

Tuesday, 16 August 2011

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United States v. Caldwell

A military judge sitting as a special court-martial convicted the appellant, pursuant to his pleas, of orders violations, larceny, and wrongful self-injury, in violation of Articles 92, 121, and 134, Uniform Code of Military Justice, 10 U.S.C. §§ 892, 921, and 934. Contrary to the appellant's pleas, the military judge convicted him of an orders violation. The appellant was sentenced to 180 days confinement and a bad conduct discharge from the United States Marine Corps. The convening authority approved the findings and sentence as adjudged.

Pvt Caldwell, the appellant, slit his wrists shortly after being notified that he was going to be placed into pre-trial confinement because he was suspected of committing larceny. The appellant was then charged with intentional self injury under Article 134 of the Uniform Code of Military Justice. The appellant pled guilty to that charge at trial. The appellant argues that his plea was improvident because the elements of Article 134 cannot be met when an appellant makes a *bona fide* suicide attempt.

The issue to be argued before the Court is the following:

I. APPELLANT WAS CONVICTED OF INTENTIONAL SELF-INJURY FOR ATTEMPTING SUICIDE. CAN INTENTIONAL SELF-INJURY BE USED AS A VEHICLE FOR CRIMINALIZING BONA FIDE SUICIDE ATTEMPTS INDUCED BY DEPRESSION, PTSD, OR OTHER MENTAL ILLNESS?