Thursday, 13 January 2011

0930

United States v. Lee

At trial the appellant was represented by civilian counsel and detailed military trial defense counsel. Prior to trial the military defense counsel was assigned to work as a trial counsel for the government, but remained on the appellant's defense team. The military defense counsel's new supervisor was the lead prosecutor in the appellant's case. The civilian counsel did not advise the appellant of any potential conflict. The appellant was ultimately convicted of various offenses including burglary, assault, and fraternization.

I. WHETHER IT WAS A CONFLICT OF INTEREST FOR DETAILED DEFENSE COUSEL TO SERVE CONCURRENTLY AS TRIAL COUNSEL IN OTHER CASES AND BE EVALUATED BY OPPOSING COUNSEL.

II. WHETHER CAPT LEE KNOWINGLY WAIVED THE CONFLICT.

III. WHETHER CAPT LEE MUST SHOW SPECIFIC PREJUDICE IN ORDER TO HAVE THE FINDINGS AND SENTENCE SET ASIDE.