



**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE TEST CENTER (AFMC)
EDWARDS AIR FORCE BASE CALIFORNIA**

30 January 2025

MEMORANDUM FOR AIRMAN MICHAEL A. PRYCE
[REDACTED]

FROM: AFTC/JA

SUBJECT: Notice of Right to Submit Direct Appeal to the Air Force Court of Criminal Appeals

1. This memorandum is to inform you of the right to file a direct appeal of the judgment in the case of *United States v. Staff Sergeant Michael A. Pryce* with the Air Force Court of Criminal Appeals (AFCCA).
2. Your appeal is not automatic, nor is it required. The decision to file an appeal is entirely yours. If you wish to file an appeal, you may contact the Air Force Appellate Defense Division who will provide you a military appellate defense attorney free of charge. They can be reached between the hours of 0730 and 1630 (Eastern Time Zone) at 1-800-414-8847 or (240) 612-4770. If you choose to file an appeal, your application for appeal must be received by AFCCA within 90 calendar days from the date on which you receive this letter.
3. If you do not file an appeal, file an untimely appeal, or affirmatively withdraw from appellate review, an impartial judge advocate will review your case to determine whether the court-martial had jurisdiction over you and the offenses, whether the charges and specifications stated an offense, and whether the sentence was within the limits prescribed as a matter of law. You will also have one calendar year after the conclusion of the 90-day period following the receipt of this letter in which to file an application for review with The Judge Advocate General of the Air Force under Article 69, Uniform Code of Military Justice.

[REDACTED]
THOMAS A. MCNAB, Colonel, USAF
Staff Judge Advocate

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT
<i>Appellee,</i>	)	OF TIME (FIRST)
	)	OUT OF TIME
v.	)	
	)	
Staff Sergeant (E-5)	)	No. ACM 25014
MICHAEL A. PRYCE,	)	
United States Air Force,	)	13 June 2025
<i>Appellant.</i>	)	

**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 an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 60 days, which will end on **6 August 2025**.

Appellant's direct appeal was docketed with this Court on 8 April 2025. From the date of docketing to the present date, 66 days have elapsed. On the date requested, 120 days will have elapsed since docketing.

Undersigned counsel filed a Notice of Direct Appeal in Appellant's case on 4 April 2025. Due to an administrative oversight, undersigned counsel did not add Appellant's case to her docket once it was docketed with this Court. Consequently, this Motion is now out of time. This oversight was the fault of counsel, but it was not in bad faith, and upon the Court bringing this to counsel's attention, she promptly took action. Appellant bears no responsibility for this delay.

From 21 through 23 October 2024, Appellant, Staff Sergeant (SSgt) Michael A. Pryce, was tried by a special court-martial comprised of a panel of officer members at Eglin Air Force Base, Florida. R. at 15, 23, 442. Contrary to his pleas, SSgt Pryce was found guilty of one charge and one specification of wrongful use of methylenedioxymethamphetamine (MDMA) in violation of

Article 112a, Uniform Code of Military Justice (UCMJ). *Entry of Judgement in the Case of United States v. Staff Sergeant Michael A. Pryce (EOJ)*, dated 2 December 2024.

The military judge sentenced SSgt Pryce to be reprimanded, reduced to the grade of E-2, to be restricted to the limits of Eglin Air Force Base for two months, and to perform hard labor without confinement for three months. R. at 441. The convening authority took no action on the findings or the sentence. E-ROT, *Convening Authority Decision on Action* – United States v. SSgt Michael A. Pryce, dated 2 November 2024.

The E-ROT is one volume and consists of eight Prosecution Exhibits, fourteen Defense Exhibits, and twenty-one Appellate Exhibits; the transcript is 442 pages. Appellant is not currently confined.

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

Respectfully submitted,

A solid black rectangular redaction box covering the signature of the Appellate Defense Counsel.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

A solid black rectangular redaction box covering the contact information of the 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 Air Force Appellate Government Division on 13 June 2025.

A large black rectangular redaction box covering the signature of Jordan L. Grande.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

A large black rectangular redaction box covering the contact information of Jordan L. Grande.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME – OUT OF TIME
v.	)	
	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	17 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 general opposition to Appellant's Motion for Enlargement of Time, Out 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.

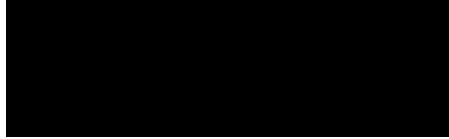
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VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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 June 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



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

UNITED STATES	)	No. ACM 25014
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Michael A. PRYCE	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 2

On 13 June 2025, counsel for Appellant submitted a Motion for Enlargement of Time (First) Out of Time, requesting an additional 60 days in which to file Appellant's assignments of error. The Government opposes the motion.

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 18th day of June, 2025,

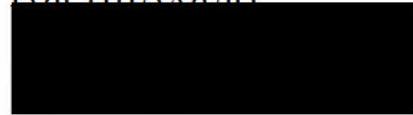
ORDERED:

Appellant's Motion for Enlargement of Time (First) Out of Time is **GRANTED**. Appellant shall file any assignments of error not later than **6 August 2025**.

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.



FOR THE COURT



ROBERT DRIESSEN, Maj, USAF
Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT
	)	OF TIME (SECOND)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force,	)	
<i>Appellant.</i>	)	28 July 2025

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

Pursuant to Rule 23.3(m)(1) and (4) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **5 September 2025**.

Appellant's direct appeal was docketed with this Court on 8 April 2025. From the date of docketing to the present date, 111 days have elapsed. On the date requested, 150 days will have elapsed since docketing.

From 21 through 23 October 2024, Appellant, Staff Sergeant (SSgt) Michael A. Pryce, was tried by a special court-martial comprised of a panel of officer members at Eglin Air Force Base, Florida. R. at 15, 23, 442. Contrary to his pleas, SSgt Pryce was found guilty of one charge and one specification of wrongful use of methylenedioxymethamphetamine (MDMA) in violation of Article 112a, Uniform Code of Military Justice (UCMJ). *Entry of Judgment in the Case of United States v. Staff Sergeant Michael A. Pryce (EOJ)*, dated 2 December 2024. The military judge sentenced SSgt Pryce to be reprimanded, reduced to the grade of E-2, to be restricted to the limits of Eglin Air Force Base for two months, and to perform hard labor without confinement for three months. R. at 441. The convening authority took no action on the findings or the sentence. E-

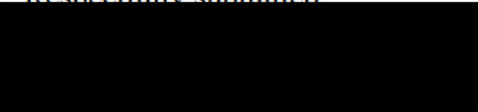
ROT, *Convening Authority Decision on Action* – United States v. SSgt Michael A. Pryce, dated 2 November 2024.

The E-ROT is one volume and consists of eight Prosecution Exhibits, fourteen Defense Exhibits, and twenty-one Appellate Exhibits; the transcript is 442 pages. Appellant is not currently confined.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted



JORDAN L. GRANDE, 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 Air Force Appellate Government Division on 28 July 2025.

[REDACTED]

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME – OUT OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 2
MICHAEL A. PRYCE,	)	
United States Air Force,	)	
<i>Appellant.</i>	)	No. ACM 25014
	)	
	)	29 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 general opposition to Appellant's Motion for Enlargement of Time, Out 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.

[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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 29 July 2025.

[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT
	)	OF TIME (THIRD)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force,	)	
<i>Appellant.</i>	)	25 August 2025

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

Pursuant to Rule 23.3(m)(1) and (4) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **5 October 2025**.

Appellant's direct appeal was docketed with this Court on 8 April 2025. From the date of docketing to the present date, 139 days have elapsed. On the date requested, 180 days will have elapsed since docketing.

From 21 through 23 October 2024, Appellant, Staff Sergeant (SSgt) Michael A. Pryce, was tried by a special court-martial comprised of a panel of officer members at Eglin Air Force Base, Florida. R. at 15, 23, 442. Contrary to his pleas, SSgt Pryce was found guilty of one charge and one specification of wrongful use of methylenedioxymethamphetamine (MDMA) in violation of Article 112a, Uniform Code of Military Justice (UCMJ). *Entry of Judgment in the Case of United States v. Staff Sergeant Michael A. Pryce (EOJ)*, dated 2 December 2024. The military judge sentenced SSgt Pryce to be reprimanded, reduced to the grade of E-2, to be restricted to the limits of Eglin Air Force Base for two months, and to perform hard labor without confinement for three months. R. at 441. The convening authority took no action on the findings or the sentence. E-

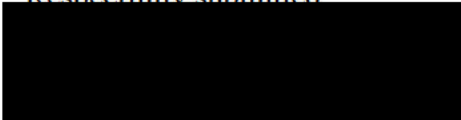
ROT, *Convening Authority Decision on Action* – United States v. SSgt Michael A. Pryce, dated 2 November 2024.

The E-ROT is one volume and consists of eight Prosecution Exhibits, fourteen Defense Exhibits, and twenty-one Appellate Exhibits; the transcript is 442 pages. Appellant is not currently confined.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted

A large black rectangular redaction box covering the signature of the undersigned counsel.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

A large black rectangular redaction box covering the contact information of the undersigned 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 Air Force Appellate Government Division on 25 August 2025.

A large black rectangular redaction box covering the signature of the Appellate Defense Counsel.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME – OUT OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 2
MICHAEL A. PRYCE,	)	
United States Air Force,	)	
<i>Appellant.</i>	)	No. ACM 25014
	)	
	)	25 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 general opposition to Appellant's Motion for Enlargement of Time, Out 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.

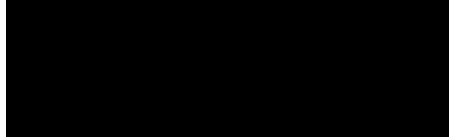
[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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 25 August 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT
	)	OF TIME (FOURTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force,	)	
<i>Appellant.</i>	)	25 August 2025

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

Pursuant to Rule 23.3(m)(1), (4), and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **4 November 2025**.

Appellant’s direct appeal was docketed with this Court on 8 April 2025. From the date of docketing to the present date, 173 days have elapsed. On the date requested, 210 days will have elapsed since docketing.

From 21 through 23 October 2024, Appellant, Staff Sergeant (SSgt) Michael A. Pryce, was tried by a special court-martial comprised of a panel of officer members at Eglin Air Force Base, Florida. R. at 15, 23, 442. Contrary to his pleas, SSgt Pryce was found guilty of one charge and one specification of wrongful use of methylenedioxymethamphetamine (MDMA) in violation of Article 112a, Uniform Code of Military Justice (UCMJ). *Entry of Judgment in the Case of United States v. Staff Sergeant Michael A. Pryce (EOJ)*, dated 2 December 2024. The military judge sentenced SSgt Pryce to be reprimanded, reduced to the grade of E-2, to be restricted to the limits of Eglin Air Force Base for two months, and to perform hard labor without confinement for three months. R. at 441. The convening authority took no action on the findings or the sentence. E-

ROT, *Convening Authority Decision on Action* – United States v. SSgt Michael A. Pryce, dated 2 November 2024.

The E-ROT is one volume and consists of eight Prosecution Exhibits, fourteen Defense Exhibits, and twenty-one Appellate Exhibits; the transcript is 442 pages. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned twenty-nine cases; twenty-three cases are pending before this Court (eighteen cases are pending AOE). Thirteen cases have priority over the present case:

1. *United States v. Castillo*, ACM No. 40705- The record of trial consists of seven volumes, with five Prosecution Exhibits, one Court Exhibit, one Defense Exhibit, and thirty-four Appellate Exhibits. The transcript is 470 pages long. Appellant is not currently confined. Undersigned counsel will file this AOE on 30 September.
2. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. Undersigned counsel is reviewing the record for this case.
3. *United States v. Heilig*, ACM No. 40740 - The record of trial consists of one e-ROT with six volumes, three Prosecution Exhibits, eight Defense Exhibits, and six Appellate Exhibits; the transcript is 135 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.

