

UNITED STATES OF AMERICA)
)
 vs.)
)
 SALIM AHMED HAMDAN)

**Government's Motion
For Reconsideration
And For Evidentiary
Hearing**

1. Timeliness. This motion is timely filed.
2. Relief. The Prosecution respectfully requests reconsideration of the trial court's ruling in the case of *United States v. Hamdan* granting the defense's *Motion to Dismiss for Lack of Jurisdiction* and further requests an evidentiary hearing on jurisdiction.¹ This request is filed under the provisions of Rule of Military Commission (R.M.C.) 905(f).²
3. Overview. On 4 June 2007, the Military Judge in the above styled case issued an Order dismissing the charges and specifications for lack of jurisdiction. As the Military Judge made clear in a follow-on order, the ruling did not reach the question whether he could render a decision on personal jurisdiction based upon evidentiary submissions by the Prosecution. The Military Commissions Act provides that the Prosecution have the opportunity to establish jurisdiction, and the Prosecution respectfully requests that the Military Judge reopen the case and permit an evidentiary hearing on this issue. Further, the Prosecution asks that the Military Judge reconsider the ruling that the CSRT determination was not sufficient to establish jurisdiction.
4. Burden of Proof. The Prosecution has the burden of proof. The facts of this case, discussion and legal analysis are set out as follows.
5. Facts. Salim Hamdan was initially detained in Afghanistan on or about 24 November 2001. The United States has detained Hamdan continuously for over 5 years. Mr. Hamdan is currently held at the U.S. Naval Station, Guantanamo Bay. The President issued a written determination on 7 February 2002 addressing the inapplicability of the Geneva Conventions to al Qaeda and the Taliban.³ On 3 October 2004, a CSRT convened pursuant to Department of Defense Order, 7 July 2004, to determine "whether the detainee (Hamdan) is properly detained as an enemy combatant." The CSRT, on 3 October 2004, determined Hamdan was (is) properly detained as an enemy combatant.⁴ The Military Commissions Act of 2006 (MCA) was enacted on 17 October 2006.⁵ The

¹ Trial counsel indicated, on the record, that the government requested time to consider an appeal to the Court of Military Commission Review under R.C.M. 908. However, an appeal by the government would be premature if noticed prior to a decision on this Motion for Reconsideration. Accordingly, the prosecution will await a decision on this Motion and then consider its options regarding appeal, if necessary.

² Reconsideration. On request of any party or *sua sponte*, the military judge may, prior to authentication of the record of trial, reconsider any ruling, other than one amounting to a finding of not guilty made by the military judge.

³ White House Memo, 7 February 2002.

⁴ This CSRT was introduced into evidence at the hearing on Hamdan's *Motion to Dismiss for Lack of Jurisdiction*.

⁵ Pub.L.No. 109-366, 120 Stat. 2600 (17 Oct. 2006).

Convening Authority referred Hamdan's previously sworn charges on 10 April 2007.⁶ The defense filed their *Motion to Dismiss for Lack of Jurisdiction* on 18 May 2007. The Government replied on 25 May 2007 and the defense filed their *Response* on 1 June 2007. On 4 June 2007, the Military Judge dismissed the charges without prejudice, and on 8 June 2007 issued a corrected order explaining his decision.⁷

The Military Judge ruled that Hamdan's CSRT "enemy combatant" finding in conjunction with the President's 7 February 2002 determination that members of al Qaeda are "unlawful combatants" did not satisfy the requirements for jurisdiction for purposes of the MCA. The Military Judge ruled that "[t]he President's determination applied to members of al-Qaeda as a group, and did not represent an individualized determination that this accused supported or engaged in hostilities."⁸ In his ruling, the Military Judge observed that neither party asked the Court to hear the evidence and decide the question of the accused's status itself.

6. Discussion.

In dismissing the charges, the Military Judge did not reach the question whether the Commission itself could render a decision on personal jurisdiction based upon evidentiary submissions by the parties. As we explain below, the Military Commissions Act ("MCA") provides two discrete routes for satisfying the requirement that the charged party be an "unlawful enemy combatant." Rather than dismissing the charges, we respectfully request that the dismissal order be vacated and the Military Judge give the Prosecution the opportunity to utilize the first of those methods—which provides for the Judge in this proceeding to make such a status determination based upon the evidentiary submissions of the parties.

