

**IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS**

UNITED STATES,  
Appellee

v.

Chief Warrant Officer Two (CW2)  
**ROMANFERMIN D. BORJA,**  
United States Army,  
Appellant

**RESPONSE IN OPPOSITION TO  
MOTION FOR ORAL  
ARGUMENT**

Docket No. ARMY 20220303

Tried at Fort Liberty,<sup>1</sup> North Carolina,  
on 2 December 2021 and 6-8 June  
2022 before a general court-martial  
convened by Commander,  
Headquarters, Fort Liberty, Colonel  
Travis L. Rogers, Military Judge,  
presiding.

**TO THE HONORABLE, THE JUDGES OF THE  
UNITED STATES ARMY COURT OF CRIMINAL APPEALS**

COMES NOW, the undersigned appellate government counsel, pursuant to  
Rules 23(c) and 23.7 of this honorable court's Rules of Appellate Procedure, and  
opposes appellant's motion for oral argument, dated 21 November 2024, on the  
following issue, previously not adopted by defense counsel and only raised within  
appellant's *Grosteфон*<sup>2</sup> matters:

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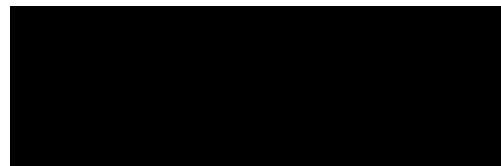
<sup>1</sup> At the time of trial, the installation was named Fort Bragg. Effective 2 June 2023, the installation was officially redesignated as Fort Liberty:  
[https://armypubs.army.mil/epubs/DR\\_pubs/DR\\_a/ARN38392-AGO\\_2023-13-000-WEB-1.pdf](https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN38392-AGO_2023-13-000-WEB-1.pdf).

<sup>2</sup> *United States v. Grosteфон*, 12 M.J. 431 (C.M.A. 1982).

**WHETHER THE PANEL AS A WHOLE CREATED  
A PERCEPTION OF UNFAIRNESS WHEN THE  
MILITARY JUDGE DENIED ALL FIVE DEFENSE  
CHALLENGES FOR CAUSE, INCLUDING THREE  
AGAINST MEMBERS WHO WERE SURVIVORS  
OF SEXUAL ASSAULT OR HAD CLOSE  
CONNECTIONS TO SURVIVORS OF SEXUAL  
ASSAULT.**

If this honorable court finds the issue meritorious, the Government requests notice and the opportunity to file a supplemental brief addressing this claimed error. This request<sup>3</sup> is consistent with the *Grostefon* court's admonition: "We will expect the Courts of Military Review to specify issues and request briefs of those issues which they believe are deserving of that increased attention." *Grostefon*, 12 M.J. at 437.

WHEREFORE, the United States prays this honorable court deny the appellant's motion for oral argument, specifically on the aforementioned second issue.



NICHOLAS A. SCHAFFER  
CPT, JA  
Appellate Attorney, Government  
Appellate Division

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<sup>3</sup> Undersigned counsel previously made this request within appellee's brief. (Appellee's Br. 1, n. 2).

**CERTIFICATE OF SERVICE, U.S. v. BORJA (20220303)**

I certify that a copy of the foregoing was sent via electronic submission to  
Mr. Daniel Conway, civilian appellate defense counsel, at  
[REDACTED], and the Defense Appellate Division, at  
[REDACTED], on the 25th day  
of November, 2024.

[REDACTED]  
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