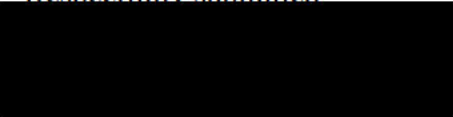
4. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.
5. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
6. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
7. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.
8. *United States v. Ward*, ACM No. 40749 – The record of trial consists of one e-ROT with eleven volumes, with four Prosecution Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits. The transcript is 370 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

9. *United States v. Echavarria*, ACM No. S32810 - The record of trial consists of one e-ROT with three Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits; the transcript is 101 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
10. *United States v. Hepburn*, ACM No. 40778 - The record of trial consists of one e-ROT with five Prosecution Exhibits, seven Defense Exhibits, and thirteen Appellate Exhibits; the transcript is 107 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of this case.
11. *United States v. Smith*, ACM No. 40782 - The record of trial consists of one seven-volume electronic ROT, with sixteen Prosecution Exhibits, two Court Exhibits, twenty-two Defense Exhibits, and fifty-two Appellate Exhibits. The transcript is 595 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
12. *United States v. Harrington*, ACM No. 39825 (reh) – The record of trial consists of eleven volumes and the trial transcript has 1159 pages, with thirty-one prosecution exhibits, thirteen defense exhibits, eighty-two appellate exhibits, and one court exhibit. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
13. *United States v. Pryce* – ACM No. 40804 - The record of trial consists of seventy-six Prosecution Exhibits, four Court Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits; the transcript is 399 pages. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted

A solid black rectangular redaction box covering the signature of the undersigned counsel.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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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 Air Force Appellate Government Division on 28 September 2025.

A large black rectangular redaction box covering the signature of the Appellate Defense Counsel.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

A large black rectangular redaction box covering the contact information of the Appellate Defense Counsel.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME – OUT OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 2
MICHAEL A. PRYCE,	)	
United States Air Force,	)	
<i>Appellant.</i>	)	No. ACM 25014
	)	
	)	30 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 general opposition to Appellant's Motion for Enlargement of Time, Out 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.

[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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 30 September 2025.

[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT
	)	OF TIME (FIFTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force,	)	
<i>Appellant.</i>	)	20 October 2025

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

Pursuant to Rule 23.3(m)(1), (4), and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **4 December 2025**.

Appellant’s direct appeal was docketed with this Court on 8 April 2025. From the date of docketing to the present date, 195 days have elapsed. On the date requested, 240 days will have elapsed since docketing.

From 21 through 23 October 2024, Appellant, Staff Sergeant (SSgt) Michael A. Pryce, was tried by a special court-martial comprised of a panel of officer members at Eglin Air Force Base, Florida. R. at 15, 23, 442. Contrary to his pleas, SSgt Pryce was found guilty of one charge and one specification of wrongful use of methylenedioxymethamphetamine (MDMA) in violation of Article 112a, Uniform Code of Military Justice (UCMJ). *Entry of Judgment in the Case of United States v. Staff Sergeant Michael A. Pryce (EOJ)*, dated 2 December 2024. The military judge sentenced SSgt Pryce to be reprimanded, reduced to the grade of E-2, to be restricted to the limits of Eglin Air Force Base for two months, and to perform hard labor without confinement for three months. R. at 441. The convening authority took no action on the findings or the sentence. E-

ROT, *Convening Authority Decision on Action* – United States v. SSgt Michael A. Pryce, dated 2 November 2024.

The E-ROT is one volume and consists of eight Prosecution Exhibits, fourteen Defense Exhibits, and twenty-one Appellate Exhibits; the transcript is 442 pages. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned twenty-nine cases; twenty-three cases are pending before this Court (eighteen cases are pending AOE's). Twelve cases have priority over the present case:

1. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. Undersigned counsel is drafting the AOE in this case.
2. *United States v. Heilig*, ACM No. 40740 - The record of trial consists of one e-ROT with six volumes, three Prosecution Exhibits, eight Defense Exhibits, and six Appellate Exhibits; the transcript is 135 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
3. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is not currently in military confinement. Undersigned counsel has completed her review of the record for this case.

4. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
5. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
6. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.
7. *United States v. Ward*, ACM No. 40749 – The record of trial consists of one e-ROT with eleven volumes, with four Prosecution Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits. The transcript is 370 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
8. *United States v. Echavarria*, ACM No. S32810 - The record of trial consists of one e-ROT with three Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits; the transcript is 101 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
9. *United States v. Hepburn*, ACM No. 40778 - The record of trial consists of one e-ROT with five Prosecution Exhibits, seven Defense Exhibits, and thirteen Appellate

Exhibits; the transcript is 107 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of this case.

10. *United States v. Smith*, ACM No. 40782 - The record of trial consists of one seven-volume electronic ROT, with sixteen Prosecution Exhibits, two Court Exhibits, twenty-two Defense Exhibits, and fifty-two Appellate Exhibits. The transcript is 595 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

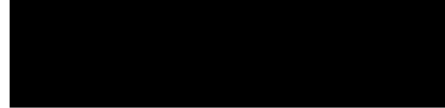
11. *United States v. Harrington*, ACM No. 39825 (reh) – The record of trial consists of eleven volumes and the trial transcript has 1159 pages, with thirty-one prosecution exhibits, thirteen defense exhibits, eighty-two appellate exhibits, and one court exhibit. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

12. *United States v. Pryce* – ACM No. 40804 - The record of trial consists of seventy-six Prosecution Exhibits, four Court Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits; the transcript is 399 pages. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

A solid black rectangular redaction box covering the signature of the appellant.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

A large, irregular black rectangular redaction box covering the contact information of the appellant.

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 Air Force Appellate Government Division on 20 October 2025.

A large black rectangular redaction box covering the signature of Jordan L. Grande.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

A large black rectangular redaction box covering the contact information of Jordan L. Grande.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
	)	OF TIME
v.	)	
	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force,	)	
<i>Appellant.</i>	)	
	)	21 October 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.

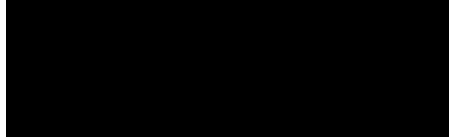
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VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
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[REDACTED]
[REDACTED]

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 October 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT
	)	OF TIME (SIXTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force,	)	
<i>Appellant.</i>	)	24 November 2025

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

Pursuant to Rule 23.3(m)(1), (4), and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **3 January 2026**.

Appellant’s direct appeal was docketed with this Court on 8 April 2025. From the date of docketing to the present date, 230 days have elapsed. On the date requested, 270 days will have elapsed since docketing.

From 21 through 23 October 2024, Appellant, Staff Sergeant (SSgt) Michael A. Pryce, was tried by a special court-martial comprised of a panel of officer members at Eglin Air Force Base, Florida. R. at 15, 23, 442. Contrary to his pleas, SSgt Pryce was found guilty of one charge and one specification of wrongful use of methylenedioxymethamphetamine (MDMA) in violation of Article 112a, Uniform Code of Military Justice (UCMJ). *Entry of Judgment in the Case of United States v. Staff Sergeant Michael A. Pryce (EOJ)*, dated 2 December 2024. The military judge sentenced SSgt Pryce to be reprimanded, reduced to the grade of E-2, to be restricted to the limits of Eglin Air Force Base for two months, and to perform hard labor without confinement for three months. R. at 441. The convening authority took no action on the findings or the sentence. E-

ROT, *Convening Authority Decision on Action* – United States v. SSgt Michael A. Pryce, dated 2 November 2024.

The E-ROT is one volume and consists of eight Prosecution Exhibits, fourteen Defense Exhibits, and twenty-one Appellate Exhibits; the transcript is 442 pages. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned twenty-one cases; seventeen cases are pending before this Court (ten cases are pending AOE). Eleven cases have priority over the present case:

1. *United States v. Singleton*, No. ACM. 40535- The record of trial is comprised of twelve volumes containing six Prosecution Exhibits, seventeen Defense Exhibits, one Court Exhibit, and eighty-nine Appellate Exhibits; the transcript is 1,738 pages. A petition for writ of certiorari is due to the Supreme Court of the United States by 26 January 2025.
2. *United States v. Cepeda*, No. ACM 40318 – The record of trial contains seventeen Prosecution Exhibits; one Defense Exhibit; and twenty-four Appellate Exhibits; the transcript is 1,004 pages. Undersigned counsel is currently working with civilian counsel to draft the supplement to the petition for review before the Court of Appeals for Armed Forces in this case. The supplement is due 1 December 2025.
3. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long.

Appellant is currently confined. Undersigned counsel is sending the draft AOE in this case to civilian counsel for review this week.

4. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is not currently in military confinement. Undersigned counsel has completed her review of the record for this case.
5. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of this case.
6. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
7. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is currently confined. Undersigned counsel has completed her review of the record for this case.
8. *United States v. Ward*, ACM No. 40749 – The record of trial consists of one e-ROT with eleven volumes, with four Prosecution Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits. The transcript is 370 pages long. Appellant is currently

confined. Undersigned counsel has not yet completed her review of the record for this case.

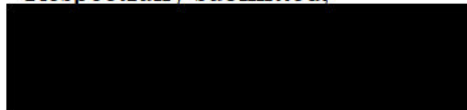
9. *United States v. Echavarria*, ACM No. S32810 - The record of trial consists of one e-ROT with three Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits; the transcript is 101 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.

10. *United States v. Hepburn*, ACM No. 40778 - The record of trial consists of one e-ROT with five Prosecution Exhibits, seven Defense Exhibits, and thirteen Appellate Exhibits; the transcript is 107 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,



JORDAN L. GRANDE, 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 Air Force Appellate Government Division on 24 November 2025.

A large black rectangular redaction box covering the signature of the Appellate Defense Counsel.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

A large black rectangular redaction box covering the contact information of the Appellate Defense Counsel.

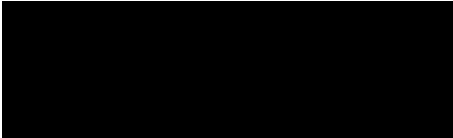
IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES' GENERAL
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT'S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force.	)	
<i>Appellant</i>	)	26 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 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






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 26 November 2025.

[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT
	)	OF TIME (SEVENTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force,	)	
<i>Appellant.</i>	)	24 November 2025

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

Pursuant to Rule 23.3(m)(1), (4), and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **2 February 2026**.

Appellant’s direct appeal was docketed with this Court on 8 April 2025. From the date of docketing to the present date, 264 days have elapsed.¹ On the date requested, 300 days will have elapsed since docketing.

From 21 through 23 October 2024, Appellant, Staff Sergeant (SSgt) Michael A. Pryce, was tried by a special court-martial comprised of a panel of officer members at Eglin Air Force Base,

¹ The filing of this Motion is timely in accordance with Rule 23.3(m)(1) of this Court’s Rules of Practice and Procedure. In accordance with JT. CT. CRIM. APP. R. 15 and Rule 15 of this Court’s Rules of Practice and Procedure, the seventh calendar day before this AOE is due is calculated as 29 December 2025 because 27 December 2025 was a Saturday, and 28 December 2025 is a Sunday. This Court clarified its calculation of time in accordance with JT. CT. CRIM. APP. R. 15 in its 12 February 2025 Order in *United States v. Vongphachanh*, No. ACM 40741. In accordance with JT. CT. CRIM. APP. R. 15, when the last day of a period of time to be computed ends on “a Saturday, Sunday, holiday, or day on which the Court is closed,” that period of time, “runs until the end of the next day that is not a Saturday, Sunday, holiday, or day on which the Court is closed.” The last day of the period of time to be computed in this case (the seventh day before this AOE is due) was a federal holiday, and therefore, in accordance with JT. CT. CRIM. APP. R. 15 and Rule 15 of this Court’s Rules of Practice and Procedure, the end of that period runs until the next day this Court is not closed, which is 29 December 2025.

Florida. R. at 15, 23, 442. Contrary to his pleas, SSgt Pryce was found guilty of one charge and one specification of wrongful use of methylenedioxymethamphetamine (MDMA) in violation of Article 112a, Uniform Code of Military Justice (UCMJ). *Entry of Judgment in the Case of United States v. Staff Sergeant Michael A. Pryce (EOJ)*, dated 2 December 2024. The military judge sentenced SSgt Pryce to be reprimanded, reduced to the grade of E-2, to be restricted to the limits of Eglin Air Force Base for two months, and to perform hard labor without confinement for three months. R. at 441. The convening authority took no action on the findings or the sentence. E-ROT, *Convening Authority Decision on Action – United States v. SSgt Michael A. Pryce*, dated 2 November 2024.

