

Thursday, 29 November 2012

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*United States v. Moreno*

Before the Court *En Banc*

For Appellant: LT Gabriel K. Bradley, JAGC, USN

For Appellee: LT Ian D. MacLean, JAGC, USN

A military judge sitting as a general court-martial convicted the appellant, pursuant to his pleas, of six specifications of larceny, two specifications of housebreaking, two specifications of wrongfully taking images of women, one specification of adultery, and four specifications of concealing stolen property in violation of Articles 120, 121, 130, and 134, UCMJ, 10 U.S.C. §§ 920, 921, 930, and 934 (2006). A panel of members with enlisted representation sentenced the appellant to two years confinement, reduction to pay grade E-1, forfeiture of all pay and allowances, and a bad-conduct discharge. Pursuant to a pre-trial agreement, the Convening Authority disapproved the adjudged forfeitures, but otherwise approved the sentence and, except for the bad-conduct discharge, ordered it executed.

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

**I. WHETHER THE MILITARY JUDGE ERRED IN ACCEPTING AS PROVIDENT THE APPELLANT'S PLEA TO CONCEALMENT OF STOLEN PROPERTY?**

**II. WHETHER AN APPELLANT CAN BE CONVICTED OF CONCEALMENT OF STOLEN PROPERTY WHEN HE IS THE PRINCIPAL WHO COMMITTED THE LARCENY OF THE SAME PROPERTY HE THEREAFTER CONCEALED?**

**III. WHAT IS THE PROPER REFERENCE POINT FOR CALCULATING WHEN THE STATUTE OF LIMITATIONS GOVERNING THE OFFENSE OF CONCEALMENT OF STOLEN PROPERTY IN VIOLATION OF UCMJ ARTICLE 134 BEGINS TO RUN AND WHETHER THERE WERE ANY FACTORS PRESENT IN THIS CASE THAT AFFECTED THE CALCULATION OF THAT STATUTE OF LIMITATIONS?**