

Wednesday, 9 July 2014 (1000)

*United States v. Butters*

Before Panel 2 of the Court: Senior Judge Ward  
Judge McFarlane  
Judge McDonald

For Appellant:

Mr. William E. Cassara  
CAPT Tierney M. Carlos, JAGC, USN

For Appellee: LCDR Keith B. Lofland, JAGC, USN

A general court-martial, consisting of officers and enlisted, convicted the appellant, contrary to his pleas, of two specifications of making a false official statement and one specification of aggravated sexual contact in violation of Articles 107 and 120, UCMJ, respectively. The Convening Authority approved the adjudged sentence of reduction to paygrade E-1 and confinement for one year.

The issue to be argued before this Court is as follows:

- I. THE MILITARY JUDGE ERRED IN DENYING THE DEFENSE REQUEST TO DISMISS THE PANEL DUE TO THE EXCLUSION OF MEMBERS BELOW THE RANK OF E-6.