

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

UNITED STATES	)	No. ACM 40790
<i>Appellee</i>	)	
	)	
v.	)	
	)	ORDER
Charles W. PETTIGREW	)	
Senior Airman (E-4)	)	
U.S. Air Force	)	
<i>Appellant</i>	)	Special Panel

On 20 March 2025, this court docketed Appellant’s case, and on 17 July 2025, Appellant submitted his assignments of error brief. On 18 August 2025, the Government filed their answer to Appellant’s assignments of error brief, and, on 25 August 2025, Appellant filed his reply. Thereafter, this court began its appellate review under Article 66(d), UCMJ, 10 U.S.C. § 866(d).

Upon examination of the record of trial (ROT) and the audio records of the open sessions, this court discovered that the open proceedings on 31 May 2024, 1 June 2024, and 3 June 2024 were not in the transcript portion of the record of trial (ROT). When the court began reviewing the additional audio files of open sessions that occurred on 18 October 2024, the court discovered that some of the audio files were included in the transcript, but others were not. Therefore, this court cannot be confident that all the other open sessions were transcribed and included in the ROT.

Upon examination of the audio files of closed sessions, this court discovered that the closed hearing conducted on 3 June 2024 was not included in the ROT transcript. Therefore, this court cannot be confident that all other closed sessions were properly transcribed and included in the ROT.

Finally, the record does not contain any evidence confirming the fact that Appellant received a copy of the ROT.

“A record of trial found to be incomplete or defective before or after certification may be corrected to make it accurate.” Rule for Courts-Martial (R.C.M.) 1112(d)(2). “A superior competent authority may return a record of trial to the military judge for correction under this rule.” *Id.* “If a case is remanded to a military judge, the military judge may modify the judgment consistent with the purposes of the remand.” R.C.M. 1111(c)(3). “Defective or incomplete ROTs may be forwarded by the superior competent authority to the Chief Trial Judge for correction. The Chief Trial Judge may detail a subordinate trial judge to

correct the ROT in accordance with R.C.M. 1112(d)(2).” Department of the Air Force Instruction (DAFI) 51-201, *Administration of Military Justice*, ¶ 21.15.1 (24 Jan. 2024).

Accordingly, it is by the court on this 2d day of September, 2025,

ORDERED:

The record of trial is **REMANDED** to the Chief Trial Judge, Air Force Trial Judiciary, for correction under R.C.M. 1112(d) to account for the above-described issue, and any other portion of the record that is determined to be missing or defective hereafter, after consultation with the parties. *See* Article 66(g), UCMJ, 10 U.S.C. § 866(g); R.C.M. 1112(d)(2), (3). Thereafter, the record of trial will be returned to this court for completion of its appellate review under Article 66(d), UCMJ, 10 U.S.C. § 866(d).

The record of trial will be returned to the court not later than **3 October 2025**.^{*} If the record cannot be returned to the court by that date, the Government will inform the court in writing not later than **1 October 2025** of the status of the Government’s compliance with this order.



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court

^{*} On 29 August 2025, counsel for Appellant filed a Motion for Oral Argument Out of Time. The court will not consider this motion until the ROT is returned to the court.