

Thursday, 17 February 2011

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United v. Hancock

A military judge sitting as a general court-martial convicted the Appellant, pursuant to his pleas, of various offenses including burglary and indecent acts. Before pleading guilty, the Appellant served 120 days of restriction and 136 days of solitary confinement. While in solitary confinement, the Appellant signed a pretrial agreement. The Appellant admitted during trial that he signed the pretrial agreement voluntarily and was not forced to do so. During a post-trial Article 39(a), UCMJ session, the military judge found an Article 13, UCMJ pretrial punishment violation and awarded confinement credit. The issues to be argued before the Court are:

- I. WHETHER THE MILITARY JUDGE ERRED BY NOT DISMISSING THE CHARGES WITH PREJUDICE AFTER FINDING AN ARTICLE 13 VIOLATION.
 - II. WHETHER THE MILITARY JUDGE ERRED BY FAILING TO INQUIRE IF APPELLANT WOULD HAVE VOLUNTARILY SIGNED THE PRETRIAL AGREEMENT WERE HE NOT IN SOLITARY CONFINEMENT AT THE TIME HE SIGNED THE AGREEMENT.
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