

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	ACM 37977
Appellee)	
)	
v.)	
)	ORDER
Staff Sergeant (E-5))	
WILBER J. MCINTOSH, JR.)	
USAF,)	
Appellant)	Special Panel

This Court issued its decision in this matter on 17 January 2014, addressing the appellant’s 19 assignments of error. We set aside and dismissed Charge III and its Specifications because they failed to state an offense, and affirmed the remaining findings. We reassessed the appellant’s sentence to that adjudged and approved.

The appellant moved this Court for *en banc* reconsideration on 18 February 2014, requesting reconsideration of four issues addressed in our opinion. The appellant also requested an enlargement of time to file a motion for *en banc* reconsideration of certain issues that had been previously raised under *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982). This Court denied the motion for enlargement of time. However, on 26 February 2014, the appellant moved, out of time, for reconsideration *en banc* of two *Grostefon* issues previously addressed in our opinion. The Government opposes both motions for reconsideration.

The Court has considered the appellant’s 18 February 2014 motion for *en banc* reconsideration. Additionally, we have considered the 26 February 2014 motion for *en banc* reconsideration of the *Grostefon* issues, although it was filed out of time.

Accordingly, it is by the Court on this 2nd of May 2014,

ORDERED:

The appellant’s 18 February 2014 Motion for Reconsideration *En Banc* and the appellant’s 26 February 2014 Motion for Reconsideration *En Banc* of Issues Filed Pursuant to *United States v. Grostefon* are **DENIED**.



FOR THE COURT

STEVEN LUCAS
Clerk of the Court