

Wednesday, 23 May 2012

1300

United States v. Lucas

Panel Two - B.L. PAYTON-O'BRIEN, J.A. MAKSYM, T.R. ZIMMERMANN  
Appellate Military Judges

For Appellant: Capt Bow Bottomly, USMC

For Appellee: Capt Samuel Moore, USMC

A panel of members sitting as a general court-martial convicted the appellant, contrary to his pleas, of rape and adultery, in violation of Articles 120 and 134, UCMJ, 10 U.S.C. §§ 920 and 934. The members sentenced the appellant to twenty-four months of confinement, reduction to pay grade E-1, total forfeiture of all pay and allowances, and a bad-conduct discharge. The Convening Authority approved the sentence as adjudged, and, except for the punitive discharge, ordered the sentence executed.

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

WHETHER THE EVIDENCE IS FACTUALLY SUFFICIENT TO SUSTAIN THE APPELLANT'S CONVICTION FOR FORCIBLE RAPE?

WHETHER THE SPECIFICATION ALLEGING ADULTERY FAILS TO STATE AN OFFENSE?