The E-ROT is one volume and consists of eight Prosecution Exhibits, fourteen Defense Exhibits, and twenty-one Appellate Exhibits; the transcript is 442 pages. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned twenty-one cases; seventeen cases are pending before this Court (ten cases are pending AOE). Nine cases have priority over the present case:

1. *United States v. Singleton*, No. ACM. 40535- The record of trial is comprised of twelve volumes containing six Prosecution Exhibits, seventeen Defense Exhibits, one Court Exhibit, and eighty-nine Appellate Exhibits; the transcript is 1,738 pages. A petition for writ of certiorari is due to the Supreme Court of the United States by 26 January 2025.
2. *United States v. Marcoux*, ACM No. 40708- The record of trial consists of twelve volumes, with twenty-nine Prosecution Exhibits, one Court Exhibit, seventeen Defense

Exhibits, and eighty-three Appellate Exhibits. The transcript is 1345 pages long. Appellant is currently confined. Undersigned counsel has sent the draft AOE in this case to civilian counsel for review. This case is pending a Motion for Leave to File and Motion for Remand to correct the record.

3. *United States v. Cunningham*, ACM No. 40746 - The record of trial consists of ten volumes with twelve Prosecution Exhibits, one Court Exhibit, seven Defense Exhibits, and eighty-five Appellate Exhibits. The transcript is 1,249 pages long. Appellant is not currently in military confinement. Undersigned counsel has completed the draft AOE in this case.
4. *United States v. See*, ACM No. S32805 - The record of trial consists of one e-ROT with two volumes, three Prosecution Exhibits, two Court Exhibits, six Defense Exhibits, and four Appellate Exhibits; the transcript is 341 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
5. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.
6. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of the record for this case.

7. *United States v. Ward*, ACM No. 40749 – The record of trial consists of one e-ROT with eleven volumes, with four Prosecution Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits. The transcript is 370 pages long. Appellant is not currently confined. Undersigned counsel has not yet completed her review of the record for this case.
8. *United States v. Echavarria*, ACM No. S32810 - The record of trial consists of one e-ROT with three Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits; the transcript is 101 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
9. *United States v. Hepburn*, ACM No. 40778 - The record of trial consists of one e-ROT with five Prosecution Exhibits, seven Defense Exhibits, and thirteen Appellate Exhibits; the transcript is 107 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

A solid black rectangular box used to redact the signature of the undersigned counsel.

JORDAN L. GRANDE, 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 Air Force Appellate Government Division on 28 December 2025.

[REDACTED]

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force.	)	
<i>Appellant</i>	)	29 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 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 States and this Court to perform their separate statutory responsibilities.

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

[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]

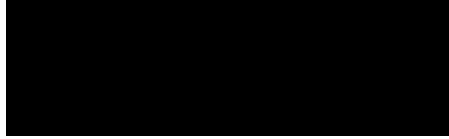
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[REDACTED]

[REDACTED]

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 29 December 2025.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



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

UNITED STATES	)	No. ACM 25014
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Michael A. PRYCE	)	
Staff Sergeant (E-5)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Panel 2

On 26 January 2026, Appellant’s counsel submitted a Motion for Enlargement of Time (Eighth) requesting an additional 30 days to submit Appellant’s assignments of error. Appellant’s counsel indicated she “has been unable to prepare a brief for Appellant’s case.” The Government opposes the motion.

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 30th day of January, 2026,

ORDERED:

Appellant’s Motion for Enlargement of Time (Eighth) is **GRANTED**. Appellant shall file any assignments of error not later than **4 March 2026**.

Appellant’s counsel is advised that given the number of enlargements granted thus far, any further requests for an enlargement of time may necessitate a status conference to determine the progress being made on Appellant’s case per this court’s Rule 23.3(m)(6). A.F. CT. CRIM. APP. R. 23.3(m)(6).



JACOB B. HOEFERKAMP, Capt, USAF
Chief Commissioner

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT
	)	OF TIME (EIGHTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force,	)	
<i>Appellant.</i>	)	26 January 2026

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

Pursuant to Rule 23.3(m)(1), (4), and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **4 March 2026**.

Appellant’s direct appeal was docketed with this Court on 8 April 2025. From the date of docketing to the present date, 293 days have elapsed. On the date requested, 330 days will have elapsed since docketing.

From 21 through 23 October 2024, Appellant, Staff Sergeant (SSgt) Michael A. Pryce, was tried by a special court-martial comprised of a panel of officer members at Eglin Air Force Base, Florida. R. at 15, 23, 442. Contrary to his pleas, SSgt Pryce was found guilty of one charge and one specification of wrongful use of methylenedioxymethamphetamine (MDMA) in violation of Article 112a, Uniform Code of Military Justice (UCMJ). *Entry of Judgment in the Case of United States v. Staff Sergeant Michael A. Pryce (EOJ)*, dated 2 December 2024. The military judge sentenced SSgt Pryce to be reprimanded, reduced to the grade of E-2, to be restricted to the limits of Eglin Air Force Base for two months, and to perform hard labor without confinement for three months. R. at 441. The convening authority took no action on the findings or the sentence. E-

ROT, *Convening Authority Decision on Action* – United States v. SSgt Michael A. Pryce, dated 2 November 2024.

The E-ROT is one volume and consists of eight Prosecution Exhibits, fourteen Defense Exhibits, and twenty-one Appellate Exhibits; the transcript is 442 pages. Appellant is not currently confined.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned twenty-one cases; seventeen cases are pending before this Court (eight cases are pending AOE). Five cases have priority over the present case:

1. *United States v. Torres*, ACM No. 40758 - The record of trial consists of one e-ROT with two volumes, four Prosecution Exhibits, one Court Exhibit, five Defense Exhibits, and five Appellate Exhibits; the transcript is 112 pages long. Appellant is not currently confined. The AOE for this case is currently undergoing review and is due to this Court by 8 February 2026.
2. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of the record for this case and is currently drafting the AOE.
3. *United States v. Ward*, ACM No. 40749 – The record of trial consists of one e-ROT with eleven volumes, with four Prosecution Exhibits, one Defense Exhibit, and thirty-seven Appellate Exhibits. The transcript is 370 pages long. Appellant is not currently

confined. Undersigned counsel has completed her review in this case and expects a filing before the end of this week.

4. *United States v. Echavarria*, ACM No. S32810 - The record of trial consists of one e-ROT with three Prosecution Exhibits, one Defense Exhibit, and four Appellate Exhibits; the transcript is 101 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of the record for this case.
5. *United States v. Hepburn*, ACM No. 40778 - The record of trial consists of one e-ROT with five Prosecution Exhibits, seven Defense Exhibits, and thirteen Appellate Exhibits; the transcript is 107 pages long. Appellant is currently confined. Undersigned counsel has not yet completed her review of this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,



JORDAN L. GRANDE, 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 Air Force Appellate Government Division on 26 January 2026.

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JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES'
<i>Appellee,</i>	)	OPPOSITION TO APPELLANT'S
	)	MOTION FOR ENLARGEMENT
v.	)	OF TIME
	)	
Staff Sergeant (E-5)	)	Before Panel No. 2
MICHAEL A. PRYCE,	)	
United States Air Force,	)	No. ACM 25014
<i>Appellant.</i>	)	
	)	28 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 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 States 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.

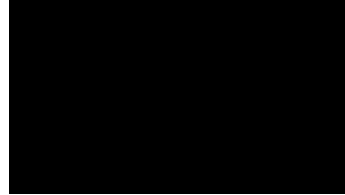


KATE E. LEE, Maj, USAF
Appellate Government Counsel



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 28 January 2026.



KATE E. LEE, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT
	)	OF TIME (NINTH)
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force,	)	
<i>Appellant.</i>	)	26 January 2026

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

Pursuant to Rule 23.3(m)(1), (4), and (6) of this Honorable Court’s Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file Assignments of Error. Appellant requests an enlargement for a period of 30 days, which will end on **3 April 2026**.

Appellant’s direct appeal was docketed with this Court on 8 April 2025. From the date of docketing to the present date, 323 days have elapsed. On the date requested, 360 days will have elapsed since docketing.

From 21 through 23 October 2024, Appellant, Staff Sergeant (SSgt) Michael A. Pryce, was tried by a special court-martial comprised of a panel of officer members at Eglin Air Force Base, Florida. R. at 15, 23, 442. Contrary to his pleas, SSgt Pryce was found guilty of one charge and one specification of wrongful use of methylenedioxymethamphetamine (MDMA) in violation of Article 112a, Uniform Code of Military Justice (UCMJ). Entry of Judgment in the Case of United States v. Staff Sergeant Michael A. Pryce (EOJ), dated 2 December 2024. The military judge sentenced SSgt Pryce to be reprimanded, reduced to the grade of E-2, to be restricted to the limits of Eglin Air Force Base for two months, and to perform hard labor without confinement for three months. R. at 441. The convening authority took no action on the findings or the sentence. E-

ROT, Convening Authority Decision on Action – United States v. SSgt Michael A. Pryce, dated 2 November 2024.

The E-ROT is one volume and consists of eight Prosecution Exhibits, fourteen Defense Exhibits, and twenty-one Appellate Exhibits; the transcript is 442 pages. Appellant is not currently confined.

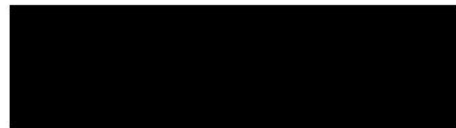
Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), undersigned counsel also provides the following information: Maj Grande is currently assigned seventeen cases; thirteen cases are pending before this Court (four cases are pending AOE). Maj Grande argued *United States v. Hunt*, USCA Dkt. No. 25-0257/AF; ACM No. 40563, at CAAF today, 25 February 2026. She is preparing for oral argument in *United States v. Reese*, ACM No. 24069, scheduled at Syracuse Law School on 27 February 2026. Two cases have priority over the present case:

1. *United States v. Declue*, ACM No. 40769 – The record of trial consists of one E-ROT consisting of six volumes, with sixteen Prosecution Exhibits, five Defense Exhibits, and fifty Appellate Exhibits. The transcript is 626 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of the record for this case and is currently drafting the AOE.
2. *United States v. Hepburn*, ACM No. 40778 - The record of trial consists of one e-ROT with five Prosecution Exhibits, seven Defense Exhibits, and thirteen Appellate Exhibits; the transcript is 107 pages long. Appellant is not currently confined. Undersigned counsel has completed her review of this case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been

provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

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JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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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 Air Force Appellate Government Division on 25 February 2026.

A large black rectangular redaction box covering the signature of the Appellate Defense Counsel.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

A large black rectangular redaction box covering the contact information of the Appellate Defense Counsel.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	UNITED STATES’
	)	OPPOSITION TO
<i>Appellee,</i>	)	APPELLANT’S MOTION FOR
	)	ENLARGEMENT OF TIME
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force.	)	
<i>Appellant</i>	)	27 February 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 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 States and this Court to perform their separate statutory responsibilities.

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

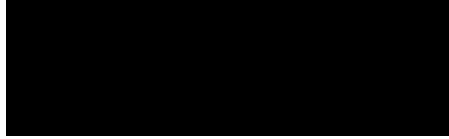
[REDACTED]

VANESSA BAIROS, Maj, USAF
Appellate Government Counsel

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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 27 February 2026.



VANESSA BAIROS, Maj, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	BRIEF ON BEHALF OF
<i>Appellee,</i>	)	APPELLANT
	)	
v.	)	
	)	Before Panel 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force,	)	
<i>Appellant.</i>	)	3 April 2026

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

Assignment of Error

Staff Sergeant Price’s conviction for wrongful use of MDMA is legally and factually insufficient where the Government relied solely on the permissive inference to prove knowledge and failed to prove a knowing use.

Statement of the Case

From 21 through 23 October 2024, Staff Sergeant (SSgt) Michael A. Pryce was tried by a Special Court-Martial composed of officer members at Eglin Air Force Base (AFB), Florida. Entry of Judgment. (EOJ); R. at 23-24. SSgt Pryce pled not guilty and was convicted of one charge with one specification of wrongful use of methylenedioxymethamphetamine (MDMA), in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a.¹ EOJ; R. at 34, 397. The military judge sentenced SSgt Pryce to be reprimanded, reduced to the grade of E-2, to perform three months of hard labor without confinement, and to be restricted to the limits of Eglin AFB for two months. EOJ; R. at 441. The convening authority took no action on the findings or sentence. Convening Authority Decision on Action.

