

**Wednesday, 15 February 2017 (1200)
George Washington University Law School
Jacob Burns Moot Court Room (Room L101)
2000 H Street NW
Washington, D.C. 20052**

United States v. Dinger, NMCCA No., 201600108

**Before Panel 2 of the Court: Senior Judge Glaser-Allen
 Judge Rugh
 Judge Hutchison**

For Appellant: CAPT Bree Ermentrout, JAGC, U.S. Navy Reserve

For Appellee: LT Taurean Brown, JAGC, U.S. Navy

A military judge sitting as a general court-martial convicted the appellant pursuant to his pleas of two specifications of committing indecent acts, one specification of attempting to produce child pornography, two specifications of wrongfully making an indecent visual recording, and one specification of possessing child pornography, in violation of Article 120, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 920 (2006), and Articles 80, 120c, and 134, UCMJ, 10 U.S.C. §§ 880, 920c, and 934 (2012). The military judge sentenced the appellant to nine years' confinement and a dishonorable discharge. The convening authority approved the sentence as adjudged, but suspended confinement over 96 months pursuant to a pre-trial agreement.

The issues to be argued before the Court are as follows:

- I. WHETHER COURTS-MARTIAL HAVE PERSONAL
 JURISDICTION OVER MILITARY RETIREES IN LIGHT OF
 THE SUPREME COURT'S HOLDING IN *BARKER V. KANSAS*,
 503 U.S. 594, 605 (1992), THAT FOR TAX PURPOSES,
 MILITARY RETIREMENT BENEFITS ARE NOT CURRENT
 COMPENSATION FOR REDUCED SERVICES?**

- II. WHETHER CONGRESS' STATEMENT IN 10 U.S.C. § 6332
 THAT THE TRANSFER OF A MEMBER OF THE NAVAL
 SERVICE TO A RETIRED STATUS "IS CONCLUSIVE FOR ALL
 PURPOSES" PRECLUDES THE ISSUANCE OF A PUNITIVE
 DISCHARGE TO A RETIREE?**