The Military Judge also should reconsider the ruling dismissing the charges for an additional reason. The Judge erred in finding that the Prosecution could not establish jurisdiction under the second method set out by the MCA — by establishing a prior determination of "unlawful enemy combatant" status by a CSRT or other competent tribunal. The Military Judge held that Hamdan's CSRT determination, and by implication any CSRT ever conducted, or that ever would have been conducted under the CSRT rules in force at the time of the MCA's enactment, was not sufficient for jurisdiction. The basis for this ruling, in part, is a difference in the title of the CSRT's ultimate finding—that Hamdan was an "enemy combatant" rather than an "*unlawful* enemy combatant." The Prosecution respectfully submits that the opinion is based on a misunderstanding of the President's determination that Taliban and al Qaeda fighters are unlawful combatants and does not adequately address Congress's awareness and ratification of existing CSRT standards and the President's determination in enacting section 948a of the statute. When these features are considered, it is clear that the MCA deemed CSRT determinations under rules in place at the time of the MCA's enactment sufficient to establish Military Commission jurisdiction. Although clear from the

⁶ Referral Order, Hamdan Charge Sheet.

⁷ See attached Order.

⁸ Trial Court's *Decision and Order*, 4 June 2007, pg 3.

statute's text, structure, and history, the Secretary of Defense also reached the conclusion that CSRT determinations under existing rules are dispositive of Military Commission jurisdiction. That interpretation of the statute—embodied in implementing regulations promulgated at the behest of Congress—is worthy of the Military Judge's deference, and the Military Judge should grant reconsideration to address that interpretation under the appropriate legal standard.

a. The Military Commission has authority to determine jurisdiction over the accused and should permit the Prosecution to present evidence to establish jurisdiction.

The Prosecution believes that the Military Judge should reconsider his dismissal of the proceedings so that they may be reopened and the Prosecution permitted to present evidence directly to the Military Judge that the accused meets the elements of the term “unlawful enemy combatant” in section 948(a)(1)(A)(i). As suggested in the Military Judge's corrected order of 8 June 2007, the Military Judge has not previously decided that he lacked such authority: The Military Judge stated that “neither party asked the Court to hear the evidence and decide the question of the accused[‘s] status itself.” Corrected Opinion at 1.

Notwithstanding, the Military Judge received into evidence, for purposes of the Motion, a stipulated portion of Hamdan's CSRT record and an affidavit Hamdan executed at United States Naval Station: Guantanamo Bay, Cuba.⁹ The CSRT record states (in addition to finding Hamdan an enemy combatant¹⁰ and a member of, or affiliated with, Al Qaida forces¹¹) as follows:

...the detainee admits he served as a personal driver to Usama Bin Laden (UBL) both before and after the attacks of 11 September 2001; admits he served as a member of UBL's body guard detachment and armed himself with a weapon; and admits was captured by Northern Alliance forces in the vicinity of Kandahar in possession of a weapon.¹²

The facts contained in Hamdan's CSRT (recited above) establish him as al Qaeda and that his conduct purposefully and materially supported hostilities against the United States.¹³ Accordingly, the Military Judge need look no further than the “four corners” of Hamdan's CSRT to establish him as an unlawful enemy combatant under standard set forth in the MCA, 10 U.S.C. §948a(1)(A). Furthermore, the Military Judge's observation that “the accused's participation in the CSRT may well have been much different had he realized its finding would be used to impose criminal jurisdiction upon him before a

⁹ Defense Motion to Dismiss for Lack of Jurisdiction, Attachment A

¹⁰ Hamdan's CSRT, CSRT Decision Report Cover Sheet.

¹¹ Id.

¹² Hamdan's CSRT, Unclassified Summary of Basis for Tribunal Decision, pg 1.

¹³ 10 U.S.C. §948a(1)(A)(i).

Military Commission”¹⁴ is not supported by the facts contained in Hamdan’s CSRT which states in part, “the detainee participated actively in the Tribunal process.”¹⁵

The Prosecution wishes to make its position clear and asks that the Military Judge hear such evidence and to make the requisite decision. As we explain below, the Military Judge has ample authority to do so, and, indeed, the course requested by the Prosecution is required by the MCA.

