

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

UNITED STATES)	No. ACM 40303
<i>Appellee</i>)	
)	
v.)	
)	ORDER
Jason M. BLACKBURN)	
Airman Basic (E-1))	
U.S. Air Force)	
<i>Appellant</i>)	Panel 1

On 1 March and 28–30 March 2022, Appellant was tried by a general court-martial at Little Rock Air Force Base, Arkansas. Contrary to his pleas, a military judge found Appellant guilty of one charge and two specifications of aggravated sexual contact of a child in violation of Article 120, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 920, *Manual for Courts-Martial, United States* (2008 ed.), one charge and two specifications of rape of a child, and four specifications of sexual abuse of a child in violation of Article 120b, UCMJ, 10 U.S.C. § 920b, *Manual for Courts-Martial, United States* (2012 ed.),* and adjudged a sentence of 14 years’ confinement, forfeiture of all pay and allowances, dishonorable discharge, and a reprimand. The convening authority suspended a portion of the adjudged forfeitures, provided language for the reprimand, and approved the remainder of the sentence.

On 28 June 2023, Appellant submitted a brief in which he argues, *inter alia*, that the record of trial is incomplete in that it is missing all three attachments to Appellate Exhibit VIII, *Defense Motion for Appropriate Relief for the Unreasonable Multiplication of Charges*. Appellant requested this court remand the record of trial for correction pursuant to R.C.M. 1112(d)(2).

On 7 August 2023, the Government submitted an answer to Appellant’s brief, and concurred that the record of trial was missing all three attachments to Appellate Exhibit VIII. On the same day, the Government filed a Motion to Attach the three missing attachments to Appellate Exhibit VIII, as well as a declaration, dated 3 August 2023, from Captain JP, assistant trial counsel to

* All other references in this order to the UCMJ and Rules for Courts-Martial are to the *Manual for Courts-Martial, United States* (2019 ed.).

Appellant's court-martial. This court granted the Motion to Attach on 15 August 2023. The Government argues that remand is not required because the missing attachments are now attached to the record, and that this court should be satisfied that there are "no impediments" to this court performing its Article 66, UCMJ, 10 U.S.C. § 866, review.

On 21 August 2023, Appellant filed a reply brief, and contends, *inter alia*, that Appellant's record of trial is still incomplete. Appellant again argues that attachments to the record do not complete the record. Appellant again requests that we remand the record of trial for correction under R.C.M. 1112(d)(2). We agree.

Accordingly, it is by the court on this 11th day of September, 2023,

ORDERED:

The record of trial in Appellant's case is returned to the Chief Trial Judge, Air Force Trial Judiciary, for correction under R.C.M. 1112(d) to account for the three missing attachments to Appellate Exhibit VIII, and any other portion of the record that is determined to be missing or defective hereafter, after consultation with the parties. *See* Article 66(f)(3), UCMJ, 10 U.S.C. § 866(f)(3); R.C.M. 1112(d)(2), (3).

The record of trial will be returned to the court not later than **28 September 2023** unless a military judge or this court grants an enlargement of time for good cause shown. The Government will inform the court in writing not later than **21 September 2023** of the status of the Government's compliance with this order, unless the record of trial will be returned by the above date.

Thereafter, the court will complete its appellate review under Article 66(d), UCMJ, 10 U.S.C. § 866(d).



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court