

**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA**

UNITED STATES OF AMERICA

v.

**ABD AL RAHIM HUSSAYN
MUHAMMAD AL NASHIRI**

AE 458CC

Government Notice
Pursuant to AE 458 Regarding
In re Al-Nashiri, No. 23-002
(U.S.C.M.C.R.)

20 April 2023

1. Notice

Pursuant to AE 458 Trial Conduct Order, the Government notifies the Commission that, on 18 April 2023, the U.S. Court of Military Commission Review entered an order. *See* Attach. B.

2. Attachments

- A. Certificate of Service, dated 20 April 2023.
- B. Order: Replace Panel Member, *In re Al-Nashiri*, No. 23-002 (U.S.C.M.C.R. Apr. 18, 2023).

Respectfully submitted,

//s//

Michael J. O'Sullivan
Trial Counsel

John B. Wells
Managing Assistant Trial Counsel

Edward Ryan
James M. Garrett, LTC, JA, USA
Keven P. Schreiber, LCDR, JAGC, USN
Michael D. Ross, MAJ, JA, USA
Stephen J. Romeo, MAJ, JA, USA
Tess V. Schwartz, LT, JAGC, USN
Jonathan R. Danielczyk, Capt, JA, USAF
Assistant Trial Counsel

ATTACHMENT A

CERTIFICATE OF SERVICE

I certify that on the 20th day of April 2023, I filed AE 458CC, **Government Notice** Pursuant to AE 458 Regarding *In re Al-Nashiri*, No. 23-002 (U.S.C.M.C.R.), with the Office of Military Commissions Trial Judiciary and served a copy on counsel of record.

//s//

Michael J. O'Sullivan
Trial Counsel

ATTACHMENT B



**UNITED STATES
COURT OF MILITARY COMMISSION REVIEW**

| | | |
|----------------------------------|---|----------------------|
| Abd Al-Rahim Hussein Al-Nashiri, |) | ORDER |
| |) | |
| Petitioner |) | REPLACE PANEL MEMBER |
| |) | |
| v. |) | |
| |) | |
| United States, |) | April 18, 2023 |
| |) | |
| Respondent |) | CMCR Case No. 23-002 |

BEFORE:

**POLLARD, PRESIDING Judge
HOLIFIELD, MORRIS, Judges**

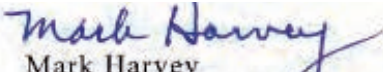
On April 7, 2023, Judge James E. Key III recused from participation in this case.

By order of Acting Chief Judge William B. Pollard III,¹ the judges assigned to the above captioned case are as follows:

| | |
|-----------------|------------------------|
| Presiding Judge | William B. Pollard III |
| Judge | Michael C. Holifield |
| Judge | LaJohnne A. Morris |

¹ Judge Pollard is the Acting Chief Judge for *United States v. Al Nashiri* and *United States v. Al Bahlul*. The Secretary of Defense appointed him on April 10, 2023, on the recommendation of then Deputy Chief Judge Scott Silliman to be Acting Chief Judge for these two cases. Also on April 10, on the recommendation of Chief Judge Lisa Schenck, the Secretary of Defense appointed Judge Natalie D. Richardson to be Deputy Chief Judge. Chief Judge Schenck previously recused herself from participation in the *Al Nashiri* and *Al Bahlul* cases. The Chief Judge, however, concluded it would be appropriate to make a recommendation for Deputy Chief Judge so long as Judge Richardson, if appointed, would not act in the Chief Judge’s stead on matters pertaining to *Al Nashiri* and *Al Bahlul*. See *United States v. Roach*, 69 M.J. 17, 19-21 (CAAF 2010); *Walker v. United States*, 60 M.J. 354, 357-59 (CAAF 2004).

FOR THE COURT:


Mark Harvey
Clerk of Court, U.S. Court of Military
Commission Review