

IN THE UNITED STATES NAVY-MARINE CORPS
COURT OF CRIMINAL APPEALS

Before Panel No. 2

UNITED STATES,)	APPELLEE'S MOTION FOR <i>EN</i>
Appellee)	<i>BANC</i> RECONSIDERATION
)	
v.)	Case No. 201800022
)	MOTION DENIED
Daniel H. WILSON,)	
Colonel (O-6))	AUG 12 2019
U.S. Marine Corps)	
Appellant)	United States Navy-Marine Corps Court of Criminal Appeals

United States Navy-Marine Corps
Court of Criminal Appeals

JUL 31 2019

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**TO THE HONORABLE JUDGES OF THE UNITED STATES
NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS**

Pursuant to Rule 27 of this Court's Rules of Practice and Procedure, the United States respectfully requests that this Court reconsider *en banc* the Panel Opinion in this case. The Appellate Government Division received a copy of the Panel Opinion on July 1, 2019. No other court has acquired jurisdiction.

Panel 2 set aside Appellant's conviction for abusive sexual contact with a child, finding the evidence was factually insufficient to support the conviction. *United States v. Wilson*, No. 201800022, 2019 CCA LEXIS 276 (N-M. Ct. Crim. App. Jul. 1, 2019). The Panel found the six-year-old Victim lacked credibility due to inconsistencies with regard to her out-cry, forensic interview, and in-court testimony. *Id.* at *43-46. The Panel determined that without "witnesses, physical evidence, or admissions of guilt by the appellant," it was not independently