

**United States Court of Appeals
for the Armed Forces
Washington, D.C.**

United States,

Appellee

USCA Dkt. No. 20-0176/NA

Crim.App. No. 201600053

v.

Darrius D.

Upshaw,

Appellant

ORDER

On consideration of Appellee's motion to file a petition for reconsideration out of time of this Court's decision, *United States v. Upshaw*, __ M.J. __, (C.A.A.F. 2021), it is, by the Court, this 1st day of June, 2021,

ORDERED:

That the motion to file the petition for reconsideration out of time is hereby granted;

That the petition for reconsideration is hereby granted; and

That the decretal paragraph of the subject opinion is hereby modified to read, "The record is returned to the Judge Advocate General of the Navy. A rehearing is authorized."

For the Court,

/s/ David A. Anderson
Acting Clerk of the Court

cc: The Judge Advocate General of the Navy
Appellate Defense Counsel (Morgan III)
Appellate Government Counsel (Fiveson)