

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
FLEMING, HAYES, and PARKER
Appellate Military Judges

UNITED STATES, Appellee
v.
Sergeant LANCE E. COLBERT
United States Army, Appellant

ARMY 20200259

ORDER

WHEREAS:

On 17 May 2022 this court ordered a post-trial hearing pursuant to *United States v. DuBay*, 17 U.S.C.M.A. 147, 37 C.M.R. 411 (1967), to resolve material inconsistencies in the post-trial affidavits. As part of that order, this court ordered that neither appellee nor appellant will submit any briefs to this court after the *DuBay* hearing is completed without either an order by this Court directing they do so or this Court granting a motion to file additional briefs. The record of the *DuBay* hearing has been returned to this court.

NOW THEREFORE, IT IS ORDERED:

Appellant may file a supplemental brief addressing, in light of the findings of the *DuBay* hearing, Assignment of Error I. Appellant's brief, if any, shall be filed with this Court no later than fourteen days from the issuance of this order. Should appellant file a brief, appellee may file a reply no later than seven days after appellant's brief.

DATE: 18 November 2022

FOR THE COURT:



JAMES W. HERRING, JR.
Clerk of Court

CF: JALS-DA JALS-GA
JALS-TJ JALS-CCR
JALS-CR2