UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
WILLIAMS, COOPER, and SCHLACK
Appellate Military Judges

UNITED STATES, Appellee
v.
Sergeant TRENT V. GOINES
United States Army, Appellant

ARMY 20240592

ORDER

WHEREAS:

On 8 September 2025, appellant filed his brief asserting assignments of error based on the Court of Appeals for the Armed Forces holding in *United States v. Mendoza*. 85 M.J. 213 (C.A.A.F. 2024). Subsequently, the CAAF provided additional analysis of this holding in *United States v. Moore*. __ M.J. ___, 2026 CAAF LEXIS 73 (C.A.A.F. 23 Jan. 2026).

NOW THEREFORE, IT IS ORDERED:

This Court on its own motion specifies the following issues:

I.

CONSIDERING *UNITED STATES v. DAVIS*, 79 M.J. 329 (C.A.A.F. 2020), DID APPELLANT WAIVE ANY ERROR IN THE MILITARY JUDGE'S INSTRUCTIONS ON THE LAW?

II.

IF APPELLANT DID NOT WAIVE ANY OBJECTION TO THE MILITARY JUDGE'S INSTRUCTIONS ON THE LAW, DID THE MILITARY JUDGE CORRECTLY INSTRUCT THE PANEL ON THE DEFINITION OF CONSENT CONSIDERING *UNITED STATES v. MOORE*?

III.

WHETHER PRINCIPLES 1 AND 2, AS ARTICULATED IN *UNITED STATES v. MOORE* ALTERED THE ANALYSIS OF APPELLANT'S ASSIGNED ERRORS II, III, AND IV?

Appellant shall file a brief on the specified issues no later than fourteen days from the date of this order. Appellee shall file a responsive brief no later than fourteen days after the date of appellant's brief.

Date: 11 February 2026

FOR THE COURT:

[redacted]

JAMES W. HERRING, JR.
Clerk of Court

CF: JALS-DA
JALS-GA
JALS-CCR
JALS-CCZ
JALS-CR3