

UNITED STATES NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS

UNITED STATES  
Appellant

NMCCA NO. 200800299

v.

Government Appeal

Jeffrey R. Chessani  
Lieutenant Colonel (O-5)  
U. S. Marine Corps  
Appellee

O R D E R

Upon consideration of the Government's Motion for *En Banc* Reconsideration, filed on 16 April 2009, the appellee's Motion for Leave to File Out of Time and Reply to Motion for *En Banc* Reconsideration, both filed on 28 April 2009, and the record of trial, it is, by the Court, this 29th day of April 2009,

**ORDERED:**

1. That the appellee's Motion for Leave to File Out of Time is granted.
2. That the Appellant's Motion for *En Banc* Reconsideration of our decision of 17 March 2009 is denied.
3. That the Appellant's Motion for Reconsideration by Panel One of this Court is denied. See N.M.Ct.CRIM.APP. RULE 6-1c.

For the Court

R.H. TROIDL  
Clerk of Court  
29 Apr 2009

Copy to:  
NMCCA (71)  
Civilian Defense Counsel (Mr. Muise)  
45 (Capt Kilian)  
46 (LT Timothy Delgado)  
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