



OFFICE OF THE UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

JAN 21 2010

PERSONNEL AND
READINESS

MEMORANDUM FOR COMMANDANT, UNITED STATES DISCIPLINARY
BARRACKS

SUBJECT: *Ex Post Facto* Good Conduct Time Analysis – Prisoner Charles Graner

In July 2009, prisoner Charles Graner filed a petition for extraordinary relief with the Army Court of Criminal Appeals arguing that changes to the rules for awarding good conduct time that went into effect after he committed his offenses violated the *Ex Post Facto* Clause of the United States Constitution by effectively increasing the punishment for his offenses from what was in effect on the date he committed his offenses. These less generous rules reduced the possible good conduct time credit that prisoner Graner could earn from 10 to five days.

With the approval of Ms. Gail H. McGinn, performing the duties of the Under Secretary of Defense for Personnel and Readiness, I direct that the sentence of prisoner Charles Graner be recalculated to reflect that he was and is entitled to a maximum of ten days of good conduct time credit per month for each month of his approved sentence to confinement.

A handwritten signature in dark ink, appearing to read "D. Shawn Shumake".

D. Shawn Shumake
Colonel, U.S. Army
Director, Legal Policy
(Program Integration)

cc:
U.S. Army Government Appellate Division