¹ Unless otherwise indicated, all references to the Uniform Code of Military Justice (UCMJ), the Rules for Courts-Martial (R.C.M.), and the Military Rules of Evidence (Mil. R. Evid.) are to the *Manual for Courts-Martial, United States* (2024 ed.) (MCM).

Statement of Facts

A. Staff Sergeant Pryce tested positive for MDMA after a random urinalysis.

On Tuesday, 2 April 2024, SSgt Pryce was randomly selected for a drug test and provided a urine sample at the Drug Demand Reduction Program (DDRP) office on Eglin AFB. R. at 149-50, 361; Pros. Ex. 2. The urine sample was sent to the Air Force Drug Testing Lab (AFDTL) and put through the lab's standardized testing process. R. at 160-78. The testing process resulted in a positive result for MDMA at a rate of 739 nanograms per milliliter (ng/mL).² R. at 174.

In her opening statement, the trial counsel explained the elements of the charge to the members, and told them, "[T]he military judge will instruct you that you may infer from the presence of MDMA in [SSgt Pryce]'s urine, that he knew he used MDMA." R. at 122.

B. The Prosecution's case consisted solely of testimony about the drug testing process.

The prosecution called three witnesses in its case-in-chief: the DDRP Program Manager at Eglin AFB, the urinalysis observer, and a forensic toxicologist from the AFDTL. R. at 123-44, 145-54, 158-91. The testimony from the DDRP manager and the urinalysis observer established the timeline of SSgt Pryce's testing and showed that the standardized random urinalysis process was followed in SSgt Pryce's case. R. at 123-54. The defense did not dispute this.

Dr. EW, the AFDTL forensic toxicologist, testified about MDMA generally, the Department of Defense cutoff for MDMA levels in urine, the testing procedures and policies at AFDTL, and the drug testing report (DTR) in SSgt Pryce's case. R. at 160-78. There were no discrepancies noted during the testing process for SSgt Pryce's sample. R. at 168. According to Dr. EW, SSgt Pryce tested positive for MDMA at a level of 739 ng/mL. R. at 174. Dr. EW testified that AFDTL could detect MDMA "[f]rom ingestion to about the fourth day." R. at 162-63. Dr.

² The Department of Defense cutoff for MDMA is 500 ng/mL. R. at 163.

EW gave an opinion that, based off the DTR, SSgt Pryce used MDMA during the charged time frame. R. at 176.

On cross-examination, Dr. EW discussed the *Abraham Study*—a test done on MDMA consumption that showed a “tremendous range” of when an individual’s MDMA urine concentration peaks after ingesting MDMA, depending on biological variabilities of an individual. R. at 178-81. Dr. EW admitted that he had not done any specific studies on SSgt Pryce. R. at 185. Dr. EW had no information about certain biological variables that could have affected the sample, such as SSgt Pryce’s body size and hydration levels. *Id.* Dr. EW also did not know anything about the circumstances of SSgt Pryce taking MDMA, such as when he took it or the concentration of the substance. R. at 185-86. Dr. EW testified that “all [the test] says is that the member ingested, knowingly or unknowingly . . . within our window of detection of [two] to [four] days.” R. at 186. He had no reason to refuse the possibility that SSgt Pryce ingested MDMA that was put on a pizza. R. at 178.

C. The Government put on no evidence that SSgt Pryce knowingly used MDMA and relied solely on the permissive inference to prove its case.

The Government presented no evidence about the circumstances of SSgt Pryce taking MDMA. *See* R. at 369-70 (trial counsel describes the evidence the government showed the members] during its case-in-chief). Instead, it relied on the permissive inference to prove the elements of knowledge. R. at 375-76. The trial counsel told the members “[Y]ou have the positive drug test and the military judge has instructed you that that is all you need to find that [SSgt] Pryce knowingly used MDMA and that he knew it was, in fact, MDMA and he knew it’s contraband nature.” R. at 376.

D. The Defense's case presented witness testimony of SSgt Pryce's unknowing use and of SSgt Pryce's good military character.

The defense called three witnesses. The first two witnesses were Sergeant MS and Ms. CW. Both witnesses had worked with SSgt Pryce. R. at 247-48, 263-64. Sergeant MS testified that SSgt Pryce was "squared away" and was focused on training and developing his troops. R. at 251-52. SSgt Pryce wanted to attend Army Ranger School, which Sergeant MS testified was "a leadership school." R. at 252. This goal was in line with what Sergeant MS believed was SSgt Pryce's desire to excel and "set a good example for his troops." *Id.* Sergeant MS was "shocked" when he heard that SSgt Pryce tested positive for MDMA. R. at 261.

Ms. CW worked in the Eglin Emergency Department with SSgt Pryce and had daily interactions with him for over a year. R. at 264-65. She testified that SSgt Pryce had a reputation for being law abiding. R. at 267. She knew SSgt Pryce to be "respectful, highly motivated, [and] helpful to lower enlisted members and civilians alike." R. at 270.

Next, the defense called Mr. JM, a friend of SSgt Pryce. R. at 291. Mr. JM testified that the weekend before the random urinalysis, unbeknownst to SSgt Pryce, Mr. JM put MDMA on a pizza at SSgt Pryce's house. R. at 293-98. Mr. JM spent Friday, Saturday, and Sunday before the Monday urinalysis at SSgt Pryce's house. R. at 292. He brought a bag of MDMA to SSgt Pryce's house in the form of a "rocky-type compound" that was "very crystalline." R. at 293. He ground it up while it was still in the bag until it was a consistency "somewhere between powdered sugar and traditional household sugar." R. at 294. SSgt Pryce did not know that Mr. JM brought the MDMA. *Id.* After grinding up the MDMA, Mr. JM sprinkled two pinches of it on the pizza that "[he] intended to eat." R. at 295. He spread it over "three slices to half a pizza" while the pizza was hot. *Id.* After he sprinkled the MDMA on the pizza, the MDMA immediately disappeared. R. at 296. Mr. JM never warned SSgt Pryce that the pizza had MDMA on it and he did not label the pizza in

any way to so that SSgt Pryce would know it contained a drug. *Id.* That night, Mr. JM had “an inclination” that SSgt Pryce had eaten the pizza with the MDMA because SSgt Pryce was “not feeling well.” R. at 317. Mr. JM did not want SSgt Pryce to know that he brought MDMA “into the house at all,” so he did not mention the MDMA that weekend. R. 320. The pizza did not taste different than a normal pizza and Mr. JM did not expect it to taste any different because the point of putting it on the pizza was to “nullify the flavor of drugs.” *Id.* When SSgt Pryce told Mr. JM that he tested positive for MDMA on a random urinalysis, Mr. JM “had a terrible, sinking pit in [his] stomach” and disclosed that he had brought the MDMA into Mr. JM’s house and “accidentally caused him to take” it. R. at 323.

E. The military judge gave the permissive inference instruction over Defense objection.

The defense objected to the military judge giving the permissive inference instruction. R. at 343-49. The defense counsel articulated that it is within the discretion of the court whether to give the permissive inference and that because the Defense raised good military character and provided the affirmative defense of innocent ingestion, the instruction should not be given. *Id.* The defense argued that the Government’s case “provided no evidence outside of the urinalysis test” that SSgt Pryce used MDMA. R. at 346. The Defense cited to two cases: *United States v. Hirst*, 2024 CCA LEXIS 372 (N-M Ct. Crim. App. Sep. 4, 2024) and Senior Judge Key’s dissent in *United States v. Hernandez*, 2023 CCA LEXIS 104 (A.F. Ct. Crim. App. Feb. 28, 2023). The military judge denied the Defense’s request to not give the permissive inference instruction, distinguishing SSgt Pryce’s case from *Hirst*. R. at 347-49. Ultimately, the members convicted SSgt Pryce of wrongful use of MDMA. R. at 397.

Argument

Staff Sergeant Price's conviction for wrongful use of MDMA is factually insufficient where the Government relied solely on the permissive inference to prove knowledge and failed to prove a knowing use.

A. Standard of Review

This Court reviews questions of factual sufficiency only when an appellant requests factual sufficiency review and 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 Article 66, UCMJ, “clearly convinced,” does not change this quantum of proof. *Id.* at 132.

B. Law and Analysis

To be guilty of wrongful use of MDMA under Article 112a, UCMJ, the Government must prove the use was knowing. *MCM*, Part IV, ¶¶ 50.b(2)(b), ¶ 50.c.(5). Here, the Government failed to do so because it (1) did not prove knowledge and (2) because its case relied entirely on the permissive inference, which was rebutted by Mr. JM's testimony. Therefore, SSgt Pryce's conviction is factually insufficient.

1. The Government failed to prove that SSgt Pryce knew he used MDMA.

SSgt Pryce's conviction was factually insufficient because of two specific deficiencies of proof: (1) the Government provided no evidence that SSgt Pryce knew he used MDMA; and (2) the Government provided no evidence that SSgt Pryce actually knew that the substance he used was MDMA or of a contraband nature. *See R.* at 357 (the military judge instructed the members

on the elements of the charge).³ Specifically, no witness testified that SSgt Pryce (1) knowingly ingested MDMA or (2) experienced the effects of MDMA. On the contrary, Mr. JM was the only witness who testified about the circumstances of the alleged MDMA use. Mr. JM testified under oath that he put MDMA on SSgt Pryce's pizza the weekend before the random urinalysis, and that he never told SSgt Pryce that he had done so. R. at 293-98. Where this evidence directly counters the permissive inference, even with appropriate deference to the factfinder, this Court should not be clearly convinced that the finding of guilty was in accord with the weight of the evidence.

To convict SSgt Pryce, the factfinder had to (1) disbelieve Mr. JM's testimony and (2) use the permissive inference, since the Government presented no evidence of a knowing use.

Because there was no evidence of knowledge, the trier of fact could only have found SSgt Pryce guilty by using the permissive inference. The Government admitted as much during its closing argument when it said, "[Y]ou have the positive drug test and the military judge has instructed you that that is all you need to find that [SSgt] Pryce knowingly used MDMA and that knew it was, in fact, MDMA and he knew it's contraband nature." R. at 376. 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 v. United States*, 412 U.S. 837, 846 (1973) ("Since the inference thus satisfies the reasonable-doubt standard, the most stringent standard the Court has applied in judging permissive criminal law inferences, we conclude that it satisfies the requirements of due process."). The

³ SSgt Pryce identifies two specific deficiencies of proof herein, however, he maintains that in accordance with the plain language of Article 66(d)(1)(B), UCMJ, the triggering mechanism of romanette (i) is met once he has shown a specific deficiency of proof, and then the Court may conduct a full factual sufficiency review, without limitation to the specific deficiencies of proof identified by SSgt Pryce or the specific language SSgt Pryce uses in identifying those deficiencies.

inference in this case was the only evidence that SSgt Pryce knowingly ingested MDMA. As such, the inferred fact had to be proven beyond a reasonable doubt. That inferred fact could not be proven beyond a reasonable doubt because it was directly contradicted by Mr. JM's sworn testimony that he drugged SSgt Pryce without his knowledge. R. at 293-98. That testimony was never impeached by the Government, nor did the Government conduct significant cross-examination. R. at 299-324. JM's testimony on cross-examination was consistent. During cross-examination, he repeated under oath and against his own interest that he put MDMA on SSgt Pryce's pizza without SSgt Pryce's knowledge. R. at 312-313. While the Government argued that Mr. JM's testimony could not be trusted, there was no evidence to support a complete discounting of Mr. JM's testimony, especially in light of the fact that Mr. JM risked perjury if he was lying for SSgt Pryce. R. at 371. Additionally, the inferred fact of knowledge was directly contradicted by the evidence of SSgt Pryce's good military character.

