

**United States Court of Appeals
for the Armed Forces
Washington, D.C.**

United States,
Appellee

USCA Dkt. No. 20-0284/AR
Crim.App. No. 20180611

v.

ORDER

Gary
Hemmingsen,
Appellant

On consideration of Appellant's petition for grant of review of the decision of the United States Army Court of Criminal Appeals, Appellant's motion for appropriate relief, and motions to file amicus curiae briefs on behalf of Interested Military Justice Practitioners and the National Institute of Military Justice, it is, by the Court, this 15th day of September, 2020,

ORDERED:

That said petition is hereby granted on the following issues:

WHETHER APPELLANT IS ENTITLED TO SENTENCE RELIEF FOR THE UNREASONABLE 322-DAY POST-TRIAL PROCESSING DELAY BETWEEN SENTENCING AND INITIAL ACTION.

WHETHER THE DETAILED APPELLATE DEFENSE COUNSEL'S FAILURE TO ASSIGN ANY ERRORS TO THE ARMY COURT DENIED APPELLANT THE EFFECTIVE ASSISTANCE OF COUNSEL.

That the motion for appropriate relief is denied as moot;

That the motions to file amicus curiae briefs are granted; and

That the decision of the United States Army Court of Criminal Appeals is set aside. The record of trial is returned to the Judge Advocate General of the Army for remand to that court for a new review and consideration of the aforementioned issues under Article 66, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 866 (2012). Thereafter, Article 67, UCMJ, 10 U.S.C. § 867 (2012) shall apply.

For the Court,

/s/ Joseph R. Perlak
Clerk of the Court

cc: The Judge Advocate General of the Army
Appellate Defense Counsel (Cassara)
Appellate Government Counsel (Williams)