IN THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

UNITED STATES, Appellee v. Specialist (E-4) **COREY N. WALL** United States Army, Appellant	)))))))))	BRIEF ON BEHALF OF APPELLEE Crim. App. Dkt. No. 20160235 USCA Dkt. No. 19-0143/AR

JONATHAN S. REINER
Major, Judge Advocate
Appellate Government Counsel
U.S.C.A.A.F. Bar No. 35862

HANNAH E. KAUFMAN
Major, Judge Advocate
Branch Chief, Government Appellate Division
U.S.C.A.A.F. Bar No. 37059

WAYNE H. WILLIAMS
Lieutenant Colonel, Judge Advocate
Deputy Chief, Government Appellate Division
U.S.C.A.A.F. Bar No. 37060

STEVEN P. HAIGHT
Colonel, Judge Advocate
Chief, Government Appellate Division
U.S.C.A.A.F. Bar No. 31651

Index of Brief

Granted Issue:

> **WHETHER, AFTER SETTING ASIDE THE SENTENCE AND ORDERING A REMAND, A SERVICE COURT OF CRIMINAL APPEALS IS AUTHORIZED TO REASSESS THE SENTENCE AND LIMIT THE LAWFUL SENTENCE THE CONVENING AUTHORITY MAY APPROVE.**

Statement of Statutory Jurisdiction 1

Statement of the Case 1

Statement of Facts 2

Summary of Argument 5

Standard of Review 6

Law and Analysis 6

Conclusion 17

Table of Authorities

SUPREME COURT OF THE UNITED STATES

Bender v. Williamsport Area Sch. Dist., 475 U.S. 534 (1986) 9
Clinton v. Goldsmith, 526 U.S. 529 (1999) 9
Kennedy v. Louisiana, 554 U.S. 407 (2009).. 14
Patchak v. Zinke, 138 S. Ct. 897, 583 U.S. ___ (2018).. 9
Tapia v. United States, 564 U.S. 319 (2011) 13

COURT OF APPEALS FOR THE ARMED FORCES

United States v. Bartlett, 66 M.J. 426 (C.A.A.F. 2008) 7
United States v. Beaty, 70 M.J. 39 (C.A.A.F. 2011)... 7
United States v. Davis, 48 M.J. 494 (C.A.A.F. 1998) 6
United States v. Gore, 60 M.J. 178 (C.A.A.F. 2004) 6, 11
United States v. Harris, 53 M.J. 86 (C.A.A.F. 2000) 11, 12, 13
United States v. Hawes, 51 M.J. 258 (C.A.A.F. 1999)... 6
United States v. Hughes, 1 M.J. 346 (C.M.A. 1976) 7
United States v. Moffeit, 60 M.J. 348 (C.A.A.F. 2004) 11
United States v. Roderick, 62 M.J. 425 (C.A.A.F. 2006) 7
United States v. Sales, 22 M.J. 305 (C.M.A. 1986)..................................... 8, 13, 16
United States v. Sanders, 67 M.J. 344 (C.A.A.F. 2009)... 7
United States v. Winckelmann, 73 M.J. 11 (C.A.A.F. 2013)............................. 6, 16

SERVICE COURTS OF CRIMINAL APPEALS

United States v. Murphy, 36 M.J. 1137 (Army C.M.R. 1993) (en banc) 15
United States v. Wall, 2018 CCA Lexis 479 (Army Ct. Crim. App. 2018).....*passim*

UNIFORM CODE OF MILITARY JUSTICE

Article 56, UCMJ, 10 U.S.C. § 856 .... 14, 15
Article 59, UCMJ, 10 U.S.C. § 859 .... 6, 7
Article 66, UCMJ, 10 U.S.C. § 866 ....*passim*
Article 67, UCMJ, 10 U.S.C. § 867 .... 1, 9, 10

