

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	Misc. Dkt. No. 2012-04
Respondent)	
)	
v.)	
)	ORDER
Staff Sergeant (E-5))	
RAY A. VAZQUEZ,)	
USAF,)	
Petitioner)	Special Panel

On 19 March 2012, this court set aside the findings and sentence and dismissed the charge against the Petitioner. On 18 April 2012, Respondent filed a Motion for Reconsideration *En Banc* with this Court. On 20 April 2012, the Petitioner filed with this Court a Petition for Extraordinary Relief in the Nature of a Writ of Habeas Corpus, requesting that this Court order the Petitioner’s immediate release from confinement.

The decisions of the Court of Appeals for the Armed Forces (CAAF) and the military Courts of Criminal Appeals (CCA) are inchoate. *United States v. Miller*, 47 M.J. 352, 361 (C.M.A. 1997). Our superior court has recognized that two distinct 30-day periods run concurrently from the date the CCA announces its decision: the 30-day period for reconsideration of the service court’s decision and the 30-day period for The Judge Advocate General to certify the decision to CAAF. During this period, an accused will remain in confinement because the decisions of the military appeals courts are not self-executing. *Id.* at 361.

The Respondent has in fact filed a request for reconsideration within the requisite time period. Therefore, this Court’s decision is not final and the Petitioner has failed to demonstrate that extraordinary relief is warranted.

Accordingly, it is by the Court on this 26th day of April, 2012,

ORDERED:

That Petitioner's request is hereby **DENIED**.

FOR THE COURT

OFFICIAL



A handwritten signature in blue ink, appearing to read "S. Lucas", is written over a faint horizontal line.

STEVEN LUCAS
Clerk of the Court