

Friday, 1 May 2015 (1000)

United States v. Pease

**Before Panel 3 of the Court: Chief Judge Mitchell
Senior Judge Brubaker
Judge Holifield**

**For Appellant: Mr. Eric S. Montalvo
LT Carrie E. Theis, JAGC, USN**

For Appellee: LT Amy L. Freyermuth, JAGC, USN

A panel of members with enlisted representation sitting as a general court-martial convicted the appellant, contrary to his pleas, of three specifications of sexual assault, one specification of abusive sexual contact, and two specifications of fraternization in violation of a lawful general order, violations of Articles 120 and 92, UCMJ. The appellant was found not guilty of one specification of sexual assault. He was sentenced to six years' confinement and a dishonorable discharge. The convening authority approved the sentence as adjudged, and, except for the dishonorable discharge, ordered it executed.

The issues to be argued before this Court are as follows:

- I. WHETHER THE MILITARY JUDGE ERRED IN FAILING TO GIVE THE REQUESTED DEFENSE INSTRUCTION ON COMPETENCE?

- II. WHETHER APPELLANT'S CONSTITUTIONAL RIGHT TO DUE PROCESS WAS VIOLATED WHEN HE WAS CONVICTED OF VIOLATING ARTICLE 120 WHICH IS UNCONSTITUTIONALLY VAGUE?