

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
PENLAND, MORRIS, and ARGUELLES
Appellate Military Judges

UNITED STATES, Appellee
v.
Specialist ESTEBAN OLAH PRADO
United States Army, Appellant

ARMY 20220200

ORDER

WHEREAS:

On 21 April 2022 an enlisted panel sitting as a general court martial convicted appellant, contrary to his pleas, of two specifications of communicating a threat, one specification of assault consummated by battery, and three specifications of domestic violence.

NOW THEREFORE, IT IS ORDERED:

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

I.

WHETHER THE MILITARY JUDGE ERRED BY
ALLOWING THE MEMBERS TO CONSIDER
PROSECUTION EXHIBIT 12 IN THEIR FINDINGS
DELIBERATIONS.

II.

WHETHER THE MILITARY JUDGE ERRED BY
CONSIDERING PROSECUTION EXHIBIT 12 IN HER
SENTENCING DELIBERATIONS.

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.

OLAHPRADO — ARMY 20220200

DATE: 20 December 2023

FOR THE COURT:



JAMES W. HERRING, JR.
Clerk of Court