

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

<b>UNITED STATES</b>	)	No. ACM S32731 (f rev)
<i>Appellee</i>	)	
	)	
v.	)	
	)	<b>NOTICE OF DOCKETING</b>
<b>Tyrone GAMMAGE</b>	)	
<b>Airman (E-2)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	

The record of trial in the above-styled case was returned to this court on 12 October 2023 by the Military Appellate Records Branch (JAJM) for re-docketing with the court.

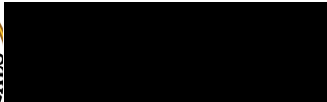
Accordingly, it is by the court on this 13th day of October, 2023,

**ORDERED:**

The above-styled case is referred to Panel 1 for appellate review.



FOR THE COURT



TANICA S. BAGMON  
Appellate Court Paralegal

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

<b>UNITED STATES</b>	)	<b>BRIEF ON BEHALF OF</b>
<i>Appellee,</i>	)	<b>APPELLANT</b>
	)	
v.	)	
	)	Before Panel No. 1
	)	
Airman (E-2),	)	No. ACM S32731 (f rev)
<b>TYRONE GAMMAGE,</b>	)	
United States Air Force	)	26 October 2023
<i>Appellant.</i>	)	

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

**Submission of the Case Without Specific Assignments of Error**

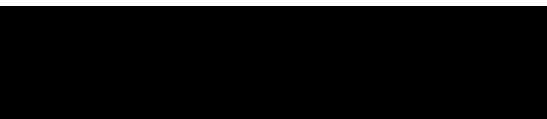
On 5 May 2023, Airman (Amn) Tyrone Gammage, Appellant, assigned as error that his Record of Trial was incomplete because it omitted the attachments to Prosecution Exhibit 1, the stipulation of fact. Order, 5 June 2023. On 30 May 2023, the Government agreed in its Answer that Amn Gammage’s case should be returned for correction in accordance with R.C.M. 1112(d). *Id.* On 5 June 2023, this Court returned Amn Gammage’s case to the Chief Trial Judge, Air Force Trial Judiciary, for correction under R.C.M. 1112(d) to account for eight missing attachments to the stipulation of fact. *Id.* On 23 June 2023, Amn Gammage’s case was docketed with this Court for further review after a certificate of correction, dated 21 June 2023, was filed with this Court. Notice of Docketing, 23 June 2023; Certificate of Correction, 21 June 2023.

On 18 August 2023, Amn Gammage assigned as error that his corrected Record of Trial was incomplete because on further review, the attachments to the stipulation of fact did not match what was stated on the record. Br. on Behalf of Appellant, 18 August 2023, at 3, 7. Amn Gammage further assigned as error that the Government’s submission of an incomplete record does not toll the presumption of post-trial delay under *United States v. Moreno*, 63 M.J. 129 (C.A.A.F. 2006). *Id.* at 9-13.

On 25 September 2023, the Government filed its answer, agreeing four photographs were missing. United States Answer to Assignments of Error, 25 September 2023. On 29 September 2023, this Court returned Amn Gammage's case to the Chief Trial Judge, Air Force Trial Judiciary, for correction under R.C.M. 1112(d) to account for missing photographs that were part of Attachment 6 to the stipulation of fact. Order, 29 September 2023. Amn Gammage's case was docketed with this Court again on 13 October 2023. Notice of Docketing, 13 October 2023. A certificate of correction now states the version of Attachment 6 that is attached to Amn Gammage's record is the correct attachment that was provided during the court-martial, and it was inaccurately described on the record. Certificate of Correction, 12 October 2023.

The undersigned appellate defense counsel attests she has, on behalf of Amn Gammage, carefully examined the record of trial in this case, including the Certificate of Correction, dated 12 October 2023, and its attachment. Amn Gammage submits this case to this Court on its merits with no specific assignments of error at this stage of appellate review.

Respectfully submitted,




SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division



**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Government Trial and Appellate Operations Division on 26 October 2023.

Respectfully submitted,

A large black rectangular redaction box covering the signature of Samantha P. Golseth.

SAMANTHA P. GOLSETH, Maj, USAF  
Appellate Defense Counsel  
Air Force Appellate Defense Division

A large black rectangular redaction box covering the contact information of Samantha P. Golseth.