of Appellant's legal sufficiency argument centers on the permissible inference concept. However, though not addressed by Appellant, the government's case did not rely solely on the permissive inference, but instead included additional circumstantial evidence showing Appellant's knowing and wrongful use of marijuana. To start, the United States presented evidence that Appellant was on leave during the charging window where he had an opportunity use the drug. (Pros. Ex. 1.) The United States also put on witness testimony that Appellant used vapes, that THC vapes were placed in a separate area of the vape store, and that these THC vapes included labeling which clearly notified the user that it contained

THC. (R. at 63-65.) In addition, the United States presented evidence that stores that sell vapes would have an economic incentive to clearly mark vapes as containing THC to make more money by explicitly advertising to customers looking for such products. (R. at 59.)

All told, Dr. EH's testimony met the remaining Campbell I requirements, and Appellant has failed to show his convictions are legally insufficient. Here, the record shows the specification is legally sufficient and that a reasonable factfinder could have found all the essential elements beyond a reasonable doubt. In drawing every reasonable inference from the evidence in the record of trial in favor of the prosecution, the Court should deny Appellant's claim.

B. Appellant conviction is factual sufficient.

Appellant arguments on factual sufficiency boil down to (1) the limited value of the testimony on "basic economic principles" and (2) his evidence of good military character negated guilt. (App. Br. at 10-12.) It is questionable whether either one is a specific deficiency of proof, but regardless, neither should clearly convince this Court that the weight of the evidence does not support Appellant's conviction beyond a reasonable doubt, after making the appropriate deference to the trial court hearing the witnesses at trial.

As to the first argument, Appellant claims the "economic incentives" argument was "based on improper opinion evidence offered by its expert." (App. Br. at 10.) Notably, however, Appellant did not raise this as a separate issue or in any fashion explain how the military judge in this case abused his discretion in allowing such testimony. Yet, that aside, Appellant fails to note that this evidence of "knowledge" was also offered in conjunction with other evidence showing knowing ingestion and opportunity, including that: (1) Appellant was on leave; and (2) he used vapes, which are a source of THC, that were clearly marked as such in stores that sell them. This

evidence, when presented in conjunction with a positive urinalysis result (which alone is sufficient to demonstrate guilt), provide ample evidence of Appellant's guilt beyond a reasonable doubt.

As to Appellant's second argument, it appears Appellant is discussing character reference letters he submitted. (Def. Ex. A-I.) The value of this good military character evidence is limited at best since Appellant had less than two years of service and was only in his first assignment as a military member. (Pros. Ex. 11.) This is hardly sufficient to negate guilt when the other substantial evidence in this case included (1) a positive urinalysis result, (2) circumstantial evidence of vape use, and (3) economic incentives for stores that sell vape to clearly mark their THC products as containing THC.

In sum, Appellant has failed to make a specific showing of a deficiency of proof as to his drug conviction. Yet, even if he did, the evidence shows Appellant knowingly and wrongfully used marijuana. When providing the finder of fact the required and appropriate deference for having seen all the witnesses and evidence at trial, this Court should *not* be clearly convinced that the weight of the evidence does not support the conviction beyond a reasonable doubt. Accordingly, Appellant's factual sufficiency claim must fail.

II.

SPECIAL COURTS-MARTIAL ARE CONSTITUTIONAL

Standard of Review

This Court reviews questions of jurisdiction *de novo*. United States v. Williams, 85 M.J. 121, 124 (C.A.A.F. 2024) (citing United States v. Kuemmerle, 67 M.J. 141, 143 (C.A.A.F. 2009)).

Law & Analysis

As Appellant notes, his arguments are foreclosed by recent CAAF precedent, and he is raising them in anticipation of "further litigation on the matter." (App. Br. at 13.) In United States v. Wheeler, 83 M.J. 581, 583 (C.A.A.F. 2023), the Court held that special courts-martial do not violate the Fifth and Sixth Amendments of the United States Constitution. Accordingly, Appellant is not entitled to relief under this assignment of error.

CONCLUSION

For these reasons, the United States respectfully requests that this Honorable Court deny Appellant's claim and affirm the finding and sentence in this case.

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CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and the Air Force Appellate Defense Division on 2 March 2026.

