

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
PENLAND, HAYES, and MORRIS
Appellate Military Judges

UNITED STATES, Appellee
v.
Specialist DELCARLO D. MCCULLOUGH
United States Army, Appellant

ARMY 20220376

ORDER

WHEREAS:

On 25 August 2022 a military judge sitting as a special court martial convicted appellant, in accordance with his pleas, of one specification of failure to go to his appointed place of duty, five specifications of willfully disobeying a superior commissioned officer, two specifications of disobeying a noncommissioned officer, one specification of disrespecting a noncommissioned officer, and one specification of drunken operation of a vehicle.

NOW THEREFORE, IT IS ORDERED:

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

I.

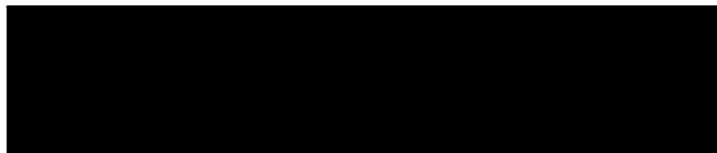
WHETHER THE MILITARY JUDGE ERRED IN ACCEPTING APPELLANT'S PLEA OF GUILTY TO THE SPECIFICATION OF CHARGE IV AND CHARGE IV. *SEE UNITED STATES V. SCHEURER*, 62 M.J. 100 (C.A.A.F. 2005); MANUAL FOR COURTS-MARTIAL, UNITED STATES (2019 ED.) [MCM] PT. IV, ¶ 51.c(5).

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: 27 February 2024

FOR THE COURT:



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