

**UNITED STATES AIR FORCE  
COURT OF CRIMINAL APPEALS**

<b>UNITED STATES</b>	)	<b>No. ACM 40974</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	<b>ORDER</b>
<b>Elijah A. HICKMAN</b>	)	
<b>Airman First Class (E-3)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	<b>Panel 2</b>

On 8 May 2026, counsel for Appellant submitted a motion to withdraw Appellant’s case from appellate review, accompanied by a request to attach Appellant’s DD Form 2330, *Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals*, signed by Appellant and his trial defense counsel on 26 February 2026.\* Due to an administrative oversight by the servicing legal office, Appellant’s case was docketed with the court on 20 April 2026.

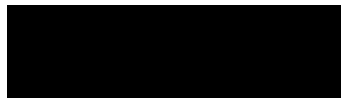
Appellant consulted with Appellate counsel, confirmed he would like to withdraw from appellate review now that his case was erroneously docketed, and moves this court to withdraw Appellant’s case from appellate review.

Accordingly, it is by the court on this day of 12th day of May 2026,

**ORDERED:**

Appellant’s Motion to Withdraw from Appellate Review and Attach is **GRANTED**. Appellant’s case is forwarded to the Appellate Records Branch (JAJM) for further processing in accordance with Rules for Courts-Martial 1115(f)(3) and 1201, *Manual for Courts-Martial, United States* (2024 ed.).

FOR THE COURT



CAROL K. JOYCE  
Clerk of the Court

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\* In Appellant’s AF Form 304, *Request for Appellate Defense Counsel*, located in the record of trial with this court, Appellant elected appellate defense counsel representation on 14 January 2026. The record does not include this DD Form 2330.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

*Appellee*

v.

Airman First Class (E-3)

**Elijah A. HICKMAN**

United States Air Force

*Appellant*

**MOTION TO WITHDRAW FROM  
APPELLATE REVIEW AND  
MOTION TO ATTACH**

Before Panel No. 2

No. ACM 40974

8 May 2026

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

Pursuant to Rule 16 of this Honorable Court’s Rules of Practice and Procedure and Rule for Courts-Martial (R.C.M.) 1115, Airman First Class (A1C) Elijah A. Hickman hereby moves this Honorable Court to withdraw his case from appellate review. A1C Hickman also moves this Honorable Court to attach three documents to his Record of Trial [hereinafter ROT]: (A) his signed Department of Defense Form 2330, *Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial Subject to Review by a Court of Criminal Appeals* (Feb. 26, 2026) [hereinafter DD Form 2330], (B) an email from the Cannon Air Force Base legal office, and (C) an email from Air Force Special Operations Command.

A1C Hickman properly waived appellate review on 26 February 2026.<sup>1</sup> He was advised on this decision by his defense counsel at his court-martial, Captain Elliot Ko.<sup>2</sup> Captain Ko advised A1C Hickman of his right to appellate review.<sup>3</sup> A1C Hickman waived appellate review after the entry of judgment.<sup>4</sup> Therefore, his waiver complies with R.C.M. 1115(a), (b)(1), (b)(2)(A), and (d).

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<sup>1</sup> DD Form 2330 (Feb. 26, 2026).

<sup>2</sup> *Id.*; Trial Tr. 6, 22.

<sup>3</sup> App. Ex. VI; *see also* App. Ex III at ¶ 2c.

<sup>4</sup> *Compare* DD Form 2330 (Feb. 26, 2026) *with* Entry of J. (Feb. 2, 2026).

Despite this, the Cannon Air Force Base legal office did not attach A1C Hickman's signed DD Form 2330 to his ROT,<sup>5</sup> and apparently did not conduct the steps required by R.C.M. 1115(e)(1) and (f)(2) and Department of the Air Force Instruction 51-201, *Administration of Military Justice* (Jan. 9, 2026) [hereinafter DAFI 51-201], paragraphs 24.3.3 and 24.16, for waiver of appellate review since A1C Hickman's case was docketed with this Court on 20 April 2026. The Cannon Air Force Base legal office possessed A1C Hickman's signed DD Form 2330; they emailed it to undersigned counsel on 6 May 2026.<sup>6</sup> Air Force Special Operations Command also emailed the form to the Air Force Appellate Defense Division on 6 May 2026, stating the form "did not make it in the ROT" and that "JAJM has already sent the ROT to the appellate court for action."<sup>7</sup>

A1C Hickman then fully consulted with undersigned counsel regarding (1) his 26 February 2026 decision to waive appellate review, (2) the oversight that caused his case to be docketed with this Court anyway, and (3) this motion to withdraw his case from appellate review. He reiterated that it is still his intention and desire to waive appellate review, and that he would like to withdraw from appellate review now that his case was erroneously docketed with this Court.<sup>8</sup> No person has compelled, coerced, or induced A1C Hickman by force, promises of clemency, or otherwise, to waive, and withdraw his case from, appellate review. Therefore,

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<sup>5</sup> *see generally* ROT; *see also* R.C.M. 1115(e)(1) (stating "[t]he waiver shall be attached to the record of trial")

<sup>6</sup> Email from TSgt Jennie F. Liebo, Military Justice Paralegal, Cannon Air Force Base Legal Office, to Capt Paige F. Markley Denton, Appellate Defense Counsel, Air Force Appellate Defense Division (May 6, 2026, at 4:59 PM ET).

<sup>7</sup> Email from Bernadette L. Hamilton, Senior Military Justice Paralegal, Air Force Special Operations Command, to TSgt Toni A. Monroe and TSgt Megan A. Zellman, Appellate Paralegals, Air Force Appellate Defense Division (May 6, 2026, at 4:28 PM ET) (misidentifying A1C Hickman's waiver of appellate review as a withdrawal).

<sup>8</sup> *See* DAFI 51-201 at ¶ 24.3.3.

A1C Hickman respectfully requests this Honorable Court grant this motion to withdraw from appellate review.

Further, pursuant to Rules 23(b) and 23.3(b) of this Honorable Court's Rules of Practice and Procedure, A1C Hickman moves this Honorable Court to attach his signed DD Form 2330 to his ROT (Attachment a), as well as emails from the Cannon Air Force Base Legal Office (Attachment B) and Air Force Special Operations Command (Attachment C). The DD Form 2330 is necessary to comply with R.C.M. 1115(d) and Rule 16.1 of this Court's Rules of Practice and Procedure and should have previously been attached to the ROT under R.C.M. 1115(e)(1). The emails are necessary to determine that A1C Hickman and Capt Ko previously completed all steps necessary for a proper waiver under R.C.M. 1115, including providing the signed DD Form 2330 to the Cannon Air Force Base legal office.

**WHEREFORE**, A1C Hickman respectfully requests this Honorable Court grant this motion to withdraw from appellate review and motion to attach the identified three documents to the record.

Respectfully submitted,

  
PAIGE F. MARKLEY DENTON, Capt, USAF  
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 8 May 2026.



PAIGE F. MARKLEY DENTON, Capt, USAF  
Appellate Defense Counsel

