

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee

v.

Master Sergeant (E-8)
ANDREW D. STEELE
United States Army
Appellant

**REFILE-SECOND MOTION FOR
SUPPLEMENTAL CITATION OF
AUTHORITY**

Docket No. ARMY 20170303

Tried at Joint Base Lewis-McChord, Washington, on 2 March, 21 April, 16-19 May, 4 October 2017, 23 January 2020, 3 April 2020, 8 September 2020, 25 September 2020, 21-23 October 2020, before a general court-martial appointed by Commander, Headquarters, 7th Infantry Division, Colonel J. Harper Cook and Lieutenant Colonel Matthew Fitzgerald, Military Judges, presiding over sentence rehearing.

COMES NOW the undersigned appellate defense counsel, under Rule 23.4 of this court's Rules of Appellate Procedure, and move to file the supplemental citation of authority in the above-captioned case.

United States v. Steele, 79 M.J. 267, 2019 CAAF LEXIS 717 (C.A.A.F. 2019) is the Court of Appeals for the Armed Forces' [CAAF] rejection of appellant's supplement to the petition. In the supplement referenced by CAAF's ruling, appellant asks for consideration of the unconstitutional vagueness of Article 120c. The CAAF found the issue not yet ripe due to the pendency of his sentencing rehearing.

Per the court's rules, the original motion was filed five business days prior to argument. Out of an abundance of caution, appellant directs this court's attention to the CAAF ruling.

PANEL NO. 4

REFILE SECOND MOTION FOR
SUPPLEMENTAL
CITATION OF AUTHORITY

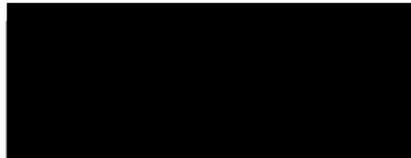
GRANTED:  _____

DENIED: _____

DATE: 25 MAR 2022



LAUREN M. TEEL
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division



IAN P. SMITH
Captain, Judge Advocate
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Defense Appellate Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army Court and Government Appellate Division on March 24, 2022.



MELINDA J. JOHNSON
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