IN THE UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES

UNITED STATES, Appellee	)	BRIEF ON BEHALF OF APPELLEE
v.	)	
Specialist (E-4) **SHERWOOD E. REED**, United States Army, Appellant	)	Crim. App. Dkt. No. 20240321 USCA Dkt. No. 26-0109/AR

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

Issue Presented

WHETHER THE MILITARY JUDGE ERRED WHEN HE DENIED THE DEFENSE'S MOTION TO DISMISS APPELLANT'S DOMESTIC VIOLENCE CONVICTIONS FOR SPECIFICATIONS 4 AND 6 OF THE CHARGE AS MULTIPLICIOUS.

Statement of Statutory Jurisdiction

The Army Court of Criminal Appeals (Army Court) had jurisdiction over this matter pursuant to Article 66, Uniform Code of Military Justice (UCMJ); 10 U.S.C. § 866.[1] This Honorable Court has jurisdiction over this matter under Article 67(a)(3), UCMJ, 10 U.S.C. § 867(a)(3).

[1] All references to the UCMJ are to the versions in the Manual for Courts-Martial, United States (2023 ed.) [2023 MCM].

Statement of the Case

On June 26, 2024, a military judge sitting as a general court-martial convicted Appellant, pursuant to his pleas, of three specifications of domestic violence in violation of Article 128b, Uniform Code of Military Justice, 10 U.S.C. § 928b (2023) [UCMJ]. (JA 0061).[2] The military judge sentenced Appellant to a reprimand, confinement for 180 days, and a bad-conduct discharge. (JA 0078). The convening authority took no action on the adjudged sentence. (Action). On August 6, 2024, the military judge entered judgment. (Judgment).

On December 3, 2025, a panel on the Army Court affirmed the military judge's decision. (JA 0027). On January 30, 2026, Appellant filed a petition for grant of review to this Court. (JA 0002). On April 9, 2026, this Court granted Appellant's Petition for Review. (JA 0001).

Statement of Facts

A. Appellant Slapped and Then Punched His Wife.

On December 17, 2023, Appellant and his wife, LR, and his wife's niece, LT, were at home in the master bedroom. (JA 0080). Appellant and LR had gotten in an argument earlier in the day. (JA 0046, 80). Appellant was playing a videogame with a headset on while LR sat on the bed. (JA 0045, 80). LR tried to

[2] As part of the plea agreement, the Government agreed to dismiss three additional specifications of domestic violence against LT, GV, and LR for two separate incidents in addition to the offenses at issue here. (JA 0078).

speak to Appellant. (JA 0046, 80). Appellant did not respond and continued to play his videogame. (JA 0046, 80). LR became annoyed and continued to try to talk to him. (JA 0080). Appellant continued to ignore her and commented to his friends on the videogame that his wife was "being a bitch." (JA 0046, 80).

LR got up off the bed and grabbed the headphone covering Appellant's right ear, lifted it off his ear, and asked, "[W]hat did you say?" (JA 0046, 80). Appellant responded by standing, turning, and slapping LR on the right side of her head by her right ear with the backside of his right hand, "partially touching her ear and mainly her cheek." (JA 0046, 80).

LT was also in the room. (JA 0080). As Appellant slapped LR, LT attempted to separate the two by stepping between them. (JA 0047, 80). Appellant grabbed LT with his hands and pulled her away from LR. (JA 0047, 50, 80). He then pushed her to the side so she was no longer between him and his wife because he was "still in a rage." (JA 0047, 50, 80).

Next, Appellant began to punch his wife, LR, in the face with a closed fist. (JA 0053, 80). She simultaneously yelled for GV to call 911. (JA 0080).[3] While GV was on the phone with the dispatcher, Appellant struck LR with a closed fist for the second time, "mainly on her forehead . . . [and] touching her eye." (JA 0054, 80).

[3] GV is LR's daughter. (JA 0080).

LR received medical attention and was treated for a black eye and a concussion. (JA 0054, 80, JA 0087–89).

