

**DEPARTMENT OF THE AIR FORCE  
UNITED STATES AIR FORCE TRIAL JUDICIARY**


|                         |                         |
|-------------------------|-------------------------|
| UNITED STATES           | )                       |
|                         | ) NOTICE OF APPEAL      |
| v.                      | )                       |
|                         | ) DATED 15 OCTOBER 2011 |
| 1ST LT PATRICK T. BURKE | )                       |
| 9TH BOMB SQUADRON (ACC) | )                       |
| DYESS AFB, TX           | )                       |
|                         | )                       |

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The Government respectfully files the following notice of Appeal, pursuant to UCMJ Art. 62 and Rule for Courts-Martial 908 (b).

1. The Government intends to appeal the order or ruling of the Military Judge that terminated the proceedings.
2. The Military Judge's ruling affects the charges and specifications.
3. The Government does not make this appeal for purposes of delay.
4. Before filing this notice, trial counsel has consulted with AFLOA/JAJG and the Staff Judge Advocate of the Convening Authority, as required by paragraph 8.15 of Air Force Instruction 51-201, *Administration of Military Justice*, dated 21 December 2007. Both the Convening Authority and his Staff Judge Advocate have approved this appeal.

Respectfully submitted,

  
DUSTIN B. KOUBA, Capt, USAF  
Trial Counsel

**CERTIFICATE OF SERVICE**

I certify that the Military Judge's ruling referenced above was issued at approximately 1500 hours on 13 October 2011. I caused a copy of this notice of appeal to be served, via electronic mail, at approximately 1700 hours on 15 October 2011, on the Military Judge, Lt Col Matthew Van Dalen, and Defense Counsel, Mr. Neal Puckett and Capt Ranae Doser-Pascual.

  
DUSTIN B. KOUBA, Capt, USAF  
Trial Counsel