

**UNITED STATES AIR FORCE
TRIAL JUDICIARY**

UNITED STATES)	GOVERNMENT’S RESPONSE TO
)	DEFENSE’S MOTION FOR A
v.)	CONTINUANCE
)	
FIRST LIEUTENANT PATRICK T. BURKE)	3 August 2011
9th Bomb Squadron (ACC))	
Dyess AFB, TX)	
)	

COMES NOW, the Government, by and through counsel, responding to Defense’s Motion for a Continuance pursuant to Article 40 of the Uniform Code of Military Justice and R.C.M. 906(b)(1).

FACTS

1. For purposes of this motion, the Government adopts the Defense recitation of facts set forth in paragraphs two (2) and three (3) of the Defense’s motion.


LAW

2. For purposes of this motion, the Government adopts the Defense recitation of law set forth in paragraph five (5) of the Defense’s motion.

CONCLUSION

3. The Government does not oppose the Defense request for a delay. Considering the pending appointment of Col David Benedek, the Defense’s need for assistance in properly investigating and/or preparing a defense of lack of mental responsibility, and the scheduling conflicts of both the Defense Counsel and their experts, the Government believes a short delay is necessary.

Respectfully submitted this 3rd day of August 2011.


DUSTIN B. KOUBA, Capt, USAF
Trial Counsel

CERTIFICATE OF SERVICE

I hereby certify that on 3 August 2011, I electronically filed the foregoing Government's Response to Defense's Motion for a Continuance with the Military Judge and with the Defense by email.



DUSTIN B. KOUBA, Capt, USAF
Trial Counsel