B. Appellant Pled Guilty to Two Specifications of Domestic Violence Involving LR.

Appellant pled guilty to Specifications 4, 5, and 6 of The Charge.[4] Thus, the military judge convicted Appellant, pursuant to his pleas, of the following involving LR:

> Specification 4 of The Charge: "In that Specialist Sherwood Reed, U.S. Army, did, at or near Joint Base Lewis-McChord, Washington, on or about 17 December 2023, commit a violent offense upon Mrs. L.R., the spouse of the accused, to wit: unlawfully strike Mrs. [L]R. on her head with an open hand."
>
> Specification 6 of The Charge: "In that Specialist Sherwood Reed, U.S. Army, did, at or near Joint Base Lewis-McChord, Washington, on or about 17 December 2023, commit a violent offense upon Mrs. L.R., the spouse of the accused, to wit: by striking her on the head with his fist."

(JA 0061, JA0106).

C. Defense's Multiplicity Motion.

On April 8, 2024, defense filed a motion requesting the military judge dismiss Specifications 4 or 6 of The Charge for multiplicity, or in the alternative,

[4] With the following modifications: (1) to Specification 5 of the Charge: Guilty, except to the word "hair"; to the excepted word, Not Guilty; and (2) to Specification 6 of the Charge: Guilty, except to the words "and did thereby inflict substantial bodily harm upon her, to wit: a black eye and a concussion"; to the excepted words, Not Guilty. (JA 0106).

that the two specifications constituted an unreasonable multiplication of charges and should be merged for sentencing. (JA 0062–65, 90).

D. The Military Judge's Ruling on Defense's Multiplicity Motion.

The military judge agreed with the Army Court's memorandum opinion in *United States v. Malone* that the unit of prosecution for Article 128b should be treated differently than that for Article 128, citing Congress' intent to increase punitive exposure for domestic violence. (JA 0074); *United States v. Malone*, ARMY 20230151, 2024 CCA LEXIS 217, at *14 (A. Ct. Crim. App. 2024) (mem. op.), *rev'd en banc*, 85 M.J. 573 (A. Ct. Crim. App. 2025), *rev'd*, 86 M.J. 297 (C.A.A.F. 2026). He agreed that a domestic violence assault is more like a specialized assault, where each *actus reus* is a distinct offense. (JA 0074–75).

The military judge also found that Specifications 4 and 6 described an interrupted attack, where the actions of a third party—who is the second named victim in this case—provided Appellant with an opportunity to withdraw but instead, Appellant "began the attack anew." (JA 0075–76).

Summary of Argument

"Appellant entered into an unconditional plea of guilty and persisted with that plea after the military judge denied the defense's multiplicity motion." *United States v. Pauling,* 60 M.J. 91, 94 (C.A.A.F. 2004). "By entering a plea of guilty, the accused is not simply stating that he did the discrete acts described in the

indictment; he is admitting guilt of a substantive crime." *United States v. Broce*, 488 U.S. 563, 570 (1989). "[A] defendant who pleads guilty to two counts with facial allegations of distinct offenses concede[s] that he has committed two separate crimes." *Id.* This Court should find multiplicity only if the specification alleging Appellant struck his wife with an open hand facially duplicates the specification alleging Appellant struck his wife on her head with his fist. *See id.* Because the specifications are not facially duplicative, they are not multiplicious and the military judge did not err.

Congress intended Article 128b to be a distinct statutory scheme from Article 128, more akin to the statutory scheme of Article 120, thus permitting convictions for discrete acts. However, if this Court believes Article 128 continuous course of conduct case law applies to Article 128b, this Court should weigh (1) intensity or escalation of violence; and (2) interruption to the violence as factors against a finding of "united in time, circumstance, or impulse" for domestic violence offenses.

I.

WHETHER THE MILITARY JUDGE ERRED WHEN HE DENIED THE DEFENSE'S MOTION TO DISMISS APPELLANT'S DOMESTIC VIOLENCE CONVICTIONS FOR SPECIFICATIONS 4 AND 6 OF THE CHARGE AS MULTIPLICIOUS.

Standard of Review

This Court reviews multiplicity claims de novo. *United States v. Paxton*, 64 M.J. 484, 490 (C.A.A.F. 2007). "Whether two offenses are facially duplicative is a question of law that [this Court] will review de novo." *United States v. Pauling,* 60 M.J. 91, 94 (C.A.A.F. 2004). This Court also reviews questions of statutory interpretation de novo. *United States v. Mendoza*, 85 M.J. 213 (C.A.A.F. 2024).

