

United States Navy - Marine Corps  
Court of Criminal Appeals

UNITED STATES

*Appellee*

v.

Michael A. PETERSON  
Machinist Mate Auxiliary  
Fireman Recruit (E-1)  
U.S. Navy

*Appellant*

NMCCA No. 201900144

Special Panel 3

ORDER

*Specifying Issue for  
Oral Argument*

Upon consideration of the record of trial and the pleadings of Appellant and the Government, it is, by the Court, this 7th day of October 2020,

**ORDERED:**

1. That the Court will hear argument on the following issue:

***May Appellant raise for the first time on appeal that he is entitled to credit under United States v. Pierce, 27 M.J. 367 (C.M.A. 1989), for forfeitures imposed at prior non-judicial punishments [NJP] where at trial the only Pierce credit sought or discussed was for prior NJP restriction, or, by only raising restriction credit at trial, did Appellant waive any claim to other forms of Pierce credit arising from prior NJPs?***

*See United States v. Haynes, 79 M.J. 17 (C.A.A.F. 2019)* (accused waived any entitlement to *Pierce* credit for restriction from prior NJP by agreeing with the military judge on the appropriate amount of “pretrial confinement credit”); *United States v. Gammons, 51 M.J. 169 (C.A.A.F. 1999)* (accused is the “gatekeeper” in determining when to raise the issue of *Pierce* credit).

2. Argument will be heard on 21 October 2020, at 1000 at the U.S. Navy-Marine Corps Court of Criminal Appeals, Washington Navy Yard, 1254 Charles Morris Street SE, Washington, DC 20374-5124.



FOR THE COURT:

A handwritten signature in blue ink, reading "Rodger A. Drew, Jr.", with a stylized flourish at the end.

RODGER A. DREW, JR.  
Clerk of Court

Copy to:

NMCCA (51.2);

45 (CAPT Hinson, LT Moore);

46 (Maj Friedewald, LT Rustico);

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