The MCA authorizes the Secretary of Defense to try alien “unlawful enemy combatants” for violations of the law of war and other offenses triable under the Act. The statute expressly provides two independent definitions of the term “unlawful enemy combatant.” *See* 10 U.S.C. § 948a(1)(A). First, “a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces).” 10 U.S.C. § 948a(1)(A)(i). Second, “a person who, before, on, or after the date of enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.” *Id.* 948a(1)(A)(ii).

These two alternative definitions are separated in the statutory text by the word “or,” thus making clear that they provide separate bases for Military Commission jurisdiction. The Rules for Military Commissions (“RMC”) likewise set out these two alternative routes for designating an accused as an “unlawful enemy combatant.” *See* RMC 103(24).

In other words, Congress unequivocally provided that an accused may be determined to be an unlawful enemy combatant either (i) through a factual showing to the Military Commission that the accused has “engaged in hostilities or purposefully and materially supported hostilities” or, in the current conflict, is part of the Taliban, al Qaeda or associated forces, or (ii) through a showing of the fact of an administrative determination of such status by a CSRT or “other competent tribunal.” The statutory word “or” makes sense only if the Military Judge has the ability to make a determination of jurisdiction based on a showing of fact by the prosecution, in the absence of a controlling determination by an administrative tribunal.

The importance of the first method of establishing Military Commission jurisdiction is shown by the fact that the MCA is not limited to the detainees at Guantanamo who have received CSRT hearings. Rather, the Military Commission scheme created by that statute also covers all aliens who meet the definition set out in subsection (i) of 948a(1)(A). The Secretary of Defense recognized this point in the official notes to the Commission Rules, stating that “[t]he M.C.A. does not require that an individual receive a status determination by a C.S.R.T. or other competent tribunal before the beginning of a military commission proceeding.” *See* RMC 202(b). In such cases, if

¹⁴ Trial Court’s *Decision and Order*, 4 June 2007, pg 3.

¹⁵Hamdan’s CSRT, Unclassified Summary of Basis for Tribunal Decision, pg 1.

the Commission's jurisdiction is challenged, the Military Judge must render a ruling on whether the accused, as a threshold matter, meets the subsection (i) definition. Thus, Military Judges, acting for the Commission, can at the outset render a determination whether the Prosecutor's submissions establish the facts to meet the subsection (i) definition. As the Commission Rules explain, however, "[a] military commission always has jurisdiction to determine whether it has jurisdiction." RMC 201(b)(3). That the Secretary of Defense in promulgating the Manual for Military Commissions interpreted the MCA to permit the Military Judge to determine the Commission's jurisdiction is important. It is an interpretation by the agency charged by Congress to implement the statute and thus may be overruled only if it is plainly contrary to the text of the statute or unreasonable.¹⁶

Even if this Commission were to conclude that it lacks authority to make this determination under the definition in section 948a(1)(A)(i), the Commission clearly qualifies as a "competent tribunal" within the meaning of the MCA and thus may make this determination under section 948a(1)(A)(ii).¹⁷ Accordingly, the Military Judge is fully authorized by section 948a(1)(A) to hear evidence from the Prosecution either under subsection (i) of that section, or under subsection (ii) as a "competent tribunal."

In this way, the decision of a Combatant Status Review Tribunal, or of "another competent tribunal," serves as a safe harbor for establishing the jurisdiction of the Commission. That the Commission could directly determine its jurisdiction is crucial to the structure of the MCA, which was designed to govern the trial of war criminals not only in the current armed conflict with al Qaeda but also in future armed conflicts in which Combatant Status Review Tribunals might not be held. *See* 152 Cong. Rec. S10354-02, S10403 (Sept. 28, 2006) (statement of Sen. Cornyn) (discussing the premise of the MCA that "we do not want to force the military to hold CSRT hearings forever, or in all future wars"); 152 Cong. Rec. 10243-01, S10268 (Sept. 27, 2006) (statement of Sen. Kyl) (same).

