

Thursday, 30 June 2016 (1000)

United States v. Darnall

**Before the Court, Panel 2: Senior Judge Fischer
Judge Rugh
Judge Campbell**

For Appellant: LT Christopher C. McMahon, JAGC, USN

**For Appellee: Maj Suzanne M. Dempsey, USMC
Capt Cory A. Carver, USMC**

A panel of members with enlisted representation sitting as a general court-martial convicted appellant, contrary to his pleas, of four specifications of conspiracy; one specification of making a false official statement; twelve specifications of importing, possessing with the intent to distribute, distributing, and manufacturing controlled substances; four specifications of possessing, distributing, and importing controlled substance analogues; and seven specifications of using a communication facility in furtherance of a conspiracy in violation of Articles 81, 107, 112a, and 134, UCMJ, 10 U.S.C. §§ 881, 907, 912a, and 934 (2012). The members sentenced appellant to reduction in pay grade to E-1, six years' confinement, and a dishonorable discharge. The Convening Authority approved the adjudged sentence, suspended confinement in excess of five years, and, except for the dishonorable discharge, ordered the sentence executed.

The Court granted oral argument on one of appellant's Assignments of Error:

I.

THE MILITARY JUDGE HELD THAT THERE WAS SUFFICIENT PROBABLE CAUSE FOR A CID AGENT TO ARREST APPELLANT. WAS THIS AN ERRONEOUS RULING, AND IF SO, SHOULD ALL EVIDENCE FLOWING FROM THE APPREHENSION HAVE BEEN SUPPRESSED AT TRIAL?