

UNITED STATES NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS

Before Panel No. 2

UNITED STATES,		NMCCA NO. 201300165
Appellee		
v.		GENERAL COURT-MARTIAL
Kenneth A. Cole		
Captain (O-6)		
U. S. Navy,		ORDER
Appellant		

Upon consideration of the appellant's Motion for Oral Argument, the briefs of the parties, and the record of trial, it is, by the Court, this 14th day of April 2014,

ORDERED:

That oral argument will be heard in the above-captioned case on Thursday, 15 May 2014, at 1200, limited to Assignments of Error I and II as follows:

I.

WHETHER THE MILITARY JUDGE ABUSED HIS DISCRETION BY NOT SUPPRESSING THE FRUITS OF A SEARCH WHERE, IN OBTAINING A SEARCH WARRANT FOR THE APPELLANT'S HOME, NCIS ENLISTED ANNE ARUNDEL COUNTY POLICE DEPARTMENT'S ASSISTANCE TO OBTAIN A SEARCH WARRANT FROM A MARYLAND STATE JUDGE AFTER A FEDERAL MAGISTRATE JUDGE REFUSED TO ISSUE A SEARCH WARRANT DUE TO LACK OF PROBABLE CAUSE AND WHERE THE MARYLAND WARRANT APPLICATION OMITTED A MATERIAL FACT USED IN THE FAILED FEDERAL WARRANT APPLICATION?

II.

WHETHER THE APPELLANT'S FOURTH AMENDMENT RIGHTS WERE VIOLATED WHEN NCIS EXECUTED THE MARYLAND SEARCH WARRANT?

Oral argument will be held at the Navy-Marine Corps Court of Criminal Appeals courtroom, Building 58, Washington Navy Yard.

For the Court

R.H. TROIDL
Clerk of Court
14 April 2014

Copy to:
NMCCA (51.2)
45 (Capt David Peters)
46 (LT Ann Dingle)
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