We note that it is perfectly normal for a court or tribunal to exercise jurisdiction in order first to determine its own jurisdiction. *See Cargill Ferrous Intern. v. SEA PHOENIX MV*, 325 F.3d 695, 704 (5th Cir. 2003) ("A bedrock principle of federal courts is that they have jurisdiction to determine jurisdiction"); *Nestor v. Hershey*, 425 F.2d 504 (D.C. Cir. 1969) ("we always have jurisdiction to determine our jurisdiction"). *See also United States v. Mine Workers*, 330 U.S. 258, 291 (1947); *United States v. Harmon*, 63 M.J. 98, 101 (C.A.A.F. 2006); and *United States v. Melanson*, 53 M.J. 1, 2 (C.A.A.F. 2000) ("When an accused contests personal jurisdiction on appeal, we review that question of law de novo, accepting the military judge's findings of historical facts unless they are clearly erroneous or unsupported in the record."). In the federal court system,

¹⁶ *See Chevron U.S.A., Inc. v. Natural Res. Def. Council, Inc.*, 467 U.S. 837, 843-44 (1984) *infra*.

¹⁷ *Hamdan v. Rumsfeld*, 415 F.3d 33, 43 (D.C. Cir. 2005), *rev'd on other grds*, 126 S.Ct. 2749 (2006). "We therefore see no reason why Hamdan could not assert his claim to prisoner of war status before the military commission at the time of his trial and thereby receive the judgment of a "competent tribunal" within the meaning of Army Regulation 190-8."

facts are often critical to establishing or removing jurisdiction. In civil cases, whether examining jurisdiction *sua sponte* or in adjudicating a motion to dismiss under Rule 12(b)(1) of the Federal Rules of Civil Procedure, a court may rely on the facts as pled by the plaintiff or “may consider and weigh evidence outside the pleadings to determine if it has jurisdiction.” *Gould Electronics Inc. v. United States*, 220 F.3d 169, 178 (3d Cir. 2000). Similarly, courts in civil cases render factual findings to determine whether the facts oust the courts jurisdiction. *See, e.g., Argaw v. Ashcroft*, 395 F.3d 521, 523 (4th Cir.2005) (“We have jurisdiction, however, to determine whether the facts that would deprive us of jurisdiction are present.”). Courts in criminal cases similarly examine factual submissions to determine whether the court may exercise criminal jurisdiction over an accused. *See, e.g., United States v. Anderson*, 472 F.3d 662, 666-67 (9th Cir. 2006). Likewise, here, the Military Judge can and should determine personal jurisdiction over the accused based on the facts set forth by the Prosecution.

The Prosecution is fully prepared to make a presentation of evidence that would clearly establish jurisdiction over the accused. The facts to be presented would be more than sufficient to allow the Commission to hold that Hamdan satisfies the MCA’s definition of unlawful enemy combatant and thereby establish jurisdiction over the accused. The Military Judge should grant reconsideration and reopen the proceedings so that the jurisdictional presentation contemplated by the MCA may proceed.

b. The Military Judge also should reconsider the ruling that personal jurisdiction over the accused here is not sufficiently established based upon the CSRT ruling in accused’s case.

As explained above, the Prosecution is prepared to demonstrate, directly to the Military Judge, that the elements of “unlawful enemy combatant” status in section 948a(1)(A)(i) are satisfied. The Prosecution, nevertheless, disagrees with the Court’s decision that jurisdiction had not been established through the second, independent path for such a finding, under section 948a(1)(A)(ii) of the MCA. When several key features of the Act’s text, structure and history are considered, a CSRT determination of “unlawful enemy combatant” status, under the standard in existence at the time of the MCA’s enactment, is properly interpreted to establish jurisdiction under section 948(a)(1)(A)(ii) and section 949d(c).

In enacting MCA section 948a(1)(A)(ii), Congress understood that CSRT determinations made “before” the date of enactment of the MCA would satisfy the Act’s requirements and would permit a detainee found to be an “unlawful enemy combatant” to be charged before a military commission, even though the CSRTs did not employ the definition set out in section 948a(1)(A)(i). The CSRT process does not render formal “unlawful enemy combatant” determinations. Rather, the determination of the CSRT is whether the alien detainee is an “enemy combatant.” The CSRT process allows the detainee to contest his designation as an “enemy combatant,” which is defined for the purpose of the CSRT process, as:

[A]n individual who was part of or supporting Taliban or al Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who has committed a belligerent act or has directly supported hostilities in aid of enemy armed forces.

