

**UNITED STATES OF AMERICA,**  
Appellant,

v.

**OMAR AHMED KHADR**  
a/k/a "Akhbar Farhad"  
a/k/a "Akhbar Farnad"  
a/k/a "Ahmed Muhammed Khali,"  
Appellee.

**IN THE COURT OF MILITARY COMMISSION  
REVIEW**

Case No. \_\_\_\_\_

Interlocutory Appeal from the 14 Aug. 2008 Ruling of  
the Military Judge on the Government Motion for  
Reconsideration, D019 and D047, Ruling on Defense  
Motion to Strike Surplus Language from Charge III

Presiding Military Judge Col. Patrick A. Parrish

### **NOTICE OF APPEAL**

Notice is hereby given that the UNITED STATES OF AMERICA hereby appeals to the United States Court of Military Commission Review from the Ruling ("Military Commission Ruling") of the Military Judge denying in part the Government Motion for Reconsideration of D019 Ruling on Defense Motion to Strike Surplus Language from Charge III (Conspiracy) and D047 Ruling on Defense Special Request for Relief in Light of the Commission's Ruling on D019 to Strike Surplus Language from Charge III. This interlocutory appeal of the dismissal of a charge or specification is taken pursuant to 10 U.S.C. § 950d(a)(1)(A) and Rule for Military Commissions ("R.M.C.") 908(a)(1).

The Military Commission Ruling was entered on 14 August 2008 at 14:58, and this Notice of Appeal is timely filed within the five days specified in Court of Military Commission Review Rule of Practice ("C.M.C.R.R.") 14(c)(1), R.M.C. 908(b)(7) and Regulation for Trial by Military Commissions 25-5(f). This Notice of Appeal is hereby provided to the Military Judge and to detailed military defense counsel for OMAR AHMED KHADR in accordance with the above rules. Trial counsel hereby certifies, in accordance with Regulation for Trial by Military Commissions 25-5(c), that this appeal is not taken for the purpose of delay. To the contrary, the United States asks this Court to expedite consideration of this appeal.

In accordance with C.M.C.R.R. 14(c)(1), the Government will file its brief with the Court of Military Commission Review within 10 days of filing this Notice of Appeal. In accordance with that same rule, the Defense must file any answer within 10 days of receiving the Government brief, and any Government reply brief must be filed within five days of receiving the Defense brief and must be accompanied by a motion for leave to file under C.M.C.R.R. 14(k).

Upon completion of briefing, and in accordance with C.M.C.R.R. 22, the Government respectfully requests that this matter be calendared as soon as possible for oral argument before the Court of Military Commission Review, as a trial date of 8 October 2008 has already been set by the Military Judge.

**Submitted by:**



Jordan A. Goldstein  
U.S. Department of Justice

Jeffrey D. Groharing  
Major, U.S. Marine Corps

Keith A. Petty  
Captain, U.S. Army

John F. Murphy  
U.S. Department of Justice

Trial Counsel

**Certificate of Service**

I certify that a copy of the foregoing was e-mailed to Patrick A. Parrish, COL, JA,  
Military Judge at 12:00 on the 19th day of August 2008.

A handwritten signature in black ink, consisting of a stylized initial 'J' followed by a long horizontal line.

Jordan A. Goldstein  
U.S. Department of Justice  
Trial Counsel

**Certificate of Service**

I certify that a copy of the foregoing was e-mailed to William C. Kuebler, LCDR, JAGC, USN, Detailed Defense Counsel at 12:00 on the 19th day of August 2008.

A handwritten signature in black ink, appearing to read 'Jordan A. Goldstein', with a long horizontal line extending to the right.

Jordan A. Goldstein  
U.S. Department of Justice  
Trial Counsel