MILITARY RULES AND REGULATIONS

MCM pt. IV, ¶ 45 ....8-10, 13
RCM 1106. 7
RCM 1107 .... 8, 11
RCM 705 14
RCM 810 14

IN THE UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES

UNITED STATES, Appellee	)	BRIEF ON BEHALF OF APPELLEE
v.	)	
Specialist (E-4) **COREY N. WALL** United States Army, Appellant	)	Crim. App. Dkt. No. 20160235 USCA Dkt. No. 19-0143/AR

TO THE JUDGES OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES:

Granted Issue

WHETHER, AFTER SETTING ASIDE THE SENTENCE AND ORDERING A REMAND, A SERVICE COURT OF CRIMINAL APPEALS IS AUTHORIZED TO REASSESS THE SENTENCE AND LIMIT THE LAWFUL SENTENCE THE CONVENING AUTHORITY MAY APPROVE.

Statement of Statutory Jurisdiction

The Army Court of Criminal Appeals had jurisdiction over this matter pursuant to Article 66, Uniform Code of Military Justice ("UCMJ"), 10 U.S.C. § 866. Appellant invokes this Honorable Court's jurisdiction under Article 67(a)(3), UCMJ.

Statement of the Case

The United States adopts appellant's statement of the case.

Statement of Facts

The United States adopts appellant's statement of facts and offers the following additional facts.

On 16 March 2014, appellant and Specialist (SPC) AM went to a club with several other soldiers and later retired to a hotel room. (R. at 245-246, 472, 474, 534-535). Eventually, SPC AM was left alone with appellant and PFC MS after everyone else departed or passed out. (R. at 251). At this point, appellant requested sex from SPC AM and she rejected him. (R. at 250, 480).

Appellant, SPC AM, and PFC MS then played a drinking game which caused SPC AM to drink to the point she got light headed. (R. at 254-255). They progressed to a game of "truth or dare." (R. at 255-256, 480). Appellant and PFC MS first dared SPC AM to remove her shirt, and she complied. (R. at 256). They then dared her to remove her bra, and she acquiesced. (R. at 256). Specialist AM held a pillow in front of her chest to cover herself, but appellant and PFC MS took the pillow from her, leaving her exposed. (R. at 256).

The next thing SPC AM recalled was getting blindfolded by appellant and PFC MS and moved onto a bed. (R. at 257). Someone then kissed her. (R. at 258). She felt pressure on her chest, and a hand attempting to get into her shorts which she tried to stop. (R. at 258).

Specialist AM testified that appellant pulled her shorts off her body. (R. at 258). She attempted to keep her legs closed, but either appellant or PFC MS pried her legs open. (R. at 259). SPC AM told appellant and PFC MS that she did not want to have, but appellant responded, “shut-up” and “it’s okay.” (R. at 259). Appellant then penetrated SPC AM’s vulva with his penis as PFC MS held her down to prevent her from getting away. (R. at 259-260).

Specialist AM eventually got away and locked herself in the bathroom. (R. at 261). After calling several people on her cell phone, she reached SPC NM, another soldier in her unit. (R. at 262-263). While crying, SPC AM relayed to SPC NM that she had been sexually attacked. (R. at 263, 309). While she was on the phone with SPC NM, appellant banged on the door and demanded she open the door. (R. at 263). She eventually opened the door, but kept the phone on. (R. at 264). Appellant entered the bathroom, told SPC AM, “you better not tell anybody anything,” and insisted “it was fucking consensual.” (R. at 264).

Specialist NM ordered a taxi to take SPC AM back to Fort Carson. (R. at 265-266, 312-313). Specialist NM described her in a state of “shock” when she arrived and that she AM was “walking slow, sort of, had a limp, and she just laid down, like, curled up and laid down.” (R. at 313).

