

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
PENLAND, HAYES, and MORRIS
Appellate Military Judges

UNITED STATES, Appellee
v.
Staff Sergeant JEFFERY L. BUHL
United States Army, Appellant

ARMY 20220660

ORDER

WHEREAS:

On 20 December 2022 a military judge sitting as a special court martial convicted appellant, contrary to his pleas, of extramarital sexual conduct. On 1 April 2022, appellant was acquitted of sexual assault at a General Court Martial. Appellant's 20 December 2022 conviction arises from the same set of facts and circumstances as the 1 April 2022 acquittal.

NOW THEREFORE, IT IS ORDERED:

On its own motion, this Court specifies the following issue:

I.

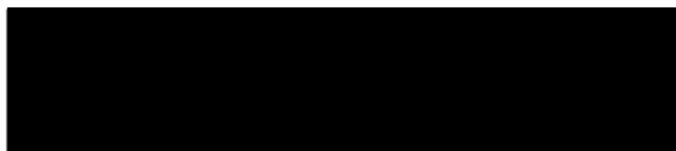
WHETHER APPELLANT'S SECOND COURT MARTIAL INVOLVING THE SAME FACTS AND CIRCUMSTANCES CONSTITUTED AN UNREASONABLE MULTIPLICATION OF CHARGES BASED ON PROSECUTORIAL OVERREACH, UNITED STATES V. QUIROZ, 55 M.J. 334 (C.A.A.F. 2001), IN LIGHT OF THE POLICY FROM THE DISCUSSION TO R.C.M. 906(b)(10) THAT ALL KNOWN OFFENSES SHOULD BE TRIED TOGETHER.

Appellant shall file a brief on the specified issue no later than seven days from the date of this order. Appellee shall file a responsive brief no later than seven days from the date of Appellant's brief. Appellant may file a reply brief no later than seven days after Appellee's reply brief.

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DATE: 6 September 2023

FOR THE COURT:



✓ JAMES W. HERRING, JR. ✓
Clerk of Court