

UNITED STATES OF AMERICA

v.

SALIM AHMED HAMDAN

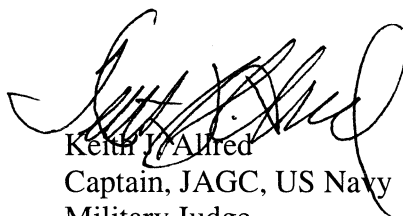
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**RULING ON MOTION
FOR RECONSIDERATION AND
RESENTENCING**

29 October 2008

The Prosecution has moved this Commission to reconsider its decision to grant credit for detention served before trial; to reassemble the members in Guantanamo Bay; to instruct the members that the accused is not entitled to credit for any time spent in detention prior to trial, and to send them back to deliberate again on the sentence. The Prosecution assures the Commission and the Defense that it will not seek a sentence longer than the 66 months already imposed by the members. The Defense opposes the motion, arguing that the Commission's decision to grant credit was not erroneous, that the Government has waived any objection to the Commission's instructions, that the members reached the sentence they reached with the full understanding that the accused would be given credit for 61 months of pre-trial detention, and that in any event, the members should not be recalled to reconsider a sentence that was imposed more than two months ago.

The commission has read the briefs filed and cases cited by the parties, and reviewed the transcript of the sentencing proceedings. The Prosecution motion to reconsider, reassemble, reinstruct and re-announce a sentence is DENIED.



Keith J. Alfred
Captain, JAGC, US Navy
Military Judge