

Wednesday, 1 December 2010

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United States v. Hohman

The accused faces, *inter alia*, charges of involuntary manslaughter in violation of Article 119, UCMJ, for allegedly shooting another Marine during a training exercise in October 2006. Civilian counsel was retained on November 2006, and on 17 April 2009, the accused was detailed Capt R.M. as military defense counsel. But Capt R.M. was denied an extension of his active duty orders on 1 December 2009, and he left the Marine Corps. Following several hearings on the issue, the military judge ordered the proceedings abated until Capt R.M. is returned to the defense team. The Government filed an Article 62 interlocutory appeal with this Court.

I. WHETHER THE MILITARY JUDGE ERRED BY ABATING THE PROCEEDINGS UNTIL THE PREVIOUS DETAILED DEFENSE COUNSEL IS RETURNED TO THE DEFENSE TEAM DESPITE THE MILITARY JUDGE'S EARLIER RULING THAT THE ATTORNEY-CLIENT RELATIONSHIP WAS SEVERED FOR GOOD CAUSE SHOWN ON THE RECORD.