The next day, SPC AM went to the hospital, told the forensic nurse she had been sexually assaulted by two individuals in a hotel room, and received a

complete examination. (R. at 297-298, 327). The forensic nurse noted a genital injury consistent with SPC AM's narrative. (R. at 333).[1]

The government introduced evidence of appellant's statements made during the CID interviews occurring on 19 and 27 March 2014. Appellant made both statements after being properly read his rights. (Pros. Ex. 6, 8). The government introduced the video of the first statement, taken by Special Agent (SA) JK on 19 March 2014. (R. at 354; Pros. Ex. 7). Special Agent MF testified that during the second interview, appellant told him:

> [I]nitially that [SPC AM] did not agree to sexual intercourse, but he was able to convince her to agree. He stated he did that by kissing her. He said that she kissed him back, and then, towards the end, she told him . . . "Stop, no," or something to that effect, but he continued having sex with her for a few seconds until she physically moved herself away from him.

(R. at 372-373).

During the interview, appellant stated he "believed he was too rough with her, and that he hurt her and that's why she wanted to stop." (R. at 373). Appellant expressed remorse that he was under investigation, but not that he hurt SPC AM. (R. at 373).

[1] The injury would also be consistent with other types of sex, including consensual sex. (R. at 337-339).

Summary of Argument

This Court should not exceed its congressionally granted authority by acting on a hypothetical sentence that the Army Court neither affirmed nor set aside as incorrect in law. Moreover, the Court should affirm the Army Court because any claim of prejudice is speculative because the convening authority not acted on the remand. Additionally, any reassessed sentence would fall well below the legal maximum for the affirmed finding on the rape specification as well as appellant's previous, vacated sentence imposed for The Charge, undermining the potential for prejudice.

Congress gives service courts broad discretion in granting relief when vacating a sentence. *See* Article 66(f)(2), Uniform Code of Military Justice ("UCMJ"), 10 U.S.C. § 866(f)(2). One of the options that Congress expressly granted was to remand the case for additional proceedings subject to limitations. Article 66(f)(3). The Army Court did not abuse its discretion by exercising its congressionally authorized ability to set limitations on the remand.

GRANTED ISSUE

WHETHER, AFTER SETTING ASIDE THE SENTENCE AND ORDERING A REMAND, A SERVICE COURT OF CRIMINAL APPEALS IS AUTHORIZED TO REASSESS THE SENTENCE AND LIMIT THE LAWFUL SENTENCE THE CONVENING AUTHORITY MAY APPROVE.

Standard of Review

This Court reviews sentence reassessments for an abuse of discretion. *United States v. Winckelmann*, 73 M.J. 11, 15 (C.A.A.F. 2013). The "abuse of discretion standard of review recognizes that [lower courts have] a range of choices and will not be reversed so long as the decision remains within that range." *United States v. Gore*, 60 M.J. 178, 187 (C.A.A.F. 2004). This Court "will only disturb the [lower court's] reassessment in order to 'prevent obvious miscarriages of justice or abuses of discretion.'" *United States v. Hawes*, 51 M.J. 258, 260 (C.A.A.F. 1999) (quoting *United States v. Davis*, 48 M.J. 494, 495 (C.A.A.F. 1998)).

Law and Analysis

A. The Army Court's decision did not prejudice appellant.

Even if appellant could invoke this Court's jurisdiction, Congress further determined that a "sentence of a court-martial may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the" appellant. Article 59(a), UCMJ; *see also United States v. Bartlett*, 66

M.J. 426, 429 (C.A.A.F. 2008) (requiring an appellant to establish prejudice when complaining about sentencing). In the context of sentencing, prejudice occurs when "the error substantially influenced the ajudged sentence." *United States v. Sanders*, 67 M.J. 344, 346 (C.A.A.F. 2009). Prejudice exists where the sentencing authority imposes a sentence that exceeds the maximum authorized. *United States v. Beaty*, 70 M.J. 39, 45 (C.A.A.F. 2011). When an appellate court affirms some findings and vacates others, prejudice occurs in sentence reassessment when the affirmed sentence exceeds the maximum authorized sentence. *See United States v. Hughes*, 1 M.J. 346, 349 (C.M.A. 1976) (finding prejudice where the service court affirmed a five year sentence on findings that supported a maximum of two years). This Court found no prejudice when the difference in maximum punishments between the findings on which sentence was imposed and the findings affirmed on appeal was "insubstantial in light of the total maximum sentence that" could have been ajudged. *United States v. Roderick*, 62 M.J. 425, 434 (C.A.A.F. 2006).

