

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
PENLAND, HAYES, and MORRIS
Appellate Military Judges

UNITED STATES, Appellee
v.
Specialist TATEM T. RESUTEK
United States Army, Appellant

ARMY 20220431

ORDER

WHEREAS:

On 25 August 2022 a military judge sitting as a general court martial convicted appellant, in accordance with his pleas, of one specification of failure to go, to his appointed place of duty, one specification of absence without leave, one specification of failure to obey a lawful order, one specification of desertion, three specifications of writing checks without sufficient funds, and one specification of wrongfully using marijuana.

NOW THEREFORE, IT IS ORDERED:

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

I.

WHETHER APPELLANT SET UP ISSUES OF DURESS, COERCION, LACK OF MENTAL RESPONSIBILITY, OR VOLUNTARY INTOXICATION WITH RESPECT TO THE CHARGES AND SPECIFICATIONS TO WHICH HE PLEADED GUILTY.

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: 8 May 2024

FOR THE COURT:



JAMES W. HERRING, JR.
Clerk of Court