

Wednesday, 17 March 2010

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United States v. Warner

A panel of members with enlisted representation, sitting as a general court-martial, convicted Appellant, contrary to his pleas, of attempted premeditated murder, solicitation of another to commit murder, and murder-for-hire under 18 U.S.C. § 1958, in violation of Articles 80, and 134, Uniform Code of Military Justice (UCMJ), 10 U.S.C. §§ 880, 934. The members sentenced Appellant to five years confinement, reduction to pay grade E-1, and a dishonorable discharge. The issues to be argued before the court are:

I. WHETHER APPELLANT'S CONVICTION TO ATTEMPTED MURDER IS FACTUALLY AND LEGALLY INSUFFICIENT DUE TO THE ALLEGED OVERT ACTS BEING MERELY PREPATORY IN NATURE AND NOT SUBSTANTIAL STEPS TOWARD COMMISSION OF THE OFFENSE.

III. WHETHER THE MILITARY JUDGE ABUSED HIS DISCRETION BY PERMITTING IMPERMISSIBLE MRE 404(b) PROPENSITY EVIDENCE TO BE PRESENTED TO THE MEMBERS.