When this matter is returned to the convening authority, he will have the benefit of detached legal advice from his staff judge advocate ("SJA"). Rule for Court-Martial ("RCM") 1106(d). The SJA can provide a detailed explanation of all three options offered by the Army Court, including the reassessment option. The SJA is in a position to explain to the convening authority that he cannot reassess a sentence including more than ten years confinement, not that the

convening authority is obligated to impose that period of confinement. If the convening authority elects to reassess the sentence, such reassessment will be conducted after the SJA has had the opportunity to explain the necessary legal criteria under Rule for Court-Martial 1107(e)(2)(B)(iii) and *United States v. Sales*, 22 M.J. 305 (C.M.A. 1986).

In the instant matter, the convening authority has not yet had the opportunity to choose from the three options, let alone reassess the sentence. Thus, any claim of prejudice is speculative. Any prejudice argument would necessarily overlook the possibility that – if the convening authority orders a rehearing on the sentence and/or Specification 1 – appellant finds himself in precisely the same, *or worse*, situation as when he first appealed. Further, despite appellant's premature apprehension, the convening authority could reassess the sentence and impose only the dishonorable discharge that Congress requires to be imposed on rapists. *MCM* pt. IV, ¶ 45.e(1). In either of these cases – both of which remain possible – appellant would not suffer any prejudice from the Army Court's decision.

Here, the Army Court limited the confinement portion of any reassessed sentence to ten years. *Wall*, 2018 CCA Lexis 479, at *16 n.3. Any reassessed sentence imposed under the third option provided by the Army Court would fall well below the maximum authorized punishment of life without the possibility of parole that appellant that appellant faced once convicted of rape. *MCM* pt. IV, ¶

45.e(1). Therefore, even if the convening authority selects the third option *and* reassesses a sentence at the upper limit of what the Army Court indicated would be permissible – both of which appellant considers foregone conclusions – appellant still fails to demonstrate prejudice.

No matter which of the three courses of action the convening authority selects, appellant will not suffer prejudice from the Army Court's decision. This Court should not exceed its congressional mandate by granting relief in this premature posture.

B. The Court should not exceed its congressionally circumscribed jurisdiction by providing sentencing relief in this posture.

The Supreme Court explained that a "congressional grant of jurisdiction is a *prerequisite* to the exercise of judicial power." *Patchak v. Zinke*, 138 S. Ct. 897, 907, 583 U.S. ___ (2018) (emphasis in original). Moreover, "every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction" before acting on a case. *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986).

Congress granted this Court jurisdiction to "act *only* with respect to findings and sentence . . . *affirmed or set aside as incorrect in law* by the" service court. Article 67(c)(1)(A) (emphasis added); *see also Clinton v. Goldsmith*, 526 U.S. 529, 533-534 (1999) (recognizing that Article 67(c) "confined" this Court's jurisdiction). The Army Court gave the convening authority three options: (1)

order a rehearing on Specification 1 together with the sentence of the Charge; (2) dismiss Specification 1 and order a rehearing on the sentence of Specification 2; or (3) dismiss Specification 1 and reassess the sentence on Specification 2 affirming no more than a dishonorable discharge, ten years confinement, total forfeitures, and reduction to E-1. *United States v. Wall*, 2018 CCA Lexis 479, at *15-*16 (Army Ct. Crim. App. 2018). Significantly, the Army Court neither affirmed appellant's sentence nor set it aside *as incorrect in law*. Rather, the Army Court ordered appellant be resentenced and provided three potential avenues for that to occur. In the current procedural posture, appellant has no affirmed sentence, and the vacated sentence fell within the legally permissible range for the affirmed Specification. *See Manual for Courts-Martial*, *United States* (2016 ed.) ("*MCM*") pt. IV, ¶ 45.e(1). Although the Army Court set the sentence aside, the Army Court did not set aside the sentence as incorrect in law. Rather, the Army Court vacated the sentence for the convening authority to consider how to proceed in light of the change of findings. As two of the three options given to the convening authority could result in the same sentence as previously approved, the sentence was not set aside as incorrect in law.