2. The permissive inference of knowledge was improper in this case.

Where scientific evidence provides the sole basis to prove the wrongful use of a controlled substance, "expert testimony interpreting the tests or some other lawful substitute in the record is required to provide a rational basis upon which the factfinder may draw an inference that [the controlled substance] was [wrongfully] used." *United States v. Green*, 55 M.J. 76, 79 (C.A.A.F. 2001) (quoting *United States v. Murphy*, 23 M.J. 310, 312 (C.M.A. 1987)). A properly admitted urinalysis, accompanied by expert testimony, provides a legally sufficient basis for the *permissive* inference of knowing, wrongful use. *Id.*

However, the drawing of this inference is improper under certain circumstances, and it was insufficient in SSgt Pryce's case to prove guilt beyond a reasonable doubt. *See 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); *United States v. Campbell*, 50 M.J. 154, 159-60 (C.A.A.F. 1999) (overturning a conviction where the Government failed to offer adequate expert testimony to discount “the possibly of unknowing ingestion”). The inference of wrongfulness is permissive, not mandatory. *United States v. Harper*, 22 M.J. 157, 162 (C.M.A. 1986). When the inference is the only proof of guilt, it must establish that guilt beyond a reasonable doubt. *Turner v. United States*, 396 U.S. 398, 405 (1970).

In this case, the Government failed to present any evidence to prove the element of knowledge beyond the positive urinalysis itself. Instead, its own expert, Dr. EW, conceded he could not testify about whether SSgt Pryce’s use was knowing. R. at 186. The Government relied exclusively on the permissive inference, telling the members, “[Y]ou have the positive drug test and the military judge has instructed you that that is all you need to find that [SSgt] Pryce knowingly used MDMA.” R. at 376.

This reliance was improper because the inference was directly rebutted by the sworn, unimpeached testimony of Mr. JM, who stated that he drugged SSgt Pryce without his knowledge. R. at 293-98. Where direct evidence of innocent ingestion is presented, the permissive inference alone is not sufficient to establish guilt beyond a reasonable doubt. The factfinder is not free to simply disregard un rebutted testimony that provides an innocent explanation for the presence of the substance. Therefore, because the Government presented no evidence of knowing use and the permissive inference was directly contradicted by evidence on the record, the Government failed to prove that SSgt Pryce wrongfully used MDMA.

In this case, 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. See *United States v. Campbell*, 50 M.J. 154, 160 (C.A.A.F. 1999) (“The

cases which have permitted the inference of wrongfulness strictly require that the prosecution also establish the reliability of the testing methodology and explain the significance of the results of the test of the accused's sample.). 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.” *Id.* But historic use by military courts cannot, on its own, justify the permissive inference overcoming the evidence in SSgt Pryce’s case that only showed he did not knowingly ingest MDMA, and the testimony by the Government’s own expert was that he could not determine whether the use was knowing. R. at 185-86.

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* is distinct from the instant case because there, 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 about conclusions that could be drawn from SSgt Pryce’s testing levels that would indicate his use of MDMA was knowing. In fact, Dr. EW plainly stated he could not make any conclusion about whether SSgt Pryce’s use was knowing. R. at 185-86. He also could not conclude that SSgt Pryce would have felt any effects of the MDMA based on the urinalysis results. *Id.*

The Government failed to introduce the expert testimony contemplated by *Green* and *Murphy*, because the expert testified only that he could not make any conclusions from the test results, other than that SSgt Pryce used MDMA during the charged timeframe. R. at 176. Further, the only testimony that explained SSgt Pryce’s use confirmed that his use was not knowing, and was un rebutted by the Government’s evidence. As a result, the permissive inference could not

form the basis for proving knowledge in this case. Therefore, without evidence of knowledge, the Government failed to prove that SSgt Pryce wrongfully used MDMA.

3. The Government did not overcome evidence of SSgt Pryce's good military character.

Further, even assuming that the Government could rely on the permissive inference to prove knowledge, it would still have to overcome SSgt Pryce's good military character, which was testified to by both Sergeant MS and Ms. CW. *See also* Def. Ex. C-H (showing SSgt Pryce'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)⁴ ("Evidence of the accused's [good military character] may be sufficient to cause a reasonable doubt as to his guilt.").

The *Benchbook* instruction states that good military character evidence is, on its own, sufficient to cause reasonable doubt as to guilt. *Id.* In *United States v. Hirst*, the Navy-Marine Corps Court of Criminal Appeals overturned a Marine's conviction for wrongful use of MDMA because, in part, where there was significant evidence of the Marine's good military character, the court was "skeptical" of the Government's claim that *that* "truly great Marine[]" used drugs. 2024 CCA LEXIS 372, at *14 (N-M Ct. Crim. App. Sep. 4, 2024). In SSgt Pryce's case, Sergeant MS testified that SSgt Pryce was "squared away," focused on his training and developing his troops, and wanted to go to Army Ranger School. R. at 251-52. Ms. CW testified that SSgt Pryce was "respectful, highly motivated, [and] helpful to lower enlisted members and civilians alike." R. at

⁴ Available at <https://www.jagcnet.army.mil/EBB/>.

270. The defense submitted numerous character letters that reflected the same sentiment—SSgt Pryce was “highly motivated,” devoted his time to developing his Airmen, and “displayed exceptional character and professionalism.” Def. Exs. E- G. 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, un rebutted 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 SSgt Pryce was “less likely” to commit a drug offense. Taken together with the remainder of the Government’s weak case, this Court should be unconvinced that SSgt Pryce knowingly used MDMA. Not only did the Government fail to put on *any* evidence of SSgt Pryce’s knowing use, a witness testified under oath that he, unbeknownst to SSgt Pryce, drugged him by putting MDMA on his pizza. This Defense evidence went un rebutted, and yet the Government still maintained that the permissive inference was enough to convict SSgt Pryce. The permissive inference, unsupported by the Government’s own expert testimony, was not sufficient to find beyond a reasonable doubt that SSgt Pryce used MDMA.

This Court should set aside SSgt Pryce’s conviction for wrongful use of MDMA.

Respectfully submitted,

A large black rectangular redaction box covering the signature of the Appellate Defense Counsel.

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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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 Air Force Government Trial and Appellate Operations Division on 3 April 2026.

Respectfully submitted,

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JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

A large black rectangular redaction box covering the contact information of the attorney.

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	
<i>Appellee,</i>	)	ANSWER TO ASSIGNMENT
	)	OF ERROR
v.	)	
	)	Panel 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE, USAF,	)	ACM 25014
<i>Appellant.</i>	)	

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

ISSUE PRESENTED

**[WHETHER] [APPELLANT’S] CONVICTION FOR
WRONGFUL USE OF MDMA IS LEGALLY AND
FACTUALLY INSUFFICIENT WHERE THE
GOVERNMENT RELIED SOLELY ON THE PERMISSIVE
INFERENCE TO PROVE KNOWLEDGE AND FAILED TO
PROVE A KNOWING USE.**

STATEMENT OF THE CASE

The United States generally accepts Appellant’s Statement of the Case.

STATEMENT OF FACTS

On 2 April 2024, Appellant was randomly selected to provide a urinalysis sample at Eglin Air Force Base as part of the Air Force drug testing program. (R. at 126.) Appellant’s sample tested positive for methylenedioxymethamphetamine (MDMA). The Government presented testimony from the Eglin Drug Demand Reduction Program manager and the observer regarding the collection of Appellant’s sample. (R. at 126-154.) As Appellant acknowledges in his brief, “The testimony from the DDRP manager and the urinalysis observer established the timeline of [appellant’s] testing and showed that the standardized random urinalysis process was followed.” (App. Br. at 2.) And Appellant concedes, “The defense did not dispute this.” (Id.)

Dr. EH, recognized as an expert in Forensic Chemistry and Forensic Toxicology, testified that MDMA is a “designer drug” that “has no medical use and it’s highly subject to abuse.” (R. at 161.) Dr. EH agreed that there was no legal way to use or obtain MDMA. (R. at 162.) Dr. EH said MDMA stays in someone’s system from “ingestion to about the fourth day.” (R. at 163.) Dr. EH also explained in detail – over the course of multiple pages – how the MDMA cut-off level was determined. (R. at 164-66.)

As to Appellant’s sample, Dr. EH stated that there were “no discrepancies in this case” during the testing process, and agreed that all tests were done properly. (R. at 168, 174.) Dr. EH testified that Appellant’s sample was positive for MDMA at a level of 739 nanograms-per-milliliter, above the 500 nanogram-per-milliliter cut-off level. (R. at 174.) Based on these results, Dr. EH opined that Appellant’s sample contained MDMA at a concentration of 739 nanograms-per-milliliter, and that the concentration of MDMA in Appellant’s urine was consistent with recreational use. (R. at 176.) Dr. EH further opined that, based off the report, Appellant used MDMA during the charged time period of 27 March 2024 to 2 April 2024. (Id.)

On cross-examination, Dr. EH answered, “No,” when asked if he had any reason to refute the possibility that MDMA was put on a pizza. (R. at 178.)

During the defense’s case-in-chief, SGT MS, a co-worker, testified that Appellant was a “squared away dude.” (R. at 252.) However, SGT MS admitted on cross-examination that he did not socialize with Appellant outside of work “very much.” (R. at 256.) He said “Not very well, no,” when asked if he knew what Appellant was like outside of work, and said “Not quite,” when asked if he knew what Appellant did in his personal life. SGT MS also admitted he did not know what Appellant did on the weekends or who Appellant hung out with outside of work. (R. at 256-57.)

Ms. CW, another co-worker, testified that Appellant was a “good and motivated person,” had a law-abiding reputation, and had “good military standing.” (R. at 266-67, 270.) However, on cross-examination, Ms. CW admitted that she had “never interacted outside of our working hours” with Appellant. (R. at 270.)

Mr. JM said he met Appellant “at a school for massage therapy” sometime in 2023. (R. at 299.) Mr. JM said he had never been to Appellant’s house prior to the weekend in question and, when asked if he and Appellant had ever hung out outside of the massage studio, stated, “I think we had gone to brunch maybe together once.” (R. at 300.) Mr. JM testified that the weekend at Appellant’s house was “designed to just, you know, get to know somebody.” (R. at 301.)

Mr. JM testified that the weekend he was hanging out with Appellant and Appellant’s girlfriend was the last weekend of March 2024. (R. at 292.) Mr. JM said the three “crafted, made some bead bracelets and we had some pizza.” (Id.) When asked if there was anything special about the pizza, Mr. JM said, “Not before I put MDMA on it.” (R. at 293.)

Mr. JM said he brought MDMA to Appellant’s house and that the MDMA was in a crystalized form. (Id.) Mr. JM said Appellant did not know about the MDMA. (R. at 294.) Mr. JM said he grounded the MDMA into a “grainy powder” and “sprinkled it on the pizza that I intended to eat.” (R. at 295.) Mr. JM said it was two pinches, and that he “kind of like spread [it] out over like three [slices] to half a pizza.” (Id.) Mr. JM said the MDMA could not be seen visually on the pizza because the pizza was hot, stating, “Almost immediately after it made contact with the pizza, it was gone.” (R. at 296.)

When asked if Appellant ate any of the pizza that had MDMA on it, Mr. JM said, “Yes, I believe he did.” (Id.) Mr. JM said he did not warn Appellant or put anything around the pizza like a warning sign.

On cross-examination, Mr. JM testified that he got to Appellant’s house on the Friday of the weekend and that they ordered multiple pizzas that night for the weekend. (R. at 311-12.) When asked when he sprinkled the MDMA on the pizza, Mr. JM said, “I cannot honestly say that I remember,” adding, “Honestly, no. With accuracy and accountability, no, I cannot say that I accurately remember which.” (R. at 313.) Mr. JM also could not remember which specific pizza he put MDMA on, what toppings that pizza had, or which half of the pizza he put the MDMA on. (Id.)

When asked why Mr. JM put MDMA on the pizza instead of in his own beverage, Mr. JM said, “No particular reason.” (R. at 314.) When asked if he had ever put MDMA on food before, Mr. JM said “I think when I was in high school at a party, I had it mixed in with some food, you know.” (R. at 315.)

Mr. JM said that he sprinkled the MDMA on the pizza and then left those slices in the box. (R. at 316.) He said that neither Appellant nor Appellant’s girlfriend saw him do this. When asked what he did next, Mr. JM said, “I can’t remember if I left to go outside to have a cigarette or to go to the bathroom. I don’t remember what I did right after that, no.” (Id.) When asked, “How did it play out in the sense of did you come back and you saw a bunch of the slices were missing from that box,” Mr. JM said, “I can’t remember.” (Id.)

When asked if he realized Appellant ate some of the pizza the night he claimed to put MDMA on it, Mr. JM said, “No. I didn’t make this conclusion definitively until after I was informed that he had tested positive on a urinalysis. This is through deductive reasoning on my

own.” (R. at 317.) When asked, “you didn’t realize that he had eaten the pizza with MDMA on it,” Mr. JM replied, “I did not know for a fact, no,” but said he had an inclination because Appellant “was not feeling well and I wasn’t high.” (Id.)

