

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

<b>UNITED STATES</b>	)	<b>No. ACM 40304</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	
	)	<b>ORDER</b>
<b>Jordan P. GOODWATER</b>	)	
<b>Airman (E-2)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	<b>Panel 2</b>

On 13 April 2022, Appellant was convicted by a general court-martial at Nellis Air Force Base, Nevada, of one specification each of possessing and distributing child pornography in violation of Article 134, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 934. The military judge sentenced Appellant to a bad-conduct discharge, confinement for 2 years and 8 months, forfeiture of all pay and allowances, and reduction to the grade of E-1.

On 18 May 2023, Appellant’s counsel submitted a “Motion for Leave to File Motion for Remand,” advising this court that Prosecution Exhibit 2 and Prosecution Exhibit 18 were missing from the record of trial (ROT). Prosecution Exhibit 2 was admitted during findings proceedings and is a CD purported to contain an image derived from a National Center for Missing and Exploited Children CyberTipline Report. The military judge ordered Prosecution Exhibit 2 sealed. Prosecution Exhibit 18 was admitted during sentencing proceedings and is a CD containing images and videos purported to be child pornography. On 24 May 2023, the Government stated it did not oppose Appellant’s motion, the above-mentioned exhibits were missing from the ROT, and that remand was appropriate.

Upon this court’s review of the record, we see Prosecution Exhibits 2 and 18 are missing. Consequently, the record of trial in Appellant’s case is to be returned to the Chief Trial Judge, Air Force Trial Judiciary, for correction under Rule for Court-Martial (R.C.M.) 1112(d).

Accordingly, it is by the court on this 31st day of May, 2023,

**ORDERED:**

Appellant’s Motion for Leave to File Motion for Remand is **GRANTED**. 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 Prosecution Exhibits 2 and 18, and any other portion of the record that is

determined to be missing or defective hereafter, after consultation with the parties. *See* Article 66(g), UCMJ, 10 U.S.C. § 866(g); R.C.M. 1112(d)(2)–(3). Thereafter, the record of trial will be returned to this court for completion of its appellate review under Article 66(d), UCMJ, 10 U.S.C. § 866(d).

The record of trial will be returned to the court not later than **15 June 2023**. If the record cannot be returned to the court by that date, the Government will inform the court in writing not later than **8 June 2023** of the status of the Government's compliance with this order.



FOR THE COURT

*Carol K. Joyce*

CAROL K. JOYCE  
Clerk of the Court