As the Army Court neither affirmed a sentence nor set a sentence aside as incorrect in law, Article 67 does not provide appellant with an avenue to review in this Court at this time for this issue. Even if the Army Court made an error –

which it did not, *see infra* – Congress simply did not give this Court the ability to act under these circumstances.

C. The Army Court did not abuse its discretion in ordering a remand and limiting the lawful sentence a convening authority may approve.

The Army Court did not abuse its discretion because it had "a range of choices" in resolving this appeal and its "decision remained within that range" *Gore*, 60 M.J. at 187. Whenever a service court "sets aside the sentence, the court may modify the sentence to a lesser sentence or order a rehearing." Article 66(f)(2), UCMJ; *see also United States v. Harris*, 53 M.J. 86 (C.A.A.F. 2000) (tacitly approving a service court's decision to provide both of those options to the convening authority). Both of those options inure to the benefit of an appellant. Where this Court affirms some findings and reverses others, it provides the service court with the option of reassessing the sentence or ordering a rehearing. *See United States v. Moffeit*, 60 M.J. 348 (C.A.A.F. 2004); RCM 1107 (e)(2)(B)(iii) (allowing a convening authority, "unless otherwise directed," reassess a sentence "based on the approved findings"). The Army Court gave the convening authority the ability to choose from among three options, all of which were within the range of choices created by the UCMJ and the Rules for Courts-Martial.

Additionally, when a service court "determines that additional proceedings are warranted, the court may order a hearing . . . *subject to such limitations as the court may direct* . . . ." Article 66(f)(3), UCMJ (emphasis added). Upon remand,

the "Judge Advocate General shall . . . . instruct the [convening] authority to take action in accordance with the decision of the" service court. Article 66(g), UCMJ. Here, the Army Court provided the convening authority three options, only one of which contained restrictions. The Army Court specifically imposed the limitation on the third option to "purg[e] the record as it stands of error . . . ." *Wall*, 2018 CCA Lexis 479, at *16 n.3. Moreover, that third option "does not otherwise limit the sentence that may be adjudged at a rehearing" under the first two options. *Id*. Through Articles 66(f) and (g), Congress explicitly approved the possibility that a service court would impose limitations upon a convening authority on remand. The Army Court simply exercised these congressionally granted powers.

Two decades ago, this Court tacitly approved a service court's decision to present a convening authority with multiple options on remand. *See generally, Harris*, 53 M.J. at 88. A court-martial found Sergeant (SGT) Harris guilty of rape, maltreatment, dereliction of duty, and adultery, and the convening authority approved a sentence of dishonorable discharge, five years of confinement, and reduction to E-1. *Harris*, 53 M.J. at 86-87. The service court set aside the findings on the rape and maltreatment, affirmed the other findings, and remanded the matter back to the convening authority with the same three options available in the instant

case.[2] *Id.* at 87. Upon his SJA's recommendation, the convening authority choose the third option, dismissed the rape and maltreatment specifications, and reassessed the sentence to impose a bad-conduct discharge, confinement for ten months, and reduction to E-1. *Id.* at 87-88. This Court found that the service court erred by providing reassessment as an option because of the drastic shift in sentencing landscape between the affirmed specifications and those on which SGT Harris was initially convicted.[3] *Id.* at 88. That factor does not present itself in this appeal, when appellant at all times faced the possibility of confinement for life without the possibility of parole. *MCM* pt. IV, ¶ 45.e(1). Significantly, the Court never intimated that a service court errs by providing both Article 66(f)(2) options upon remand.

