

Sunday, 18 September 2011

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United States v. Dominique

A military judge sitting as a general court-martial convicted the appellant, pursuant to his pleas, of an orders violation, false official statement, conspiracy to commit larceny, and of wrongful appropriation. The convening authority approved a sentence of 8 months confinement, reduction in rate to E-1, and a bad conduct discharge from the United States Marine Corps.

The specified issue before the Court is the following:

I. WHETHER AN ACCUSED MAY BE CONVICTED OF AN "IMPLICIT" CONSPIRACY WHERE THERE IS NO EVIDENCE OF EITHER A WRITTEN OR ORAL MEETING OF THE MINDS, BUT RATHER WHERE APPELLANT'S PARTICIPATION IN THE CONSPIRACY IS LIMITED TO KNOWLEDGE THAT HIS "CO-CONSPIRATORS" ARE BREAKING THE LAW AND HIS OMISSION OF ACTION IN PREVENTING THEIR ILLEGAL ACTIVITIES.