

Tuesday, 15 March 2011

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United States v. Davenport

A military judge sitting as a special court-martial convicted the Appellant, pursuant to his pleas, of one specification of possession of child pornography in violation of Article 134 of the UCMJ.

Appellant's original Appellate Defense Counsel submitted a brief to the Court without specific assignments of error and without having communicated directly with the Appellant about his appeal. NMCCA affirmed the findings and sentence. Appellant now claims that he was not properly advised about the sex offender registration ramifications of his guilty plea and seeks extraordinary review from NMCCA.

The issues to be argued before the Court are the following:

I. WHETHER THE PETITIONER MEETS THE THRESHOLD REQUIREMENTS FOR CORAM NOBIS REVIEW BASED UPON HIS CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL.

II. WHETHER THE TRIAL DEFENSE COUNSEL WAS INEFFECTIVE BY ADVISING PETITIONER THAT (1) HE WOULD HAVE TO REGISTER AS A SEX OFFENDER FOR 10 YEARS AND NOT AS A "SEXUAL PREDATOR" FOR LIFE, AND (2) HIS SPECIAL COURT-MARTIAL CONVICTION WOULD BE CLASSIFIED A MISDEMEANOR IN CIVILIAN JURISDICTIONS.