

UNITED STATES NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

v.

Kenneth G. PARKER  
Lance Corporal (E-3)  
U. S. Marine Corps

Appellant

NMCCA No. 9501500

GENERAL COURT-MARTIAL

O R D E R

By Order dated 31 August 2010, this Court returned the record of *DuBay* Hearing in this case to the Judge Advocate General for remand to an appropriate convening authority to order a new *DuBay* hearing for the limited purpose of establishing the nature and extent of the personal contact between Judge Dunn and the Government expert in this case, Dr. Roger Moore, outside the presence of the parties during the period April 2010 to August 2010. In addition to providing guidance on the goals of the hearing, the Court requested that the Chief Judge, Navy-Marine Corps Trial Judiciary make an experienced military judge available to the convening authority so that the hearing may be conducted within 30 days of the date of this Order, and the record, to include the military judge's findings of fact and conclusions of law, can be delivered to the Court on or before 15 October 2010.

On 10 September 2010, the Government filed a joint Motion for En Banc Reconsideration and Motion to Stay. The appellant filed a joint opposition to the Motion for En Banc Reconsideration and Consent to Motion to Stay. On 28 September the Government a Motion for Expedited Review En Banc.

After considering the pleadings of the parties and the record of trial, it is, by the Court, this 29th day of September 2010,

ORDERED:

1. That the Government's Motion for En Banc Reconsideration is denied.
2. That the Government's Motion to Stay is denied.

ENCLOSURE (1)

3. That the Government's Motion for Expedited Review En Banc is denied as moot.

4. That the Chief Judge, Navy-Marine Corps Trial Judiciary is requested to make an experienced military judge available to the convening authority so that the hearing may be conducted within 14 days of the date of this Order, and the record, to include the military judge's findings of fact and conclusions of law, can be delivered to the Court on or before 29 October 2010.

For the Court

R.H. TROIDL  
Clerk of Court  
29 September 2010



Copy to:

NMCCA (51.2)

Code 45 (Maj Sripinyo)

Code 46 (Mr. Keller)

Code 02

Code 05

~~Code 52~~