

Tuesday, 12 April 2011
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United States v. Dixon

A military judge sitting as a special court-martial convicted the Appellant, pursuant to his pleas, of one specification of unauthorized absence and one specification of missing movement through design in violation of Articles 86 and 87 of the Uniform Code of Military Justice. The following issues are to be argued before the Court:

I. WHETHER THE COLLOQUY BETWEEN THE MILITARY JUDGE AND THE APPELLANT SUPPORTS A PLEA OF GUILTY TO MISSING MOVEMENT THROUGH NEGLIGENCE, AS ORIGINALLY CHARGED BY THE CONVENING AUTHORITY.

II. WHETHER THE MILITARY JUDGE ABANDONED HIS ROLE AS A NEUTRAL ARBITER DURING A GUILTY PLEA FOR MISSING MOVEMENT THROUGH NEGLIGENCE WHEN HE SUGGESTED IN A R.C.M. 802 CONFERENCE AND ON THE RECORD THAT THE APPELLANT'S RESPONSES REFLECTED HE IS GUILTY OF THE MORE SERIOUS OFFENSE OF MISSING MOVEMENT THROUGH DESIGN.