When asked if in that moment he thought Appellant might have eaten some of the MDMA pizza because he was not feeling well, Mr. JM said, “I’m sure, at the time, I was probably suspicious of it and not sure. It wasn’t -- I wasn’t sure, sure until I was notified about that afterwards.” (Id.)

After the weekend, Mr. JM said he found out that Appellant tested positive for drugs, testifying that “I had a terrible, sinking pit in my stomach and I disclosed to him that I had brought drugs into his house and accidentally caused him to take some, or at least that’s what I thought, you know, that was -- that was my ascertain.” (R. at 323.) Mr. JM said that after this, he and Appellant have “continued to get to know each other” and have stayed in contact. (Id.)

- *Permissive Inference*

The military judge provided the members the permissive inference instruction over the objection of Appellant’s trial defense counsel. (R. at 347-49.) Appellant’s counsel relied on two cases in their objection. First, Appellant’s counsel cited United States v. Hirst, 2024 CCA LEXIS 372 (N-M Ct. Crim. App. Sep. 4, 2024), a case which Appellant’s counsel quickly conceded involved “chain of custody issues, like the urine sample was held, I believe, almost for a month in the holding facility, so tracking that’s different than the case we have here.” (R. at 344.) Appellant’s counsel also cited the dissent in United States v. Hernandez, 2023 CCA LEXIS 104 (A.F. Ct. Crim. App. Feb. 28, 2023), stating, “In that, the dissent is very clear that the permissive inference is not a catch-all, automatic thing in every UA case that the government should get.” (R. at 345.)

In denying Appellant's instruction objection, the military judge drew three distinctions between Appellant's case and Hirst, ruling as follows:

First, in Hirst, the accused in the case, the actual accused and the evidence put on of good military character was a significantly different nature and quantum than that in this case. In United States versus Hirst, several former Marines testified that Sergeant Hirst was a, essentially, a battle hardened veteran, had saved the lives of other Marines in combat on several occasions, had been in combat in Iraq and Afghanistan repeatedly, had received a Navy-Marine Corps Commendation Medal with a V-device for valor and had specifically exposed himself to enemy fire during combat in order to save his fellow Marines.

That differs from this case. In this case, the court has heard two witnesses who have said that the accused has good military character limited to his work, and while that issue has been raised, the type and quantum of the evidence, as far as the accused's good military character, is significantly different from that in Hirst.

Second, in Hirst, the accused in that case, there was evidence presented at trial that the accused made an affirmative denial of having used MDMA, that he testified in his own defense, told the military judge he did not use MDMA -- or told the finder of fact -- told the judge that he couldn't explain it, so the court heard direct evidence of a denial by the accused in the form of testimony at trial by same accused.

I haven't heard -- obviously, the accused, which is his total right to testify or not in this case, this court, obviously, does not hold anything negative against [Appellant] for not testifying in this case, but as it bears on the issue of permissive inference, like that court pointed out, it would be a factor for consideration on the issue of giving the permissive inference, had the accused in this case testified, which he did not.

Finally, this court has considered the differences in the particularized facts of Hirst regarding the Drug Demand Reduction Program. In Hirst, there was significant evidence of errors, irregularities or other issues, both with the accused's sample, as well as historical examples; examples of testing errors, shipping error, packaging error, all of those things, within both the accused's sample and others. This only made -- this made the issue of the accused's different character, as well as his direct denial, far more relevant and that's also different from this case.

In this case here, there is no allegation of – no evidence raised as far as errors or irregularities in the testing process, either with the accused’s sample, or generally the Drug Demand Reduction Program.

Considering the differences between that case and this, this court finds that, while Hirst -- I can make some points. I can see how, in cases like Hirst, it might not be appropriate for the trial judge to give the permissive inference instruction, but I also find the law is very clear that, on this issue, this is within the sound discretion of the trial judge and I have considered that other law on this issue and I have conducted an analysis comparing it to this case, and I have determined that the permissive inference instruction from the Military Judge’s Benchbook should be given in this case.

(R. at 347-49.)¹

Additional facts necessary to the disposition of this case are discussed in the specific issues below.

ARGUMENT

APPELLANT’S CONVICTION FOR DRUG USE IS FACTUALLY SUFFICIENT.²

¹ Appellant has not raised a separate issue in his brief alleging any error or abuse of discretion by the military judge in making this ruling, denying Appellant’s objection, or ultimately providing the permissive inference instruction to the members.

² Though Appellant’s presented issue speaks to legal and factual sufficiency, his argument, including his standard of review, focuses solely on factual sufficiency. (App. Br. at 6.) Thus, this brief will only focus only on factual sufficiency. Still, for the same reasons detailed below, in consideration of the evidence in the light most favorable to the prosecution and drawing every reasonable inference from the evidence in the record of trial in favor of the prosecution, a reasonable factfinder could have found all the essential elements beyond a reasonable doubt. *See United States v. Humpherys*, 57 M.J. 83, 94 (C.A.A.F. 2002); *United States v. McGinty*, 38 M.J. 131, 132 (C.M.A. 1993). Thus, Appellant’s conviction is legally sufficient.

Standard of Review and Law

The test of factual sufficiency is governed by the following amendment to Article

66(d)(1), UCMJ:

(B) Factual sufficiency review

(i) [T]he Court may consider whether the finding is correct in fact upon request of the accused if the accused makes a specific showing of a deficiency in proof.

(ii) After an accused has made such a showing, the Court may weigh the evidence and determine controverted questions of fact subject to—

(I) appropriate deference to the fact that the trial court saw and heard the witnesses and other evidence; and

(II) appropriate deference to findings of fact entered into the record by the military judge.

(iii) If, as a result of the review conducted under clause (ii), the Court is clearly convinced that the finding of guilty was against the weight of the evidence, the Court may dismiss, set aside, or modify the finding, or affirm a lesser finding.

National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283, Section 542(b), 134 Stat. 3611-12.

Thus, whereas the former Article 66(d)(1), UCMJ, required service courts to conduct a *de novo* review of factual sufficiency in every case, the amended Article 66(d)(1)(B)(i), UCMJ, eliminates that duty absent an appellant (1) asserting an assignment of error, and (2) showing a deficiency of proof. *See United States v. Harvey*, 85 M.J. 127, 130 (C.A.A.F. 2024).

Though our superior Court has not yet addressed what constitutes a “specific showing of a deficiency of proof,”³ the Navy-Marine Corps Court of Criminal Appeals (NMCCA) has held

³ *See Harvey*, 85 M.J. at 130.

that “a general disagreement with a verdict falls short of a specific showing of a deficiency in proof, and thus will not trigger a full factual sufficiency analysis.” United States v. Valencia, 85 M.J. 529, 535 (N-M. Ct. Crim. App. 2024). Instead, “an appellant must identify a weakness in the evidence admitted at trial to support an element (or more than one element) and explain why, on balance, the evidence (or lack thereof) admitted at trial contradicts a guilty finding.” Id.

The requirement of “appropriate deference” when a Court of Criminal Appeals weighs the evidence and determines controverted questions of fact “depend[s] on the nature of the evidence at issue.” Harvey, 85 M.J. at 130. This Court has discretion to determine what level of deference is appropriate. Id. “[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.” Id. 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.

- *Permissive Inference*

“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) (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) (Campbell II) and Green, our superior Court clarified this test. As our superior Court recently noted in United States v. Downum, 86 M.J. 200, 204, fn 3 (C.A.A.F. 2025), “[i]n 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.”

In Ford, our superior Court noted that the “element of knowledge in federal prosecutions for possession of narcotics may be shown by direct or circumstantial evidence,” and that “[a] permissive inference in military law has long been considered no more than a well-recognized use of circumstantial evidence.” Ford, 23 M.J. at 333, n. 2 (citing United States v. Biesak, 14 C.M.R. 132, 140 (1954)). Further, in Ford, our superior court determined that the permissive inference may be drawn despite contrary evidence, where the defense-presented “evidence to the contrary” could reasonably be disbelieved by the fact-finder. Id.

Analysis

The panel at Appellant's court-martial correctly found Appellant guilty of wrongfully using MDMA, 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 panel with ample evidence to convince them of Appellant's guilt beyond a reasonable doubt.

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 finding of guilty was against the weight of the evidence.

Here, the Government presented a positive drug test showing Appellant's urine sample tested over the DoD cut-off level for MDMA and that there were "no discrepancies in this case" during the testing process. (R. at 168, 174.) This evidence proved that the drug was in Appellant's system and, based on the timeframe of the drug test, that Appellant used MDMA during the charged timeframe. Appellant does not contest this evidence now on appeal. The Government's expert, Dr. EH, testified that MDMA was a "designer drug," that "has no medical use," and that has no legal use. (R. at 161-62.) Appellant also seemingly does not contest that he had no legal authorization or justification to use MDMA.

Dr. EH also testified about the origin of the DoD cut-off level for MDMA, that the "idea" of the level was to "completely separate[] a population of non-users from a population of users," and how Appellant's level of MDMA was consistent with recreational use. (R. at 164-66, 176.)

The Government then argued to the panel in closing argument that it could use the permissive inference to find that Appellant knowingly used MDMA and that he, in fact, knew the substance was MDMA when he used it. (R. at 376.) The Government also argued at length

about the implausible nature of Mr. JM's story and how Appellant's character witnesses knew nothing about Appellant's off-duty activities. (R. at 370-76.)

This evidence, along with the permissive inference, provided the panel sufficient evidence to convict Appellant of knowing and wrongful use of MDMA. Still, Appellant finds fault. Appellant first claims that the "Government failed to prove that [Appellant] knew he used MDMA." (App. Br. at 6.) Appellant argues the "Government provided no evidence that SSgt Pryce knew he used MDMA," and "the Government provided no evidence that [Appellant] actually knew that the substance he used was MDMA or of a contraband nature." (App. Br. at 6.)

However, such direct evidence is unnecessary in this case because, as the military judge instructed the members, "Knowledge by the accused of the presence of the substance and knowledge of its contraband nature may be inferred from the surrounding circumstances," and "You may infer from the presence of methylenedioxymethamphetamine in the accused's urine that the accused knew he used methylenedioxymethamphetamine." (R. at 358.) As detailed above, the use of the permissive inference to prove an appellant's knowledge of drug use is well-established and is not cause for this Court to doubt the factual sufficiency of Appellant's conviction. See Ford, 23 M.J. at 333.

Still, Appellant claims any use of the permissive inference in this case was error, arguing that Mr. JM's testimony overcame the inference by stating, "Where this evidence directly counters the permissive inference, even with appropriate deference to the factfinder, this Court should not be clearly convinced that the finding of guilty was in accord with the weight of the

evidence.”⁴ (App. Br. at 7.) Appellant believes Mr. JM’s testimony that he “drugged [Appellant] without his knowledge” “directly contradicted” the permissive inference and, thus, should not have been used by the panel. (Id. at 8.) Appellant argues Mr. JM’s testimony was “never impeached by the Government,” and that the Government did not “conduct significant cross-examination.” (Id.)

Appellant is mistaken. Put simply, Mr. JM’s testimony was not credible and the Government’s cross-examination and argument highlighted the severe deficiencies in Mr. JM’s story. Mr. JM could not remember when he allegedly sprinkled the MDMA on the pizza. (R. at 313.) He could not remember what specific pizza he supposedly put the MDMA on. (Id.) He could not remember what toppings were on the alleged MDMA-laced pizza. Or which half of the pizza he allegedly put the MDMA on. But Mr. JM’s lack of recollection on the pizza itself was only the start of his story’s problems.

Mr. JM also testified that he had only ever put MDMA on food one other time – years earlier at a high school party. (R. at 315.) Thus, for the panel to believe Mr. JM, they would have also had to believe that many years after this first *and only* MDMA-food use, Mr. JM just happened to decide to sprinkle MDMA on food for a second time at the home of an active-duty military member who Mr. JM had recently met and was visiting for the first time. It makes for very coincidental timing – or an unbelievable story.