The definition of “enemy combatant” employed by the CSRT extends only to individuals who are “part of or supporting” unlawful military organizations, namely, “Taliban or al Qaeda forces, or associated forces.” On 7 February 2002, the President determined that members of al Qaeda and the Taliban were not lawful combatants. Congress was well aware of that fact, and recognized in enacting section 948a(1)(A)(ii) that a finding by the CSRT process that an individual is an “enemy combatant,” given the Presidential determination, is actually a finding that the individual is an “unlawful enemy combatant” under the law of war. *See* RMC 202 discussion note reference (b). Congress’s incorporation of the President’s interpretation is not surprising: It is beyond dispute that the terrorist organization responsible for the deaths of nearly 3,000 Americans on September 11th is engaged in hostilities that are unlawful.

Moreover, Congress was aware of the CSRT definition when it enacted the MCA and nonetheless expressly provided that the CSRT determination would render a detainee an “unlawful enemy combatant” under section 948a(1)(ii). Under the DTA, the Secretary of Defense was required to and did report the CSRT procedures to Congress, three months before the enactment of the Military Commissions Act. *See* DTA § 1005(a)(1)(A). Nevertheless, Congress deemed those historical CSRT determinations sufficient to establish military commission jurisdiction. If the Military Judge’s interpretation of the statute were correct, Congress’s inclusion of CSRT determinations “before [or] on . . . the date of the enactment of the Military Commissions Act of 2006” would be a nullity. As the Supreme Court has recognized, to “read” a term “out of the statute . . . would violate basic principles of statutory interpretation.” *New York State Conf. of Blue Cross & Blue Shield Plans v. Travelers Ins. Co.*, 514 U.S. 645, 661 (1995). To claim that CSRT determinations under the existing and known “enemy combatant” standard—to which a large and essentially closed class of detainees were subject at the time of the MCA’s enactment—do not establish military commissions jurisdiction would be to render section 948(a)(1)(A)(ii) of the statute’s reference to the prior CSRTs wholly inexplicable. Thus, the CSRT determination that an individual is an “enemy combatant,” should constitute a determination that the individual is an unlawful enemy combatant for purposes of 10 U.S.C. § 948a(1)(A)(ii).

There is another independent ground for reconsideration. The Manual for Military Commissions—containing rules and procedures governing this Commission issued by the Secretary of Defense—adopted the interpretation of the statute we urge here today. The Manual analyzed the Combatant Status Review Tribunal standard at the time of the MCA’s enactment and provided that, due to the prior determination of the United States “that members of al Qaeda and the Taliban are unlawful combatants,” CSRT decisions before the MCA’s enactment would suffice to establish jurisdiction. *See* RMC

202 discussion note reference (b).¹⁸ The Manual is an authoritative interpretation of the MCA, by the agency that Congress charged with the statute's implementation, issued in the manner specified by that statute. See 10 U.S.C. 949a(a) (authorizing the Secretary of Defense to issue rules and procedures for military commissions under the MCA). As such, that interpretation is entitled to deference by the Commission; the interpretation may be set aside only if it is plainly contrary to the statute or unreasonable. See *Chevron U.S.A., Inc. v. Natural Res. Def. Council, Inc.*, 467 U.S. 837, 843-44 (1984); see also *Nat'l Cable & Telecomms. Ass'n v. Brand X*, 545 U.S. 967, 980-81 (2005) (*Chevron* applies where Congress delegated to the agency the authority to "prescribe such rules and regulations as may be necessary" to carry out a certain statute, and where the agency exercised its authority). The Military Judge's opinion, however, does not evaluate the Manual's resolution of this question under the required legal standard. The Commission should grant reconsideration to apply the correct legal standard.

The Prosecution also believes that reconsideration is warranted when two specific concerns raised by the Military Judge's opinion are addressed. First, the Military Judge found the President's determination to be incomplete because it held that "members of the Taliban were unlawful enemy combatants, and that the Geneva Conventions do not apply to al Qaeda because al Qaeda 'is not a High Contracting Party to Geneva.'" Corrected Opinion at 3. Thus, the Military Judge decided the President had not determined that al Qaeda failed the hallmarks of unlawful combatancy under Article 4 of the Third Geneva Convention. The President, however, accepted the legal determination of the Department of Justice that the Geneva Conventions do not apply to the conflict with al Qaeda, and members of al Qaeda "do not qualify as prisoners of war," because "among others reasons, al Qaeda is not a High Contracting Party." Nevertheless, the Department of Justice analysis accepted by the President explained at length why the stateless terrorist organization al Qaeda was even less suited for Article 4 status. See Memorandum for Alberto R. Gonzales, Counsel to the President, and William J. Haynes II, General Counsel of the Department of Defense, from Jay S. Bybee, Assistant Attorney General, Office of Legal Counsel, *Re: Application of Treaties and Laws to al Qaeda and Taliban Detainees* (Jan. 22, 2002) at 10. And that determination has not been the subject of dispute by the political branches during the enactment of the MCA. The Military Judge should grant reconsideration to revisit its interpretation of the President's 7 February 2002 order.

