

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
BROOKHART, WALKER, and PENLAND
Appellate Military Judges

UNITED STATES, Appellee
v.
Private E1 ABBIE S. CRUZ
United States Army, Appellant

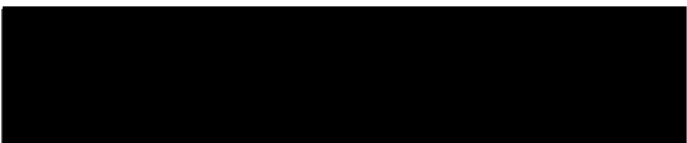
ARMY 20200389

ORDER

On consideration of appellant's "Motion for Reconsideration and Motion for Reconsideration by the Court *En Banc*," filed 17 March 2022, the suggestion for *en banc* reconsideration was not adopted by the Court.* Appellant's motion for reconsideration is GRANTED without vacating our previous decision in this case. After reconsideration, we adhere to our decision and vote in *United States v. Cruz*, ARMY 20200389 (Army Ct. Crim. App. 23 Feb. 2022) (mem. op.).

DATE: 12 April 2022

FOR THE COURT:


JAMES W. HERRING, JR.
Clerk of Court

CF: JALS-DA JALS-CR3
JALS-GA JALS-CRZ

* The court's rejection of *en banc* reconsideration was not unanimous. Senior Judge WALKER and Judge PENLAND voted in favor of an *en banc* reconsideration.