

Wednesday, 27 March 2013

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United States v. Price

Panel Three: M.D. Modzelewski, E.C. Price, C.K. Joyce
Appellate Military Judges

For Appellant: LT Kevin S. Quencer, JAGC, USN

For Appellee: LT Ian D. MacLean, JAGC, USN

A military judge, sitting as a general court-martial, convicted the appellant, consistent with his pleas, of one specification of violating a lawful general order and three specifications of abusive sexual contact in violation of Articles 92 and 120, Uniform Code of Military Justice, 10 U.S.C. §§ 892 and 920. The military judge sentenced the appellant to forfeiture of all pay and allowances, six (6) years of confinement, and a dishonorable discharge. The convening authority approved the sentence as adjudged, suspended all confinement in excess of forty-eight (48) months, and, except for the punitive discharge, ordered it executed.

The issue to be argued before the Court is:

WHETHER THE VACATION HEARING OFFICER WAS NEUTRAL AND DETACHED, WHEN THE VACATION HEARING OFFICER DETERMINED THAT THE PETITIONER HAD COMMITTED MISCONDUCT BEFORE ACTING AS THE VACATION HEARING OFFICER.