

8 March 2013

IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	MOTION TO WITHDRAW
<i>Appellee,</i>)	FROM APPELLATE REVIEW
v.)	
)	Before Panel No. 1
Staff Sergeant (E-5))	
CHRISTOPHER J. GIBSON)	ACM 38173
USAF,)	
<i>Appellant.</i>)	

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

Pursuant to Rule 14 of the Rules of Practice and Procedure of the United States Air Force Court of Criminal Appeals and R.C.M. 1110, Appellant moves to withdraw his case from appellate review. Appellant has fully consulted with Captain Travis K. Ausland, 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. See Appendix for statement reflecting Appellant's informed choice, signed by Appellant and by Captain Ausland.

WHEREFORE, Appellant's motion to withdraw should be granted.

Respectfully submitted,



TRAVIS K. AUSLAND, Captain, USAF
Appellate Defense Counsel
Air Force Legal Operations Agency
United States Air Force
(240) 612-4770



GRANTED
26 MARCH 2013

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing was sent via email to the Court and served on the Appellate Government Division on 8 March 2013.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Travis K. Ausland', written over a horizontal line.

TRAVIS K. AUSLAND, Captain, USAF
Appellate Defense Counsel
Air Force Legal Operations Agency
United States Air Force
(240) 612-4770

APPENDIX

**WAIVER/WITHDRAWAL OF APPELLATE RIGHTS IN GENERAL AND SPECIAL
COURTS-MARTIAL SUBJECT TO REVIEW BY A COURT OF CRIMINAL APPEALS**

NOTE: See R.C.M. 1203(b) concerning which cases are subject to review by a Court of Criminal Appeals. See R.C.M. 1110 concerning waiver or withdrawal of appellate review.

I have consulted with Captain Travis K. Ausland, my appellate defense counsel, concerning my appellate rights and I am satisfied with his advice.

I understand that:

1. If I do not waive or withdraw appellate review—
 - a. My court-martial will be reviewed by the Air Force Court of Criminal Appeals.
 - b. The Air Force Court of Criminal Appeals will review my case to determine whether the findings and sentence are correct in law and fact and whether the sentence is appropriate.
 - c. After review by the Air Force Court of Criminal Appeals, my case could be reviewed for legal error by the United States Court of Appeals for the Armed Forces, on petition by me or on request of the Judge Advocate General.
 - d. If the United States Court of Appeals for the Armed Forces reviews my case, my case could be reviewed for legal error by the United States Supreme Court on petition by me or the Government.
 - e. I have the right to be represented by military counsel, at no cost to me, or by civilian counsel, at no expense to the United States, or both, before the Air Force Court of Criminal Appeals, United States Court of Appeals for the Armed Forces, and the Supreme Court.

2. If I waive or withdraw appellate review—
 - a. My case will not be reviewed by the Air Force Court of Criminal Appeals, or be subject to further review by the United States Court of Appeals for the Armed Forces, or by the Supreme Court under 28 U.S.C §1259.
 - b. My case will be reviewed by a judge advocate for legal error, and I may submit in writing allegations of legal error for consideration by the judge advocate.
 - c. After review by the judge advocate and final action in my case, I may petition the Judge Advocate General for correction of legal errors under Article 69(b). Such a petition must be filed within 2 years of the convening authority's action, unless I can show good cause for filing later.
 - d. A waiver or withdrawal, once filed, cannot be revoked, and bars further appellate review.

Understanding the foregoing, I withdraw my case from appellate review. I make this decision freely and voluntarily. No one has made any promises that I would receive any benefits from this withdrawal, and no one has forced me to make it.

Christopher J. Gibson

Staff Sergeant

NAME OF ACCUSED

RANK



SIGNATURE OF ACCUSED

20130305
DATE

STATEMENT OF COUNSEL

(Check appropriate block)

- 1. I represented the accused at his/her court-martial.
- 2. I am associate counsel detailed under R.C.M. 1110(b). I have communicated with the accused (detailed) (individual military) (civilian) (appellate) defense counsel concerning the accused waiver/withdrawal and discussed this communication with the accused.
- 3. I am substitute counsel detailed under R.C.M. 1110(b).
- 4. I am a civilian counsel whom the accused consulted concerning this matter. I am a member in good standing of the bar of _____.
- 5. I am appellate defense counsel for the accused.

I have advised the accused of his appellate rights and of the consequences of withdrawing from appellate review. The accused has elected to withdraw his case from appellate review.

TRAVIS K. AUSLAND

AFLOA/JAJA

NAME OF COUNSEL

UNIT OF COUNSEL

Captain

RANK OF COUNSEL

BUSINESS ADDRESS (If Civilian Counsel)



25 Feb 13

SIGNATURE OF COUNSEL

DATE