UNITED STATES OF AMERICA )

) Response to Defense Motion to [Dismiss]

v. ) [Statute of Limitations]

)

SSgt John Q. Accused )

123 SFS (ACC) )

Current Base of Assignment ) XX November 20XX

**RESPONSE TO MOTION**

The Government respectfully requests you deny the Defense’s Motion to Dismiss Specification 1 of the Charge. Defense alleged the Accused’s conduct which occurred before the five year Statute of Limitations. The authority for this Motion is Article 43, U.C.M.J. and R.C.M. 907(b)(2)(B).

**FACTS**

1. [Procedural background of the case.]

2. [Contention of the victim about the dates the offenses occurred.

3. The sworn charges were received by the Summary Court-Martial Convening Authority on 9 Jan ##.

**LAW**

4.

5. [More law.]

6. [More law.]

**ARGUMENT**

7. .

8. In two recent cases, Army and Navy-Marine Corps trial judges have held . While not binding in Air Force courts-martial, their opinions are persuasive, particularly given the similarity to the present facts.

9. The Defense inaccurately argues.... However, ….

10. Based on the arguments articulated above, …. Consequently, the Defense motion should be denied.

**RELIEF REQUESTED**

11. The Government respectfully requests this Honorable Court deny the Motion to Dismiss Specification 1 of the Charge for violation of the applicable Statute of Limitations.

Respectfully Submitted,

TRIAL COUNSEL’S NAME, Capt, USAF

Trial Counsel

I certify that I have served a true copy (via e-mail) of the above on Judge (Name) and (Defense Counsel’s Name) on XX Nov XX.

TRIAL COUNSEL’S NAME, Capt, USAF

Trial Counsel