

**Thursday, 6 April 2017 (1400)**  
**Antonin Scalia Law School at George Mason University**  
**Founders Hall Auditorium**  
**3351 Fairfax Drive, Arlington, VA 22201**

*United States v. Harris*, NMCCA No. 201600207

**Before Panel 3 of the Court: Chief Judge Glaser-Allen**  
**Senior Judge Marks**  
**Judge Fulton**

**For Appellant: LT Jacob Meusch, JAGC, USN**

**For Appellee: Maj Kelli O'Neil, USMC**  
**LCDR Justin Henderson, JAGC, USN**

A military judge sitting as a general court-martial convicted appellant, pursuant to his pleas, of attempted robbery, desertion, and aggravated arson, in violation of Articles 80, 85, and 126, UCMJ, 10 U.S.C. §§ 880, 885, and 926 (2012). The military judge sentenced the appellant to eight years of confinement, reduction to pay-grade E-1, forfeiture of all pay and allowances, and a dishonorable discharge. In accordance with a pretrial agreement, the convening authority suspended all confinement in excess of seventy-two months. The convening authority approved the remainder of the sentence and, except for the punitive discharge, ordered it executed.

The issue to be argued before the Court is as follows:

**WHETHER THE MILITARY JUDGE ABUSED HIS  
DISCRETION WHEN HE REFUSED TO ORDER DAY-  
FOR-DAY CONFINEMENT CREDIT FOR THE PERIOD  
THAT THE GOVERNMENT DID NOT COMPLY WITH  
R.C.M. 305(i)(2)(D)?**