

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

UNITED STATES)	ACM 39893
<i>Appellee</i>)	
)	
v.)	
)	ORDER
Kevin A. LARSON)	
Captain (O-3))	
U.S. Air Force)	
<i>Appellant</i>)	Panel 2

A general court-martial composed of officer members convicted Appellant of various offenses and sentenced him to a dismissal on 18 January 2020. Appellant died on 19 January 2020. On 11 May 2020, defense counsel acting as an officer of the court moved the court to abate the proceedings *ab initio* based on Appellant's death. In support of the motion, counsel moves to attach a certificate of death issued on 3 April 2020 and a foundational affidavit. The Government does not oppose the motion. In accordance with *United States v. Ribaud*, 62 M.J. 286, 289 (C.A.A.F. 2006), the death of an appellant during the pendency of an appeal of right to a Court of Criminal Appeals abates all proceedings against the appellant.

Accordingly, it is by the court, this 15th day of May 2020,

ORDERED:

The Motion to Attach is **GRANTED**. The Motion to Abate Proceedings *Ab Initio* is **GRANTED**. The findings of guilty and the sentence are set aside; the charges and their specifications are dismissed; and all rights, privileges, and property of which Appellant has been deprived by virtue of the findings of guilty and the sentence are hereby restored. The record of trial is returned to the Judge Advocate General.



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court