⁴ Here, Appellant also states that “[w]hen 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.” (App. Br. at 7.) (citations omitted.) Appellant’s inclusion of this statement is confusing since the Government’s has never argued that its burden of proof in this case was anything less than “beyond a reasonable doubt.” In fact, the Government trial counsel specifically told the panel during closing argument, “Let’s turn to the elements; the four things the government must prove and establish beyond a reasonable doubt in this case.” (R at 374.)

The circumstances of the actual MDMA sprinkling made no sense either. Mr. JM said the MDMA was supposedly only for his use. Yet, instead of simply putting the MDMA into his drink to ensure only he would use it, he put the MDMA on shared pizza. Mr. JM could not explain why he did that. (R. at 314.) He also could not explain why he then left those supposed MDMA-laced pizza slices unguarded in the pizza box along with the rest of the pizza and then left those slices unattended to either go to the bathroom or smoke a cigarette. And again, Mr. JM became fuzzy on the details of what exactly he did after supposedly sprinkling the MDMA, stating, “I don’t remember what I did right after that, no.” (R. at 316.)

And then he could not remember even more, like being unable to recall if he ever saw any of the supposed MDMA-laced pizza slices missing from the box – something that would have had to have occurred if Appellant mistakenly or unknowingly ate those slices. (Id.) But again, Mr. JM could not remember.

And then, according to Mr. JM, once Appellant allegedly began to show signs of sickness, Mr. JM testified that he said nothing to Appellant as to why he might be feeling sick. Instead, Mr. JM wanted the members to believe he just sat around Appellant’s house all weekend watching Appellant be sick without saying a word.

And then, in a final culmination to his tale, even after Mr. JM supposedly told Appellant that he was the person who caused Appellant to test positive for MDMA due to lacing pizza at Appellant’s house, Mr. JM testified that he and Appellant have “continued to get to know each other” and stayed in contact. (R. at 323.) This again makes no sense that Appellant was remain in contact with someone who supposedly caused him to test positive for drugs, resulting in the court-martial where Mr. JM was now testifying.

Moreover, despite Appellant's claim that Mr. JM's story was "never impeached" and was not "significant[ly] cross-examin[ed]," *all* of this information came out during cross-examination and then was thoroughly argued by the Government trial counsel during closing argument. (R. at 299-324, 370-74.) Contrary to Appellant's assertion, Mr. JM's story was impeached, was significantly cross-examined, and then was thoroughly dissected by the Government trial counsel during argument. In the end, the members did not find Mr. JM's tale persuasive or credible, and providing significant deference to the members who could personally observe Mr. JM, neither should this Court.

Next, Appellant argues the "inferred fact of knowledge was directly contradicted by the evidence of [Appellant's] good military character." (App. Br. at 8.) Again, Appellant is incorrect. Appellant called two character witnesses. One, SGT MS, admitted that he did not socialize with Appellant outside of work "very much," and admitted he did not know Appellant very well. (R. at 256.) SGT MS also had no idea what Appellant did on the weekends. (Id.) The second, Ms. CW, admitted that she had "never interacted outside of working hours" with Appellant. (R. at 270.) The reality is that neither of these witnesses had any idea what kind of person Appellant was outside of the work area, which is where Appellant's illicit drug use took place. These witnesses, having no idea about Appellant or his activities outside of the work place, did not "directly contradict" the permissive inference as Appellant claims.

Next, Appellant argues the "permissive inference of knowledge was improper in this case" because "the drawing of this inference is improper under certain circumstances, and it was insufficient in [Appellant's] case to prove guilt beyond a reasonable doubt." (App. Br. at 8.) In doing so, Appellant cites to two cases that are easily distinguishable from his case. The first, United States v. Hall, 58 M.J. 90, 94-95 (C.A.A.F. 2003), is a case where the permissive

inference was used, and was then rebutted by the defense. Hall, 58 M.J. at 93. In response, the Government presented statements 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 was 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.

In his brief, Appellant summarizes Hall by stating "overturning a conviction when the permissive inference was rebutted by the defense." (App. Br. at 8-9.) 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.

Appellant next turns to Campbell I, claiming that case involved "overturning a conviction where the Government failed to offer adequate expert testimony to discount "the possibly of unknowing ingestion." (App. Br. at 9.) However, Appellant misconstrues this case as well. As noted above, in Campbell I, our superior Court provided multiple factors and safeguards that must be shown by expert testimony in order to use the permissible inference. Id. at 160.

The Government's evidence in this case met those factors. As detailed above, Dr. EH explained both how and why the DoD cut-off level for MDMA was made. (*See* R. at 164-66.) As Dr. EH put plainly, the "idea is that the 500 nanograms per milliliter cutoff completely separates a population of non-users from a population of users." (R. at 165.) Dr. EH also explained how MDMA is a "designer drug," that "has no medical use," and that has no legal use. (R. at 161-62.) Thus, while Appellant argues that "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,”⁵ Dr. EH’s testimony proves otherwise. A review of Dr. EH’s testimony regarding MDMA, its cut-off level, and the level of MDMA present in Appellant’s urine sample provided ample expert testimony to show both “the cutoff level and reported concentration [in Appellant’s urine] are high enough to reasonably discount the possibility of unknowing ingestion.” *See Campbell I*, 50 M.J. at 160. This testimony also alleviated any concern that Dr. EH’s testimony did not meet the Campbell thresholds or, as Appellant writes, “expert testimony contemplated by Green and Murphy.” (*See* App. Br. at 10.)

Appellant next renews his argument that the reliance on the permissive inference was “improper because the inference was directly rebutted by the sworn, unimpeached testimony of Mr. JM.” (App. Br. at 9.) Appellant also again claims Mr. JM’s testimony was “unrebutted.” Yet, as shown above, Mr. JM’s testimony was impeached, rebutted, and ultimately shown to be highly unbelievable.

Appellant next claims that “Where direct evidence of innocent ingestion is presented, the permissive inference alone is not sufficient to establish guilt beyond a reasonable doubt.” (App. Br. at 9.) Appellant importantly provides no citation to support his claim. It also is at odds with our superior Court’s holding in Ford where it determined that the permissive inference may be drawn even despite contrary evidence, where the defense-presented contrary evidence could reasonably be disbelieved by the fact-finder. *See Ford*, 23 M.J. at 334.

Appellant next acknowledges that this Court “dismissed similar arguments made by an appellant” in United States v. Hernandez, ACM 39606 (rem), 2023 CCA LEXIS 104 (A.F. Ct. Crim. App. Feb. 28, 2023), but attempts to distinguish the case because the Government’s expert

⁵ *See* App. Br. at 9.

in that case testified that the appellant's test level was substantially higher than the DoD cut-off level. (App. Br. at 10.) Appellant then claims, "Here, there was no such testimony about conclusions that could be drawn from SSgt Pryce's testing levels that would indicate his use of MDMA was knowing." (Id.) Yet, Appellant seemingly overlooks Dr. EH's testimony where he opined that Appellant's MDMA sample, at a concentration of 739 nanograms-per-milliliter, was consistent with recreational use. (R. at 176.) Here again, a complete review of Dr. EH's expert testimony shows it meets all threshold requirements of Campbell I.

Appellant next states the Dr. EH's testimony was deficient because he "could not conclude that [Appellant] would have felt any effects of the MDMA based on the urinalysis results." (App. Br. at 10.) 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.

Finally, Appellant again argues the "Government did not overcome evidence of [Appellant's] good military character." (App. Br. at 11.) However, as already discussed, neither SGT MS and Ms. CW had any idea what kind of person Appellant was outside of the work area, which is where Appellant illicit drug use took place. The testimonies of these two witnesses that he was "squared away dude" and a motivated person at work was limited at best, and proved unpersuasive to the members once they realized neither of these witnesses had any idea about Appellant away from the workplace.

Still, Appellant turns to Hirst, a case the military judge easily distinguished from Appellant's case at trial. Whereas the appellant in Hirst was a battle-hardened veteran who had saved the lives of other Marines in combat on several occasions, the evidence for Appellant consisted of two witnesses whose character testimony was limited to workplace interactions.

Hirst also involved an affirmative denial by the appellant in that case – something not present here. And finally, Hirst involved significant discrepancies and errors in the drug testing itself, something that is also not present in this case. In all, just as the military judge found at trial, Hirst is distinctly different from Appellant’s case, and any attempt to analogize them should be dismissed.

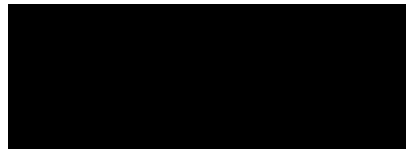
Appellant then concludes his good military character argument by stating, “Where, as here, there is no evidence of actual knowledge and the trier of fact relied on the permissive inference, drawing that inference is improper when there is ample, unrebutted evidence of good military character.” (App. Br. at 12.) However, Appellant’s claim is strikingly devoid of any case law, precedent, or authority for such a claim, and he certainly points to no case where an appellate court has overturned a drug use conviction involving the permissive inference due to factual insufficiency based solely on the testimony of two character witnesses whose interactions with the appellant were limited to workplace interactions.

In all, Appellant’s repeated attempts to frame Mr. JM’s testimony as “unrebutted” and Dr. EH’s expert testimony as not meeting the permissive inference standards of Campbell I are unpersuasive and should be dismissed by this Court. Dr. EH’s testimony regarding MDMA’s DoD cut-off level, as well as testimony related to the MDMA concentration in Appellant’s sample, met the Campbell I permissive inference standards. Moreover, Mr. JM’s dubious pizza, MDMA-sprinkling story did not persuade the panel members, who had the distinct opportunity to see and hear Mr. JM testify in person. They did not find Mr. JM’s story credible and, providing significant deference to the members who could personally observe Mr. JM, neither should this Court.

Considering all of these facts and circumstances, the Government provided the panel ample evidence of Appellant's guilt beyond a reasonable doubt. Appellant has failed to make a specific showing of a deficiency of proof as to his drug use conviction. Yet even if he had, after giving the appropriate deference to the trial court hearing the witnesses at trial, the Court should not be clearly convinced that the finding of guilty was against the weight of the evidence. Accordingly, Appellant's factual sufficiency claim must fail.

CONCLUSION

WHEREFORE, this Court should deny Appellant's claims and affirm the findings and sentence.



G. MATT OSBORN, Colonel, USAF
Appellate Government Counsel

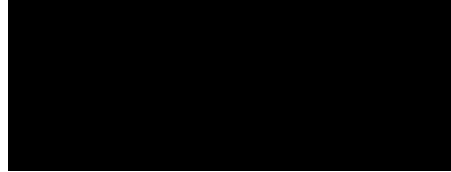


MARY ELLEN PAYNE
Associate Chief, Government Trial and Appellate
Operations Division



CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court, appellate counsel, and the Air Force Appellate Defense Division on 30 April 2026 via electronic filing.



G. MATT OSBORN, Colonel, USAF
Appellate Government Counsel



IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	MOTION FOR ENLARGEMENT
<i>Appellee,</i>	)	OF TIME OUT OF TIME TO FILE
	)	REPLY BRIEF
v.	)	
	)	Before Panel No. 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force,	)	
<i>Appellant.</i>	)	5 May 2026

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

Pursuant to Rule 23.3(m)(1), (4), (6), and (7) of this Honorable Court's Rules of Practice and Procedure, Appellant hereby moves for an enlargement of time to file a Reply Brief to the United States's Answer to Appellant's Assignments of Error. Appellant requests an enlargement for a period of ten days, which will end on **17 May 2026**.

Appellant's direct appeal was docketed with this Court on 8 April 2025. From the date of docketing to the present date, 392 days have elapsed. On the date requested, 404 days will have elapsed since docketing.

From 21 through 23 October 2024, Appellant, Staff Sergeant (SSgt) Michael A. Pryce, was tried by a special court-martial comprised of a panel of officer members at Eglin Air Force Base, Florida. R. at 15, 23, 442. Contrary to his pleas, SSgt Pryce was found guilty of one charge and one specification of wrongful use of methylenedioxymethamphetamine (MDMA) in violation of Article 112a, Uniform Code of Military Justice (UCMJ). Entry of Judgment in the Case of United States v. Staff Sergeant Michael A. Pryce (EOJ), dated 2 December 2024. The military judge sentenced SSgt Pryce to be reprimanded, reduced to the grade of E-2, to be restricted to the limits of Eglin Air Force Base for two months, and to perform hard labor without confinement for three months. R. at 441. The convening authority took no action on the findings or the sentence. E-

ROT, Convening Authority Decision on Action – United States v. SSgt Michael A. Pryce, dated 2 November 2024.

