

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
WALKER, POND, and PARKER
Appellate Military Judges

UNITED STATES, Appellee
v.
Private (E2) OSCAR A. BATRES,
United States Army, Appellant

ARMY 20220223

ORDER

WHEREAS:

On 15 March 2023, appellant filed his brief asserting two assignments of error, in addition to three errors personally raised by appellant pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982). On 13 July 2023, Appellee filed a brief in answer. On 17 July 2023, appellant filed his reply brief.

NOW THEREFORE, IT IS ORDERED:

This Court on its own motion specifies the following issues:

I.

WHETHER RULE FOR COURTS-MARTIAL 1002(d)(2)(B)(i) REQUIRES A MILITARY JUDGE TO ORDER CONCURRENT SENTENCES IF THE OFFENSES INVOLVE THE SAME VICTIM AND THE SAME ACT OR TRANSACTION.

II.

WHETHER APPELLANT'S OFFENSES INVOLVED THE SAME VICTIM AND SAME ACT OR TRANSACTION UNDER RULE FOR COURTS-MARTIAL 1002(d)(2) SUCH THAT THE MILITARY JUDGE ERRED IN ORDERING APPELLANT'S SEGMENTED SENTENCES TO RUN CONSECUTIVELY.

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Appellee shall file a brief on the specified issues not later than fourteen days from the date of this order. Appellant may file a reply no later than ten days after appellee's brief.

Date: 27 November 2023

FOR THE COURT:



JAMES W. HERRING, JR.
Clerk of Court

CF: JALS-DA
JALS-GA
JALS-CCR
JALS-CCZ
JALS-CR4