Appellant complains that the Army Court "both improperly limited and also corrupted the independence of the convening authority on remand." (Appellant's Br. 5). However, appellate courts frequently provide instructions to lower courts when remanding. *See Tapia v. United States*, 564 U.S. 319, 335 (2011) (vacating the sentence and "remand[ing] the case for further proceedings consistent with this

---

[2] The service court in *Harris* did not cap the convening authority's reassessment, and the three options provided by the Army Court in this case otherwise mirror those provided by the service court in *Harris*. The cap on a reassessed sentence is a benefit that appellant enjoys that SGT Harris did not.

[3] Two judges of this Court determined that error was not the service court providing reassessment as an option, but rather the convening authority's failure to apply the criteria set forth in *Sales*. 53 M.J. at 89 (Gierke, J., joined by Crawford, C.J., concurring).

opinion”). Appellant’s complaint would might be colorable had the Army Court set forth a *minimum* sentence that the convening authority must impose. However, the only limitation imposed benefits appellant: Unless the convening authority elects to conduct a rehearing, appellant’s confinement has been reduced by *at least* one-third, and the convening authority might reassess the sentence to impose even less confinement.

The system of military justice contains multiple caps on a sentence. First, the Constitution sets limits on what penalty may be imposed. *See Kennedy v. Louisiana*, 554 U.S. 407 (2009) (finding the death penalty unconstitutional when applied to crimes that did not result in a death). Second, the President has the authority to set a maximum punishment. *See* Article 56(a), UCMJ. Third, an accused can negotiate a pre-trial agreement to further reduce the maximum punishment. *See* RCM 705(b)(2)(E). Fourth, a sentence on rehearing cannot be in excess of what the original court-martial imposed. *See* RCM 810(d)(1). Here, the Army Court simply provided one more cap on maximum punishment, and like the other caps, it accrues to appellant’s benefit.

When the Army Court determined that the limitation imposed on a reassessed sentence – dishonorable discharge, ten years of confinement, total forfeitures, and reduction to E-1 – was appropriate, *Wall*, 2018 CCA Lexis 479, at *16 n.3., that court in no way indicated that the maximum allowable sentence was

the only appropriate sentence. Thus, the convening authority retains the discretion to impose any legal sentence up to that cap. However, nothing prohibits the convening authority from reassessing to any lesser sentence. The Army Court's decision to limit the reassessed sentence should not be read to require imposition of such sentence any more than the President's exercise of authority to set a maximum sentence for a given crime requires imposition of that maximum. *See* Article 56(a), UCMJ (prohibiting punishment in excess of limits prescribed by the President).

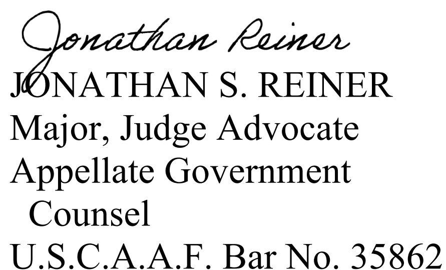
Although appellant claims the Army Court's decision removed "the intellectual hurdle of determining whether a sentence reassessment is appropriate," (Appellant's Br. 9), the Army Court's decision forces the convening authority to consider: (1) whether to order a rehearing on Specification 1 and the sentence for both Specifications; (2) whether to order a rehearing on the sentence of Specification 2; and, (3)(a) whether to reassess the sentence of Specification 2, and (3)(b) what sentence to approve upon reassessment. The Army Court placed a far greater intellectual challenge upon the convening authority than if it had simply directed the rehearing that appellant now requests.

