

**WAIVER/WITHDRAWAL OF APPELLATE RIGHTS IN MILITARY COMMISSIONS TRIALS
SUBJECT TO REVIEW BY THE COURT OF MILITARY COMMISSION REVIEW**

NOTE: See R.M.C. 1201 concerning which cases are subject to review by the Court of Military Commission Review. See R.M.C. 1110 concerning waiver or withdrawal of appellate review.

~~I have read the attached action dated _____~~

I have consulted with PAUL BECHLER, CIVILIAN DEFENSE COUNSEL, my ~~(appellate) (associate) (substitute)~~ defense counsel concerning my appellate rights and I am satisfied with his/her advice.

I understand that:

1. If I do not waive or withdraw appellate review -
 - a. My Military Commission trial will be reviewed by the Court of Military Commission Review.
 - b. The Court of Military Commission Review will review the findings and sentence in my case for errors of law.
 - c. After review by the Court of Military Commission Review, my case could be reviewed for legal error by the United States Court of Appeals for the District of Columbia Circuit, on petition by me.
 - d. If the Court of Appeals reviews my case, my case could be reviewed for legal error by the United States Supreme Court on petition by me.
 - e. I have the right to be represented by military counsel, at no cost to me, or by civilian counsel, at no expense to the United States, or both, before the Court of Military Commission Review, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court.
2. If I waive or withdraw appellate review -
 - a. My case will not be reviewed by the Court of Military Commission Review, or be subject to further review by the Court of Appeals for the District of Columbia Circuit, or by the Supreme Court under 28 U.S.C. 1259.
 - b. I may petition the Convening Authority for a new trial under R.M.C. 1210 on the ground of newly discovered evidence or fraud on the military commission. Such a petition must be filed within 2 years of the convening authority's approval of the sentence.
 - c. A waiver or withdrawal, once filed, cannot be revoked, and bars further appellate review.

Understanding the foregoing, I (waive my rights to appellate review) ~~(withdraw my case from appellate review)~~. I make this decision freely and voluntarily. No one has made any promises that I would receive any benefits from this waiver/~~withdrawal~~, and no one has forced me to make it.

Ibrahim al Qosi

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ISN NUMBER OF ACCUSED (LAST FOUR)

8/11/10

DATE

MC Form 2330, FEB 07

Figure 24.1 Waiver/Withdrawal of Appellate Rights

STATEMENT OF COUNSEL

(Check appropriate block)

- 1. I represented the accused at his/~~her~~ military commission trial.
- 2. I am associate appellate counsel detailed under R.M.C. 1110(b). I have communicated with the accused's (detailed) (civilian) defense counsel concerning the accused's waiver/withdrawal and discussed this communication with the accused.
- 3. I am substitute counsel detailed under R.M.C. 1110(b).
- 4. I am a civilian counsel whom the accused consulted concerning this matter. I am a member in good standing of the bar of _____
- 5. I am appellate defense counsel for the accused.

I have advised the accused of his/her appellate rights and of the consequences of waiving or withdrawing appellate review. The accused has elected to (waive) (withdraw) appellate review.

PAUL S. REICHLER

TYPED NAME OF COUNSEL

FOLEY HOAG LLP

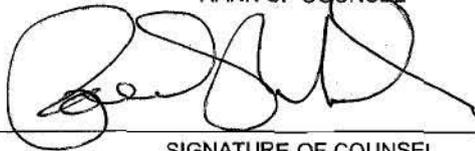
UNIT OF COUNSEL

CIVILIAN DEFENSE COUNSEL

RANK OF COUNSEL

1875 K ST, NW, WASH, D.C. 20006

BUSINESS ADDRESS (If Civilian Counsel)



SIGNATURE OF COUNSEL

11-AUG-2010

DATE