

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES, ) ACM 37212  
Appellee )  
v. )  
Technical Sergeant (E-6) ) ORDER  
JOHN A. DAVIS, )  
USAF, )  
Appellant )

On 05 September 2008, the appellant submitted a Motion for *En Banc* Reconsideration of Appellant's Motion to Strike a Convening Authority Action Dated 05 June 2008.

On 11 September 2008, the appellee submitted an opposition to Appellant's Motion for *En Banc* Reconsideration of Appellant's Motion to Strike a Convening Authority Action Dated 05 Jun 2008.

Further, on 11 September 2008, the appellant submitted a Motion to Strike Opposition to Appellant's Motion for *En Banc* Reconsideration of Appellant's Motion to Strike a Convening Authority Action Dated 05 June 2008.

This Court is aware the appellee did not oppose the Appellant's Motion to Strike a Convening Authority Action Dated 05 June 2008. The 29 August 2008 Order inadvertently excluded a word thereby indicating the appellee opposed the motion.

The Court is further aware the 05 June 2008 Convening Authority Action was included in the record of trial at some point after the record of trial was forwarded by the convening authority for appellate review. However, the proper remedy is not to strike. This is an issue to be addressed in the Assignment of Errors.

Accordingly, it is by the Court on this 12th day of September, 2008,

**ORDERED:**

Appellant's request for *En Banc* Reconsideration of Appellant's Motion to Strike a Convening Authority Action is hereby **denied**.

It is further ordered that the appellant's request to Strike Opposition to Appellant's Motion for *En Banc* Reconsideration of Appellant's Motion to Strike a Convening Authority is hereby **denied**.

It is further ordered that the 29 August 2008 Order of this Court denying the Appellant's Motion to Strike a Convening Authority Action Dated 05 June 2008 is hereby **vacated**.

Finally, is further ordered that the Appellant's Motion to Strike a Convening Authority Action Dated 05 June 2008 is hereby **denied**. Appellant is however permitted to re-raise the issue in their Assignment of Errors.

FOR THE COURT

OFFICIAL



STEVEN LUCAS, YA-02, DAF  
Clerk of the Court