Appellant's dramatic claim that the Army Court's review of a reassessed sentence would constitute "a travesty of appellate review" neglects to consider that appeals often end up in the same court multiple times. *See, e.g.*, *United States v.*

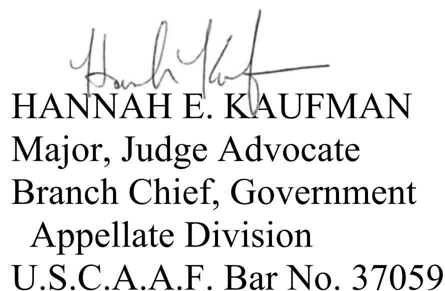
Murphy, 36 M.J. 1137 (Army C.M.R. 1993) (en banc), *set aside by* 50 M.J. 4 (C.A.A.F. 1998), *on remand at* 56 M.J. 642 (Army Ct. Crim. App. 2001), *appeal following DuBay hearing at* 67 M.J. 514 (Army Ct. Crim. App. 2008), *rev'd in part by* 71 M.J. 347 (C.A.A.F. 2012), *reassessing the sentence at* 2012 CCA Lexis 436 (Army Ct. Crim. App. 2012), *rev. denied at* 72 M.J. 88 (C.A.A.F. 2013). The Army Court fully reviewed the record of trial in light of the factors this Court enunciated in *Sales* and *Winckelmann* and granted appellant significant sentencing relief – a reduction of at least five years confinement – on that basis. Regardless of which of the three options the convening authority selects, the same or a different panel of the Army Court will have the opportunity to re-review the record once it has been supplemented by the SJA's advice, appellant's input, the convening authority's action, and any proceedings conducted on rehearing. If appellant finds himself aggrieved of a future decision affirming a sentence, he can petition this Court for review under Article 67.

Conclusion

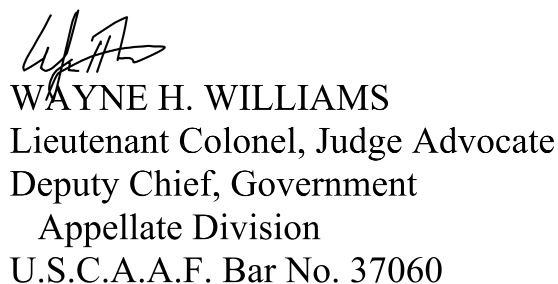
The United States respectfully requests that this Honorable Court affirm the Army Court and return the record to the Judge Advocate General of the Army for remand to the convening authority in accordance with the Army Court's opinion.



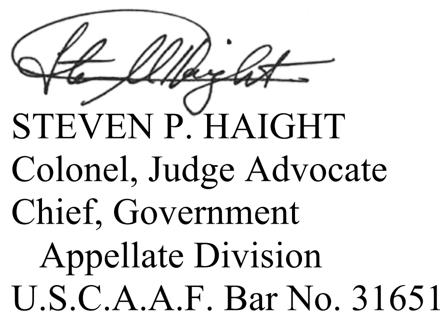
JONATHAN S. REINER
Major, Judge Advocate
Appellate Government
  Counsel
U.S.C.A.A.F. Bar No. 35862



HANNAH E. KAUFMAN
Major, Judge Advocate
Branch Chief, Government
  Appellate Division
U.S.C.A.A.F. Bar No. 37059



WAYNE H. WILLIAMS
Lieutenant Colonel, Judge Advocate
Deputy Chief, Government
  Appellate Division
U.S.C.A.A.F. Bar No. 37060



STEVEN P. HAIGHT
Colonel, Judge Advocate
Chief, Government
  Appellate Division
U.S.C.A.A.F. Bar No. 31651

CERTIFICATE OF COMPLIANCE WITH RULE 24(d)

1. This brief complies with the type-volume limitation of Rule 24(c) because it contains 3,933 words.

2. This brief complies with the typeface and type style requirements of Rule 37 because it has been typewritten in 14-point font with proportional, Times New Roman typeface using Microsoft Word Version 2013.

Jonathan Reiner
JONATHAN S. REINER
Major, Judge Advocate
Attorney for Appellee
July 10, 2019

CERTIFICATE OF FILING AND SERVICE

I certify that the original was filed electronically with the Court at efiling@armfor.uscourts.gov on this 11th day of July, 2019 and contemporaneously served electronically and via hard copy on appellate defense counsel.

Angela Rididck

Angela R. Riddick
Paralegal Specialist
Government Appellate Division
(703) 693-0823