

**IN THE UNITED STATES NAVY-MARINE CORPS  
COURT OF CRIMINAL APPEALS**

UNITED STATES,	)	INTERLOCUTORY APPEAL BY THE
Appellant	)	UNITED STATES
	)	
v.	)	
	)	Case No. 200800299
Jeffrey R. CHESSANI	)	
Lieutenant Colonel (O-5)	)	
U.S. Marine Corps,	)	
Appellee	)	

**TO THE HONORABLE, THE JUDGES OF THE UNITED STATES  
NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS**

COMES NOW the United States and respectfully gives notice to the Court that the representative of the Government designated by the Judge Advocate General has elected to file an appeal on behalf of the United States in the above-captioned case. At an Article 39(a), Uniform Code of Military Justice, session on June 17, 2008 at 1000 hours, the Military Judge made findings of fact and conclusions of law on the Defense Motion to Dismiss for unlawful command influence, and granted the Motion, dismissing all charges and specifications without prejudice. On June 18, 2008 at 1500 hours, Trial Counsel provided the Military Judge with written notice of the Government's intent to seek an interlocutory appeal of the court's ruling under Article 62, UCMJ, and Rule for Court's-Martial 908, Manual for Courts-Martial, United States (2007 ed.). Appendix A.

In accordance with R.C.M. 908(b)(6), the Government has included the authenticated record of proceedings as Appendix B.

Pursuant to Rule 4-6(c) of this Court's Rules of Practice and Procedure, the Government will file its supporting brief by July 28, 2008 and the brief shall include those matters listed in N-M. Ct. Crim. App. Rule 4-6(d).



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#### **Appendix**

- A. Appellant's R.C.M. 908 Notice of Appeal of June 18, 2008.
- B. Authenticated Record of Proceedings.
- C. Charge Sheet of December 21, 2006.
- D. Additional Charge Sheet of October 19, 2007.
- E. Staff Judge Advocate's Article 34, UCMJ, Pretrial Advice ltr of August 30, 2007 (w/ enclosures 1-6)
- F. Defense Motion to Dismiss of April 1, 2008.
- G. Government Response to Defense Motion to Dismiss for UCI of April 9, 2008.
- H. Military Judge's Preliminary Ruling on Defense Burden for UCI of May 20, 2008.

**Certificate of Filing and Service**

I certify the foregoing was delivered to the Court and filed electronically in CMTIS pursuant to N-M. Ct. Crim. App. Rule 4-1(b), with copies served upon:

- 1) Mr. Robert J. Muise  
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on this 8th day of July 2008.



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