Law and Argument

The military judge did not err. Grounded in the protection against double jeopardy, multiplicity prohibits a court from punishing an accused twice for the same criminal conduct contrary to congressional intent. *See United States v. Coleman*, 79 M.J. 100, 102 (C.A.A.F. 2019) (citing *United States v. Teters*, 37 M.J. 370, 373 (C.M.A. 1993)). Unreasonable multiplication of charges, on the other hand, is a policy grounded in equity enacted to prevent prosecutorial overreach. *See United States v. Quiroz*, 55 M.J. 334 (C.A.A.F. 2001) (discussing that the standard for multiplicity focuses on the elements of the offenses, whereas the standard for determining an abuse of prosecutorial discretion is one of reasonableness). Rule for Court-Martial (R.C.M.) 307(c)(4) similarly provides that "[w]hat is substantially one transaction should not be made the basis for an unreasonable multiplication of charges against one person."

The military judge properly denied defense's motion to dismiss for

multiplicity for three reasons. First, Appellant's convictions involve two separate acts and are not facially duplicative; thus, Appellant's unconditional guilty plea operated to waive the issue. In analyzing whether the convictions are facially duplicative and involve separate acts, the Government respectfully requests the Court clarify how *United States v. Forrester* fits within the broader multiplicity framework, if at all, and in what order. 76 M.J. 479 (C.A.A.F. 2017).

Second, if this Court determines *Forrester* did indeed create a separate test for multiplicity that applies to offenses other than child pornography, or that Appellant's convictions stem from the "arguably the same criminal conduct," the unit of prosecution for Article 128b(1) should be each "violent offense." Finally, even if this Court believes the unit of prosecution for Article 128b should be the same as the underlying offense—here, assault consummated by a battery—Appellant committed two separate offenses because he escalated his domestic violence from one *actus reus* to the other. Appellant also "began the attack anew" after a third-party intervention, which provided him an opportunity to withdraw.

A. Appellant's convictions involve two separate acts and are therefore not facially duplicative.

1. Multiplicity analysis begins with determining whether the charges involve separate acts.

Whether the case involves a trial or an unconditional guilty plea, or violations of the same statute or of different statutes, the first step of the

multiplicity analysis asks whether the charges involve separate acts. *See United States v. Coleman*, 79 M.J. 100, 103 (C.A.A.F. 2019) ("First, we determine whether the charges are based on separate acts."); *see also Pauling*, 60 M.J. at 94 (analyzing whether the specifications were facially duplicative in the appellant's unconditional guilty plea); *compare with Forrester*, 76 M.J. at 486 (in a case involving multiple violations of the same statute, first analyzing congressional intent as to the unit of prosecution, not whether the charges involve separate acts). If the charges are based on separate acts, they "are not multiplicious because separate acts may be charged and punished separately." *Coleman*, 79 M.J. at 103.

An unconditional guilty plea waives multiplicity unless the offenses are facially duplicative, or factually the same. *United States v. Lloyd*, 46 M.J. 19, 23 (C.A.A.F. 1997); *Pauling*, 60 M.J. at 94. Two offenses are not facially duplicative if each "requires proof of a fact that the other does not." *Pauling,* 60 M.J. at 94 (citing *United States v. Hudson*, 59 M.J. 357, 359 (C.A.A.F. 2004) (quoting *Blockburger v. United States*, 284 U.S. 299, 304 (1932)). The court looks at the factual conduct alleged in each specification and the providence inquiry. *Id.* (quotations omitted).

Here, the language of the charges shows that Specification 4 is distinct from Specification 6. While both specifications involve the same date, victim, location, and punitive subsection, the *actus reus* is different. In Specification 4, Appellant is

convicted of striking his wife with an open hand, whereas in Specification 6, Appellant is convicted of striking his wife with his fist.[5] The two *actus rei* are similarly described in the providence inquiry, (JA 0046, JA 0053–54), and by pleading guilty to each one, Appellant admitted guilt to two substantive crimes—both slapping and then later punching his wife. Each specification as written and as explained during the providence inquiry requires different factual components and thus, they are not facially duplicative.