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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, *Appellee*, v. Airman First Class (E-3), **Collyn L. LAWRENCE,** United States Air Force, *Appellant*.	**REPLY BRIEF ON BEHALF OF APPELLANT** Before Panel No. 2 No. ACM 24064 March 9, 2026

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

Airman First Class (A1C) Collyn L. Lawrence, the Appellant, pursuant to Rule 18(d) of this Court's Rules of Practice and Procedure, files this Reply to the United States' Answer to Assignments of Error, Mar. 2, 2026 [hereinafter Ans.]. In addition to the arguments in his opening brief, Br. on Behalf of Appellant, Jan. 30, 2026, A1C Lawrence submits the following additional arguments.

I. A1C Lawrence's conviction for marijuana use is legally insufficient.

A. The permissive inference is facially unconstitutional in marijuana cases.

As the Government illustrates, A1C Lawrence's conviction is supported almost solely by the permissive inference. R. at 102 (asking the military judge to use the permissive inference); *see* Ans. at 5-11 (focusing on the permissive inference for five of six pages). But in marijuana cases, the permissive inference is unconstitutional and cannot be used. Therefore, A1C Lawrence's conviction is legally insufficient.

"[A] criminal statutory presumption must be regarded as . . . unconstitutional, unless it can at least be said with substantial assurance that the presumed fact is more likely than not to flow from the proved fact." *Leary v. United States*, 395 U.S. 6, 36 (1969); *cf. Barnes v. United States*, 412 U.S. 837, 842 (1973) (summarizing this same standard). The presumed fact for the

drug use permissive inference is that, because a metabolite of a drug is in a person's system, the person knowingly ingested the drug. *Manual for Courts-Martial* (2024 ed.), Part IV, ¶ 50.c.(10). But this fact is not supported by "present-day" experience, as required by the Supreme Court. *Barnes*, 412 U.S. at 844–45. This is because marijuana legalization is rampant, marijuana is widely and publicly available, and its use is common in public. Br. on Behalf of Appellant at 5-7. As noted in the A1C Lawrence's opening brief, products containing marijuana are so common that they have been sold on certain military installations. Br. on Behalf of Appellant at 5-7. This means that a knowing use of marijuana cannot "be said with substantial assurance . . . [to be] more likely than not" true merely because the metabolite of marijuana is in someone's system. *Leary*, 395 U.S. at 36.

Instead of refuting the facts underlying this present-day experience, the Government builds up and refutes a strawman.[1] Ans. at 6. Contrary to the Government's assertion, A1C Lawrence does not contend that "all servicemembers now have the marijuana metabolite in their system." *Id*. Rather, as made clear in his opening brief, present-day experience merely does not support the inference that ingestion is *knowing* just because a metabolite of marijuana is in someone's system. Making matters worse is that the Government's strawman is, itself, a logical fallacy because it reverses the thing to be presumed. *Compare* Ans. at 6 (asserting that A1C Lawrence believes "all servicemembers now have marijuana metabolite in their system"), *with* Br. on Behalf of Appellant at 6-8 (arguing that knowing ingestion cannot be inferred merely from the presence of marijuana metabolite). This is known as affirming the consequent and is "a classic form of invalid reasoning." *Stewart Foods v. Broecker*, 64 F.3d 141, 146 n.3 (4th Cir.

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[1] A strawman is "a weak or imaginary opposition (such as an argument or adversary) set up only to be easily confuted." *Straw Man*, MERRIAM-WEBSTER (online ed. 2026).

1995); *see United States v. Balcarczyk*, 52 M.J. 809, 812 n.4 (N-M. Ct. Crim. App. 2000) (discussing Aristotelian logic); Stephen M. Rice, *Conspicuous Logic: Using the Logical Fallacy of Affirming the Consequent as a Litigation Tool*, 14 Barry L. Rev. 1, 6-7 (2010) (discussing the "Fallacy of Affirming the Consequent"). The Government's resort to not one, but two, logical fallacies highlights the weakness of its position.

