

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

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|---------------------------|---|---|
| UNITED STATES |) | NOTICE OF DIRECT APPEAL |
| <i>Appellee</i> |) | PURSUANT TO ARTICLE 66(b)(1)(A), |
| |) | UCMJ |
| |) | |
| v. |) | |
| |) | |
| Airman First Class (E-3) |) | No. ACM SXXXXXX |
| ANTHONY J. BIANCHI |) | |
| United States Air Force |) | 23 January 2024 |
| <i>Appellant</i> |) | |

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

On 26 – 30 April 2023, Appellant was tried by a general court-martial comprised of officer and enlisted members at Incirlik Air Base, Turkey. Appellant was convicted, contrary to his pleas, of one charge and specification of assault consummated by a battery, in violation of Article 128, Uniform Code of Military Justice (UCMJ).¹ Record of Trial (ROT), Entry of Judgment, dated 27 June 2023, at 1. Appellant was acquitted of one specification of simple assault. *Id.* The military judge sentenced Appellant to a reprimand, a forfeiture of \$1,200.00 pay per month for five months, and confinement for five months. *Id.* at 1-2. The convening authority took no action on the findings or sentence. ROT, Vol. 1, Convening Authority Decision on Action – *United States v. Airman First Class Anthony J. Bianchi.*

On 26 October 2023, the Government provided Appellant the required notice, by mail, of his right to appeal within 90 days. Pursuant to Article 66(b)(1)(A), UCMJ, Appellant files his notice of direct appeal with this Court.

¹ This was a lesser included offense of the original charged specification, aggravated assault with infliction of grievous bodily harm. The panel found Appellant not guilty of aggravated assault, but guilty of the lesser included offense noted above. ROT, Vol. 1, Entry of Judgment, dated 27 June 2023.

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force

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 Appellate Government Division on 23 January 2024.

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force

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

| | | |
|---------------------------------|---|------------------|
| UNITED STATES |) | No. ACM _____ |
| <i>Appellee</i> |) | |
| |) | |
| v. |) | |
| |) | |
| Anthony J. BIANCHI |) | NOTICE OF |
| Airman First Class (E-3) |) | DOCKETING |
| U.S. Air Force |) | |
| <i>Appellant</i> |) | |

On 23 January 2024, this court received a notice of direct appeal from Appellant in the above-styled case, pursuant to Article 66(b)(1)(A), Uniform Code of Military Justice, 10 U.S.C. § 866(b)(1)(A).

As of the date of this notice, the court has not yet received a record of trial in Appellant's case.

Accordingly, it is by the court on this 23d day of January, 2024,

ORDERED:

The case in the above-styled matter is referred to Panel 1.

It is further ordered:

The Government will forward a copy of the record of trial to the court forthwith.



FOR THE COURT

TANICA S. BAGMON
Appellate Court Paralegal

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

| | | |
|---|---|--------------------------------------|
| UNITED STATES, <i>Appellee,</i> |) | MOTION TO ATTACH DOCUMENT |
| |) | |
| v. |) | Before Panel No. 1 |
| |) | |
| Airman First Class (E-3) ANTHONY J. BIANCHI |) | No. ACM ____ |
| United States Air Force |) | |
| <i>Appellant.</i> |) | 26 July 2024 |

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

Pursuant to Rule 23.3(b) of this Court’s Rules of Practice and Procedure, the United States moves this Court to attach the following document to this motion:

Appendix – Bianchi – ACM ____ – AFCCA Compliance Order JAT MFR (24 Jul 24)

On 25 June 2024, this Court ordered the Government to “forward a copy of the record of trial to the court” no later than 25 July 2024. (*Order*, dated 25 June 2024). If the record was not provided by the designated time, this Court ordered the court reporter to provide “a memorandum for record [MFR] stating the status of the processing of the record of trial in this case not later than 26 July 2024 to the Government to submit to this court in a motion to attach.” (Id.) The record of trial did not arrive to the Court before 25 July 2024. Thus, the attached MFR was written by the court reporter in the above captioned case, and it provides the required update on the record of trial processing¹.

WHEREFORE, the United States respectfully requests this Court grant this Motion to Attach the Document.

¹ On 25 July 2024, Appellant filed a motion to withdraw from appellate review, but the motion has not yet been granted.

JOCELYN Q. WRIGHT, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force

FOR

MARY ELLEN PAYNE
Associate Chief
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was delivered to the Court and to the Appellate Defense Division on 26 July 2024.

JOCELYN Q. WRIGHT, Maj, USAF
Appellate Government Counsel
Government Trial and Appellate Operations Division
Military Justice and Discipline Directorate
United States Air Force

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

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|----------------------------|---|--------------------------------|
| UNITED STATES |) | MOTION TO WITHDRAW FROM |
| <i>Appellee</i> |) | APPELLATE REVIEW AND |
| |) | MOTION TO ATTACH |
| |) | |
| v. |) | Before Panel No. 1 |
| |) | |
| Airman First Class (E-3) |) | No. ACM SXXXXXX |
| ANTHONY J. BIANCHI, |) | |
| United States Air Force |) | 25 July 2024 |
| <i>Appellant</i> |) | |

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

Pursuant to Rule 16 of this Honorable Court’s Rules of Practice and Procedure, and Rule for Courts-Martial (R.C.M.) 1115, Appellant hereby moves to withdraw his case from appellate review. Appellant has fully consulted with Capt Trevor N. Ward, his appellate defense counsel, regarding this motion to withdraw. No person has compelled, coerced, or induced Appellant by force, promises of clemency, or otherwise to withdraw his case from appellate review.

Further, pursuant to Rules 23(b) and 23.3(b) of this Honorable Court’s Rules of Practice and Procedure, undersigned counsel asks this Court to attach the two-page document appended to this pleading to Appellant’s Record of Trial. The appended document is a Department of Defense Form 2330, signed by Appellant and undersigned counsel. The appended document is necessary to comply with R.C.M. 1115(d) and Rule 16.1 of this Honorable Court’s Rules of Practice and Procedure.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the above captioned motion to withdraw from appellate review and likewise grant his request to attach matters to the record.

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force

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 Appellate Government Division on 25 July 2024.

Respectfully submitted,

TREVOR N. WARD, Capt, USAF
Appellate Defense Counsel
Air Force Appellate Defense Division
United States Air Force