2. This Court should clarify whether and how *Forrester* applies.

In *Forrester*, the Court answered whether the Government "punish[ed] one act of possession four times." 76 M.J. at 484. Though the issue presented to the Court was framed through the lens of unreasonable multiplication of charges, the Court concluded that the issue was better approached as one of multiplicity. *Id.* In a footnote, the Court distinguished between (1) multiplicity that involves multiple violations of the *same* statute based on a single act; and (2) multiplicity that involves violations of *different* statutes based on a single act. *Id.* at n.6. In its analysis, the *Forrester* Court appears to have borrowed the "congressional intent"

[5] The Government originally charged Appellant with an assault consummated by a battery for striking his wife with an open hand and an aggravated assault for inflicting substantial bodily harm by causing a black eye and a concussion for striking his wife with his fist. (JA 0038). Appellant ultimately agreed to unconditionally plead guilty to two charges of assault consummated by a battery. (JA 0106).

test from the multiplicity framework to determine what Congress intended to punish for possessing child pornography (in other words, the unit of prosecution for possession) but did not create a separate test for multiplicity broadly.

These two "types" of multiplicity (same vs. different statute) do not require different analytical processes. The existing multiplicity case law—*Coleman*, *Pauling*, *Campbell*, and *Blockburger*—already captures the critical questions to analyze in resolving a multiplicity issue in an unconditional guilty plea. Adding a separate analytical structure for multiplicity issues that involves multiple violations of the same statute based on a single act would add confusion to the law.

Thus, the initial question in a multiplicity inquiry is not whether the acts fall within a single unit of prosecution under *Forrester*, but rather whether the charges involve separate acts. *Coleman*, 79 M.J. at 103; *Pauling*, 60 M.J. at 94.

B. Congress intended Article 128b to be separate and apart from Article 128.

If this Court determines *Forrester* is a separate test for same statute multiplicity generally, or that appellant's convictions stem from the "same criminal conduct," (a single act), the unit of prosecution for Article 128b(1) should be *each* "violent offense." If the charges involve a single act, the Court proceeds to step two to determine whether Congress has made an overt expression of legislative intent as to whether the charges should be viewed as multiplicious. *See Coleman*, 79 M.J. at 103; *see also Teters*, 37 M.J. at 373 (discussing that Congress has the

power to define military offenses and their punishments). Congress has made an overt expression of legislative intent; it intended this new domestic violence statute (1) to be a distinct statutory scheme from Article 128; and (2) to permit discrete act charging.

1. Article 128b is a distinct statutory scheme from Article 128.

Prior to 2019, domestic violence offenses were prosecuted under Article 128, UCMJ, and were merely "distinguishable from other types of Article 128 assaults by the greater severity of its punishment." Congressional Research Service (CRS) Report No. R46097, p. 31 (Dec. 4, 2019); *see* Manual for Courts-Martial, United States (2019 ed.) [2019 MCM], App'x 17 ¶ 77d (2018 Amendment) (adding a new maximum punishment for assaulting a spouse, intimate partner, or immediate family member). Thus, Article 128 already contained an aggravator for committing an assault against a spouse, intimate partner, or family member, yet Congress felt this statutory scheme was no longer sufficient. In authorizing Article 128b, Congress created an entirely new statute to capture domestic violence and expressed its intent to view the offense of domestic violence as separate and apart from the type of assault that might arise in a bar fight.

2. The plain language of Article 128b(1) allows for discrete act charging.

Applying the ordinary meaning canon demonstrates that the plain language of Article 128b(1) permits discrete act charging, not unlike specialized assaults

under Article 120. To determine legislative intent, the Court looks to the language of the statute. *See Teters*, 37 M.J. at 376 ("Congress could express its intent 'expressly in the pertinent statutes violated . . .'"); *see also United States v. Forrester*, 76 M.J. at 485–87 (looking to the Drafter's Analysis of pt. IV of the *MCM*, rules of statutory construction, and other federal precedent to determine how the President intended to punish possession under Article 134). The Supreme Court has "stated time and again that courts must presume that a legislature says in a statute what it means and means in a statute what it says there. When the words of a statute are unambiguous, then, this first canon is also the last . . ." *United States v. Sager*, 76 M.J. 158, 161 (C.A.A.F. 2017) (citation omitted). The Court looks at "the ordinary meaning of the language, the context in which the language is used, and the broader statutory context . . . giv[ing] meaning to each word of the statute." *Id.* (internal quotation marks omitted) (citations omitted).

