

Wednesday, 08 August 2012

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*United States v. Brown*

**Panel Two: B.L. Payton-O'Brien, M.D. Modzelewski, R.Q. Ward  
Appellate Military Judges**

**For Appellant: LT Gregory Morison, JAGC, USN**

**For Appellee: LT Joseph Moyer, JAGC, USN**

Appellant was tried before a general court-martial composed of members with officer and enlisted representation. Contrary to his pleas, he was found guilty of one specification of rape of a child, one specification of aggravated sexual assault of a child, two specifications of child endangerment, and three specifications of indecent liberties with a child, in violation of Articles 120 and 134, UCMJ, 10 U.S.C. §§ 920 and 934. Appellant was sentenced to reduction to pay grade E-1, confinement for forty-five years, 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 the Court are as follows:

WHETHER APPELLANT WAS DENIED HIS DUE PROCESS RIGHT TO A FAIR TRIAL WHEN THE MILITARY JUDGE ALLOWED A VICTIM ADVOCATE TO ACCOMPANY THE COMPLAINING WITNESS TO THE WITNESS STAND DURING HER TESTIMONY AND ANNOUNCED TO THE MEMBERS THAT THE ATTENDANT WAS THE VICTIM'S "ADVOCATE"?

WHETHER THE TESTIMONY OF THE NURSE PRACTITIONER WHO CONDUCTED A SEXUAL ASSAULT FORENSIC EXAM ON THE COMPLAINING WITNESS SHOULD HAVE BEEN EXCLUDED?