



UNITED STATES COURT
OF
MILITARY COMMISSION REVIEW

Before
D. O'Toole, C. Thompson, D. Conn, and B. Brand

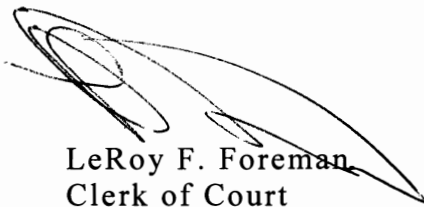
UNITED STATES)	
)	
)	
Appellee)	RESPONSE TO APPELLANT'S
)	MOTION TO RECUSE
v.)	
)	
SALIM AHMED HAMDAN)	CMCR CASE NO. 09-002
)	
Appellant)	DATE: 16 September 2010
)	

On 15 September 2010, counsel for Ali Hamza Ahmad Suliman al Bahlul filed a motion requesting that Acting Chief Judge O'Toole, who also serves as the Chief Judge of the Department of the Navy, recuse from exercising his departmental role as the reporting senior for Judge Eric Price.

Judge Advocate General Notice (JAG Note) 5450 of 24 May 2010 specifically anticipates the service of the Chief Judge of the Department of the Navy on the United States Court of Military Commission Review, and provides that the Judge Advocate General will be the reporting senior for any judge for whom there is a rating conflict with the Chief Judge. Pursuant to the referenced JAG Note, Acting Chief Judge O'Toole has never served as the reporting senior for any judge assigned to the United States Court of Military Commission Review. The Judge Advocate General remains the reporting senior for all Department of the Navy appellate judges assigned to the United States Court of Military Commission Review.

ORDERED, the motion is DENIED as moot.

FOR THE COURT:



LeRoy F. Foreman
Clerk of Court

Copy to:
Convening Authority, OMC
Judges Listed
Appellate Counsel