Article 128b(1), UCMJ, criminalizes committing "*a* violent offense against a spouse, an intimate partner, or an immediate family member." (emphasis added). The ordinary meaning of "a" is a discrete, countable thing. "Normally, indefinite articles (like 'a' or 'an') precede *countable* nouns . . . By contrast, *noncountable* nouns . . . almost never take indefinite articles." *Nix-Chavez v. Garland*, 593 U.S. 155, 162–63 (2021) (holding "a" notice to appear means a single document under the Illegal Immigration Reform and Immigrant Responsibility Act) (emphasis in

original). "These customs matter because the key term before us . . . can refer to *either* a countable object . . . *or* a noncountable abstraction . . . Congress's decision to use the indefinite article 'a' . . . supplies some evidence that it used the term . . . as a discrete, countable thing." *Id.* at 163. (emphasis in original); *see also Ebeling v. Morgan*, 237 U.S. 625 (1915) (finding Congress clearly indicated its intent to punish damage to "each and every" mail bag where statute protected "any" mailbag).

Under Article 128b(1), Congress also used "a" as an indefinite article, suggesting it intended to punish separately and cumulatively for each and every violent offense. Assault consummated by a battery on the other hand, criminalizes "[a]ny person . . . who, unlawfully and with force or violence . . . does *bodily harm* to another person." UCMJ art. 128 (emphasis added). Congress used the noncountable abstraction "bodily harm," suggesting it criminalized less discrete conduct. Thus, unlike Article 128, applying the ordinary meaning canon to "a" in "a violent offense" under Article 128b(1) demonstrates Congress intended to allow for discrete act charging.

As the military judge recognized, Article 128b is more like specialized assaults charged under Article 120 "in which each touching or penetration within a continuous course of conduct may be charged as a separate offense, as opposed to a 'simple' assault not involving domestic partners." *United States v. Malone*,

ARMY 20230151, 2024 CCA LEXIS 217, at *14 (A. Ct. Crim. App. 2024) (mem. op.), *rev'd en banc*, 85 M.J. 573 (A. Ct. Crim. App. 2025), *rev'd*, 86 M.J. 297 (C.A.A.F. 2026) (holding appellee affirmatively waived multiplicity). The statutory language of Article 120, UCMJ, prohibits committing *a* sexual act (by a number of means). (emphasis added). Thus, under Article 120, each sexual act within a continuous course of conduct may be charged as a separate offense. *See, e.g.*, *United States v. Batres*, ARMY 20220223, 2024 CCA LEXIS 358, at *13 (A. Ct. Crim. App. 23 Aug. 2024) (mem. op.), aff'd, 86 M.J. 152 (C.A.A.F. 2025) (analyzing under R.C.M. 1002 that "Webster's definition of 'act,' along with the relevant statutory definition, make clear that each penetration of the vulva, anus, or mouth is a separate act."). While charging each sexual act or violent offense within a continuous course of conduct could, depending on the facts of the case, be unreasonable multiplication of charges, it is not multiplicious.

Congress intended Article 128b(1) to permit discrete act charging, and thus separate convictions are allowed in accordance with each discrete act. *See United States v. Neblock*, 45 M.J. 191 (C.A.A.F. 1996) (determining Congress intended "indecent liberties" under Article 134 to be a discrete act offense, as opposed to a continuous course of conduct offense, and thus separate convictions were allowed

in accordance with the number of discrete acts). [6]

C. Even if this Court believes the unit of prosecution for Article 128b(1) should be the same as the underlying offense, Appellant committed two separate offenses.

1. "United in time, circumstance, and impulse" better describes the *Quiroz* factors for unreasonable multiplication of charges.