The E-ROT is one volume and consists of eight Prosecution Exhibits, fourteen Defense Exhibits, and twenty-one Appellate Exhibits; the transcript is 442 pages. Appellant is not currently confined.

Undersigned counsel (Maj Grande) respectfully requests ten additional days to reply to the United States's Answer to Appellant's Assignment of Errors, which was filed on 30 April 2026. Undersigned counsel has been on temporary duty (TDY) to Maxwell Air Force Base (AFB) since 30 April 2026, traveling on the day that the United States filed its Answer. She will return to Andrews AFB on 8 April 2026. Maj Grande taught incoming area defense counsel at the Defense Counsel Orientation Course on 1 April 2026. She is attending the Senior Defense Counsel Qualification Course from 4 through 8 May 2026, and teaching to current and future senior defense counsel on 7 May 2026. As a result, Maj Grande will be in class and teaching for the entire seven-day reply period, following the United States' Answer in this case. Maj Grande needs additional time to prepare, review, and edit her brief to fulfill her Article 70, UCMJ duty to Appellant, given the timing of the Answer and its overlap with her TDY.

Pursuant to A.F. Ct. Crim. App. R. 23.3(m)(6), Maj Grande also provides the following information: Maj Grande is currently assigned seventeen cases; eleven cases are pending before this Court (two cases are pending AOE's, including Appellant's case). No case has priority over the present case.

Through no fault of Appellant, undersigned counsel has been unable to prepare a brief for Appellant's case. An enlargement of time is necessary to allow counsel to prepare a brief for Appellant's case. Appellant was advised of his right to a timely appeal. Appellant has been

provided an update on the status of undersigned counsel's progress on this case. Appellant was advised of the request for this enlargement of time. Appellant provided limited consent to disclose a confidential communication with counsel wherein Appellant consented to the request for this enlargement.

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

Respectfully submitted,

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JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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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 Air Force Appellate Government Division on 5 May 2026.

[REDACTED]

JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

[REDACTED]

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,	)	REPLY TO UNITED STATES'
<i>Appellee,</i>	)	ANSWER TO ASSIGNMENT OF
	)	ERROR
v.	)	
	)	Before Panel 2
Staff Sergeant (E-5)	)	
MICHAEL A. PRYCE,	)	No. ACM 25014
United States Air Force,	)	
<i>Appellant.</i>	)	18 May 2026

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

Pursuant to Rule 18(d) of this Honorable Court's Rules of Practice and Procedure, Staff Sergeant (SSgt) Michael A. Pryce replies to the United States' Answer filed on 30 April 2026. SSgt Pryce primarily rests on the arguments contained in his initial brief, filed on 3 April 2026, and submits the following additional arguments for the issues identified below.

The Government's case at trial rested entirely on the permissive inference of knowing use of 3,4-methylenedioxymethamphetamine (MDMA), drawn solely from a positive urinalysis. That evidence is legally and factually insufficient to sustain a conviction because it was confronted with direct, un rebutted evidence of innocent ingestion and strong evidence of SSgt Pryce's good military character.

In its Answer, the Government now attempts to salvage this conviction by attacking the credibility of the defense's primary witness, Mr. JM. But the Government relies on post-trial mischaracterizations and speculative inferences rather than facts drawn from the record. At trial, the Government failed to impeach the core of Mr. JM's sworn testimony that he covertly drugged SSgt Pryce by placing MDMA on his food. At trial, the Government failed to produce any contrary evidence or expert testimony to dispute the innocent ingestion defense. Because the Government

cannot substitute a post-hoc interpretation of the evidence for its burden of proof, the permissive inference fails, and the conviction must be set aside.

A. This Court should reject the Government's argument that Mr. JM's testimony was not credible because his testimony was unimpeached, plausible, and under oath.

Mr. JM's core testimony—that he placed MDMA on the pizza without SSgt Pryce's knowledge—remained entirely consistent throughout both direct and cross-examination. The Government's argument that the panel was justified in disregarding Mr. JM's testimony because it was “uncredible” and riddled with inconsistencies is a mischaracterization of the record. Ans. at 13–15. On appeal, the Government attempts to conflate Mr. JM's lack of memory regarding ancillary, irrelevant details, such as specific pizza toppings, with substantive impeachment of the core facts.

Mr. JM never wavered about the critical facts of the incident. He brought the MDMA to SSgt Pryce's house, he ground it up, he sprinkled it on the pizza he intended to eat, and he never informed SSgt Pryce of his actions. R. at 293–98. Crucially, Mr. JM's testimony was not just a story he recounted to a group of friends, it was a direct admission of criminal conduct against his own penal interest. This statement against his own interest contains an inherent indicator of reliability. The Government ignores that crucial fact in its answer. By testifying, Mr. JM knowingly exposed himself to potential criminal liability—an act fundamentally at odds with the Government's portrayal of him as an unreliable witness telling a fabricated story. The Government now asks this Court to believe that Mr. JM would have exposed himself to criminal liability by lying under oath for SSgt Pryce, even though the Government established on cross-examination that Mr. JM and SSgt Pryce were not close friends. R. at 300 (Mr. JM testified that he met SSgt Pryce because he was a massage client, had been to brunch with him once, and had never

before been to SSgt Pryce's house.) Mr. JM explicitly stated that he did not consider SSgt Pryce to be a friend. R. at 323. The Government provided no evidence to the contrary. Yet it now readily dismisses Mr. JM's testimony while, at the same time, it offers no explanation for why Mr. JM would have been so motivated to fabricate a story, opening himself to criminal liability, for someone who was little more than an acquaintance.

Furthermore, the Government relies heavily on its claim that it "highlighted the severe deficiencies in Mr. JM's story" at trial to justify the factfinder's disbelief. Ans. at 13. The record demonstrates, however, that the trial counsel's cross-examination merely elicited a lack of memory about minor details and entirely failed to impeach Mr. JM on any substantive element of his account. R. at 299–325. Under oath, Mr. JM repeatedly and consistently affirmed that he put MDMA on the pizza without SSgt Pryce's knowledge. R. at 312–13. The aspects of that get-together that Mr. JM could not remember were minor details about a night seven months prior—such as what he did immediately after he put the MDMA on the pizza and what toppings were on the pizza. R. at 313, 316. The Government's claim that the trial counsel "thoroughly dissected" Mr. JM's account of the circumstances of SSgt Pryce's MDMA use is inexplicable considering Mr. JM's sworn testimony. The Government's inability to shake the central facts of Mr. JM's account during trial highlights the weakness of its current appellate posture. Ans. at 15.

The panel was not free to arbitrarily disregard sworn, unimpeached testimony that established a plausible innocent explanation, particularly when it stands as the only evidence in the record explaining the circumstances of SSgt Pryce's MDMA ingestion. It was the Government's burden to prove that SSgt Pryce *knowingly* ingested MDMA, and yet, the only evidence presented at trial established that SSgt Pryce was unknowingly drugged. The Government's post-hoc attempt to manufacture a narrative of implausibility on appeal cannot

substitute for its failure to produce any contrary evidence at trial or to successfully impeach the only fact witness.

B. The Government erroneously misapplies the law on permissive inferences to bridge an evidentiary gap.

In its Answer, the Government misconstrues our Superior Court's case law, arguing incorrectly that the permissive inference of knowing use is legally sufficient on its own, and asserting that under *United States v. Ford*, the factfinder is free to simply disbelieve defense evidence. Ans. at 12, 17; *United States v. Ford*, 23 M.J. 331, 334 (C.M.A. 1987). It further attempts to neutralize SSgt Pryce's character evidence by arguing the character witnesses who testified did not know him socially. Both arguments distort the law and ignore the reality of the record.

1. The permissive inference cannot substitute for the Government's burden of proof.

The Government conflates the permission to draw an inference with the obligation to prove guilt beyond a reasonable doubt. While *Ford* allows a panel to disbelieve defense evidence, it does not magically transform a bare inference into conclusive proof. 23 M.J. at 334. The rejection of defense evidence must still be *reasonable*. *Id.* In this case, it is fundamentally unreasonable for the factfinder to completely disregard the only testimony in the record explaining the circumstances of ingestion—testimony given under oath and against that witness's own penal interest—when the Government offered zero contradictory evidence. An inference that has been skewered by plausible, unimpeached, and self-incriminating testimony by a third-party claiming responsibility cannot single-handedly carry the Government's heavy burden of proof.

2. The Government's expert conceded he could not conclude that SSgt Pryce's use was knowing.

The Government's reliance on the inference collapses entirely under the standard articulated in *United States v. Campbell*. 50 M.J. 154, 159–60 (C.A.A.F. 1999) (overturning a

conviction where the Government failed to offer adequate expert testimony to discount “the possibly of unknowing ingestion”). The Government cannot use a judicial inference to cure a failure in its own evidentiary presentation. *Campbell* requires adequate expert testimony to discount the possibility of unknowing ingestion. *Id.* Here, the Government’s own expert, Dr. EH, affirmatively conceded on the record that he could not testify as to whether the ingestion was knowing or unknowing. R. at 186. The Government is effectively asking this Court to allow a blind inference to accomplish what their own scientific expert admitted he could not do.

3. The evidence of SSgt Pryce’s good military character is incompatible with the Government’s narrative.

Finally, the Government unfairly dismisses the substantial evidence of SSgt Pryce’s good military character by complaining that the two character witnesses—an Army Sergeant and a civilian supervisor—only knew him professionally. Ans. at 11-12, 15. This attempt to gatekeep character evidence demonstrates a fundamental misunderstanding of military law. Our Superior Court has long held that military character is uniquely probative. *See United States v. Vandelinder*, 20 M.J. 41, 45 (C.M.A. 1985) (holding that “[a] person of good military character is less likely to commit” drug offenses) Logically then, SSgt Pryce’s coworkers are the most qualified individuals to assess his discipline, reliability, and adherence to regulations.

It is well-established that good military character alone can generate reasonable doubt. *Military Judges’ Benchbook*, Dept. of the Army Pamphlet 27-9 at 1784 (Mar. 21, 2025).^{*} (“Evidence of the accused’s [good military character] may be sufficient to cause a reasonable doubt as to his guilt.”). The undisputed evidence demonstrated that SSgt Pryce was a highly-motivated, “squared away” Airman actively preparing for the demands of the Ranger School. R. at 251–52.

^{*} Available at <https://www.jagcnet.army.mil/EBB/>.

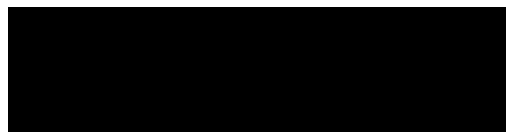
When working in the emergency room, he was, “respectful, highly motivated, [and] helpful to lower enlisted members and civilians alike.” R. at 269–70. The evidence of his good military character is inherently irreconcilable with the Government’s narrative of a recreational MDMA user. Because the Government presented zero evidence to bridge this logical disconnect, the permissive inference fails.

The Government alone bears the burden of proving knowing ingestion beyond a reasonable doubt. By relying entirely on a permissive inference drawn from a positive urinalysis, the Government failed to introduce a single piece of evidence demonstrating that SSgt Pryce knew he was consuming MDMA. That isolated inference cannot sustain a conviction when confronted with the reality of the record. The defense presented a sworn, unimpeached confession from a third party who admitted—against his own interest—to putting drugs on SSgt Pryce’s food, without SSgt Pryce’s knowledge. The defense presented uncontested evidence of SSgt Pryce’s good military character and of his ambition to attend the Army Ranger School. Finally, the Government’s own expert conceded his inability to determine whether the ingestion was knowing.

This Court should reject the Government’s attempt on appeal to ignore the actual evidence of unknowing use, as it came out at trial. Because the permissive inference of knowing use is entirely overcome by the un rebutted evidence of innocent ingestion and good military character, the evidence is legally and factually insufficient to sustain the conviction.

This Court should set aside SSgt Pryce’s conviction for wrongful use of MDMA.

Respectfully submitted,

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JORDAN L. GRANDE, 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 Air Force Government Trial and Appellate Operations Division on 18 May 2026.

Respectfully submitted,

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JORDAN L. GRANDE, Maj, USAF
Appellate Defense Counsel

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