A permissive inference not supported by present-day experience is unconstitutional. *Leary*, 395 U.S. at 36. But the Government attempts to undermine the Constitution's protection in two ways. First, it argues that seventy years of precedent support its use. Ans. at 7. But, the Supreme Court has been clear: historic use of an inference by courts does not make an inference constitutional. *Barnes*, 412 U.S. 844-45. Second, the Government appears to place military caselaw over the Constitution's demand. Ans. at 7 (referring to A1C Lawrence's constitutional challenge as "inappropriate" because there is military caselaw to the contrary). But it is the Constitution, not military caselaw, that is the supreme law of the land. *Marbury v. Madison*, 5 U.S. 137, 1 Cranch 137, 180 (1803); *United States v. Romano*, 46 M.J. 269, 274 (C.A.A.F. 1997).

Because the permissive inference is unconstitutional in marijuana cases, this Court can and should set aside A1C Lawrence's conviction as legally insufficient.

B. The permissive inference is unconstitutional as applied to A1C Lawrence.

Here, the permissive inference is unconstitutional as applied because the Government failed to satisfy the safeguards established by the Court of Appeals for the Armed Forces. Br. on Behalf of Appellant at 8-9.

The cutoff level for marijuana was created in 1990 when marijuana was illegal in most states, and recreationally illegal in all states. *The Evolution of Marijuana as a Controlled*

Substance and the Federal-State Policy Gap (2026), https://www.congress.gov/crs-product/R44782 [hereinafter *The Evolution of Marijuana*]. The cutoff level is meant to ensure that those testing positive for marijuana are also those who knowingly ingest it (i.e., it is so high that only those with knowledge of ingestion could test at that level). But because marijuana products, and marijuana use by civilians, is rampant—both in private and public—this cutoff level can no longer be an accurate measure of knowing ingestion. *Id.* This conclusion is reinforced by the testimony of the Government's own expert, who conceded that the cutoff level does not inform whether a member feels the effects of marijuana or indicate if the member knowingly ingested the drug. R. at 57.

A1C Lawrence is aware that marijuana use "continues to be illegal in the military." *Compare* R. at 111 (announcing guilt for marijuana use), *with* Ans. at 8 (contending that "Appellant fails to recognize" marijuana use is illegal in the military). But this is not the point. It does not matter, for the permissive inference, if marijuana use is illegal in a small subset of society. What matters is whether the inference, through present-day experience, is more likely than not true. Because marijuana products and use are widespread, Br. on Behalf of Appellant at 5-7, the cutoff level is simply no longer high enough to weed out unknowing ingestion.

Therefore, as applied to A1C Lawrence, the permissive inference is unconstitutional, and this Court should set aside the conviction.

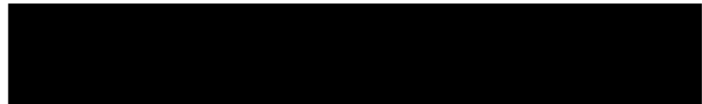
II. A1C Lawrence's conviction for marijuana use is factually insufficient.

The Government's claim that A1C Lawrence's leave status was evidence of his guilt is unsupported by logic or fact. Ans. at 11. Marijuana can be found in nearly every state. *The Evolution of Marijuana*. A1C Lawrence need not travel to Texas, Pros. Ex. 1 at 1—a state that had not legalized recreational or medical marijuana at the time of his trial—to obtain and ingest marijuana. *The Evolution of Marijuana*.

The Government's reliance on A1C Lawrence's use of nicotine vapes as proof of marijuana use is similarly flawed. Ans. at 11-12. Using lawful nicotine vapes does not bear on unlawful marijuana use, unless the Government means to lump them all together as species of smoking. But the two are different: nicotine is not marijuana, nor is nicotine illegal. Further, the Government's argument about vapes betrays its position that there was no unknowing ingestion in this case. Ans. at 5-12. After all, as the Government now recognizes, many vapes contain marijuana and are sold in the same stores as nicotine vapes. Ans. at 11-12.

The fact that the Government points to only this evidence and the permissive inference to show factual sufficiency demonstrates just how weak the Government's case was against A1C Lawrence. This Court should not, itself, be convinced beyond a reasonable doubt that A1C Lawrence knowingly ingested marijuana and set aside his conviction.

Respectfully submitted,



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CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were electronically delivered to the Court and served on the Air Force Government Trial and Appellate Operations Division on March 9, 2026.

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