In *United States v. Rushing*, the Court of Military Appeals found that the Appellant's acts of (1) striking the victim with his fist; (2) swinging at the victim with a pool cue; and (3) throwing the pool cue at the victim "were so united in time, circumstance, and impulse in regard to a single person as to constitute a single offense." 11 M.J. 95, 98 (C.M.A. 1981). The facts of *Rushing* did not include an interruption by an intervening victim and *Rushing* more aptly presents an unreasonable multiplication of charges issue, not multiplicity. As this Court later wrote, the terms "single impulse or intent" and "unity of time" with a "connected chain of events" are not derived from *Blockburger* and *Teters*, but better describe the *Quiroz* factors for unreasonable multiplication of charges. *United States v. Campbell*, 71 M.J. 19, 24 (C.A.A.F. 2012) (holding there is only

[6] If the congressional intent is unclear, the Court proceeds to step three to determine whether it can infer congressional intent based on the elements of the violated statutes and their relationship with one another. *Coleman*, 79 M.J. at 103. If the provisions of the statute(s) at issue pass the *Blockburger* test, the statutes are not multiplicious. *Id.* If they do not, "doubt will be resolved against turning a single transaction into multiple offenses." *United States v. Szentmiklosi*, 55 M.J. 487, 491 (C.A.A.F. 2001) (citing *United States v. Bell*, 349 U.S. 81 (1955)).

one form of multiplicity, "that which is aimed at the protection against double jeopardy as determined using the *Blockburger*/*Teters* analysis.").

Thus, the language from *Rushing* "united in time, circumstance, and impulse" better describes the *Quiroz* factors for unreasonable multiplication of charges, rather than multiplicity.

2. Even if *Rushing* does apply to Article 128b(1), this Court should consider additional factors for Article 128b.

Rushing attempted to resolve a different evil than that before the Court here; a bar fight is not the same as a domestic violence offense. If this Court believes the specifications in this case were a continuous course of conduct, and *Rushing's* analysis of "united in time, circumstance, or impulse" applies to Article 128b, the Court should still weigh, at a minimum, the following factors against a finding of "united in time, circumstance, or impulse" for domestic violence: (1) intensity or escalation of violence; and (2) interruption, or an intervening act.[7]

Here, both factors weigh against a finding of "united in time, circumstance, or impulse." Appellant first assaulted his wife with an open-handed slap. Then, another victim intervened in an attempt to stop the attack. Appellant responded by pulling and shoving this second victim out of the way so he could get to his wife.

[7] Congress intended to deter abusive behavior with Article 128b, because domestic violence offenders are likely to be repeat abusers and the intensity of the abuse is likely to grow over time. CRS Report No. R46097, p. 2 (Dec. 4, 2019).

He then escalated his attack against his wife, punching her in the face with a closed fist—both a clear increase in the violence and the harm to his wife and an increase in violence that occurred *after* a third-party intervened. What began as a moment of lashing out became a focused effort to do significant harm.

The bar fight in *Rushing* is distinct from situations where an accused commits one act, is then provided with an opportunity to disengage, but instead *re-*engages to commit a second act of violence with greater intensity against the same victim in what is supposed to be the safety of their shared home. *See also United States v. Phillips*, ARMY 20220233 (A. Ct. Crim. App. 2024) (mem. op.) (finding appellant committed three different *actus rei*—dragging, pushing and punching, and whipping with a cord; that appellant's wife received three different types of injuries from each of appellant's separate criminal acts; and that appellant had an opportunity to adjust his criminal *mens rea* in between each *actus reus*, which he did not do).

While charging multiple blows in one domestic violence incident could, depending on the facts of the case, be unreasonable multiplication of charges, such a charging scheme under Article 128b(1) is not multiplicious simply because an accused took repeated opportunities in a short period of time to abuse one victim. "[I]f we were to extend the 'transaction doctrine,' to Article 128b, we would effectively—though completely inadvertently—send a message to domestic

abusers that once they land the first blow, those that follow soon thereafter are immune from criminal responsibility." *Malone*, ARMY 20230151, 2024 CCA LEXIS 217, at *14. The military judge did not err in allowing Appellant's two convictions based on two separate *actus rei* of increasing intensity after a third-party interruption to stand.

Conclusion

WHEREFORE, the Government respectfully requests this Honorable Court affirm the Army Court's order.

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CERTIFICATE OF COMPLIANCE WITH RULE 24(b) and 37

1. This brief complies with the type-volume limitation of Rule 24(b)(1) because this brief contains 5,063 words.

2. This brief complies with the typeface and type style requirements of Rule 37. It has been typewritten in 14-point font with proportional, Times New Roman typeface, with one-inch margins on all four sides.

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CERTIFICATE OF SERVICE AND FILING

I hereby certify that the original was electronically filed to efiling@armfor.uscourts.gov on 15 June and electronically filed to Defense Appellate on June 15 .

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