In any event, the MCA itself recognizes that being a "part of the Taliban, al Qaeda or associated forces"—*without more*—qualifies a person for "unlawful combatant

¹⁸ The Secretary of Defense in the Manual for Military Commissions was not alone in reaching this conclusion. The Convening Authority and its Legal Adviser also determined that the military commission had jurisdiction over Hamdan in this case: "Military commissions may try any offense under the M.C.A. or the law of war when committed by an alien unlawful enemy combatant before, on, or after September 11, 2001. 10 U.S.C. § 948d(a); R.M.C. 203. A Combatant Status Review Tribunal determined on 3 October 2004, that Hamdan is an enemy combatant and a member of or affiliated with al Qaeda. The M.C.A. defines such persons as unlawful enemy combatants. 10 U.S.C. § 948a(1). Finally, Hamdan is a citizen of Yemen and not of the United States. Therefore, it is my opinion that a military commission has both *in personam* and subject matter jurisdiction over the accused." Pretrial Advice, pg. 2, Allied Papers.

status. 10 U.S.C. § 948a(1)(A)(i). Imbedded in that statutory text is a determination, bearing the direct force of law, that al Qaeda is an unlawful organization. The MCA itself makes this assessment organization by organization. Thus, contrary to the June 4 order, the MCA does not require more individualized assessment of unlawfulness. Corrected Order at 3.¹⁹ This is particularly clear in the case of the accused. The accused's CSRT of 17 October 2004 found that he was a member of al Qaeda. There can be no doubt, based on a careful reading of his CSRT record, coupled with the President's determination that all al Qaeda operatives are unlawful enemy combatants, that the accused is an unlawful enemy combatant

Second, the Military Judge expressed a concern that "the accused's participation in the CSRT may well have been much different had he realized its finding would be used to impose criminal jurisdiction upon him before a Military Commission"²⁰ This concern is not a proper basis for rejecting Congress's express decision to include the determination of previously conducted CSRTs within section 948a(1)(A)(ii). Obviously, there is no way to know now if the accused would have taken a different approach before his CSRT. The fact remains, however, that his CSRT made a determination of Hamdan's al Qaeda membership, and that Congress plainly deemed such decisions to be a proper basis for Military Commission jurisdiction.

8. Oral argument. The Prosecution does not request oral argument.
9. Witnesses. None.
10. Certificate of conference. Not applicable.
11. Additional information. None.

¹⁹ In this regard, the combination of the CSRT standards and the President's determination provides the level of individualized attention contemplated by Congress. The President determined that members of al Qaeda were "unlawful combatants," leaving it to the CSRT to find, based on the particularized facts of the case, whether or not the accused was an al Qaeda member, which he plainly is. Hamdan's CSRT, Unclassified Summary of Basis for Tribunal Decision, pg 1. The CSRT record states that the accused "admits he served as a personal driver to Usama Bin Laden (UBL) both before and after the attacks of 11 September 2001; admits he served as a member of UBL's body guard detachment and armed himself with a weapon; and admits he was captured by Northern Alliance forces in the vicinity of Kandahar in possession of a weapon." Hamdan's CSRT, Unclassified Summary of Basis for Tribunal Decision, pg 1.

²⁰ Trial Court's *Decision and Order*, 4 June 2007, pg 3.

12. The Prosecution respectfully requests the Military Judge reconsider his ruling and deny the Defense's Motion to Dismiss for Lack of Personal Jurisdiction. In the alternative, the Prosecution requests the opportunity to present additional evidence to establish jurisdiction.

A handwritten signature in black ink, appearing to read 'W B Britt', with a long, sweeping flourish extending upwards and to the right.

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