

**Tuesday, 16 October 2018 (1300)**  
**The United States Navy-Marine Corps Court of Criminal Appeals Courtroom**  
**1254 Charles Morris Street SE, Bldg. 58, Ste. 320**  
**Washington Navy Yard, DC 20374**

*United States v. Jeter*, NMCCA No. 201700248

**Before Panel 2 of the Court: Chief Judge Woodard**  
**Senior Judge Hutchison**  
**Judge Lawrence**

**For Appellant: Capt Thomas Fricton, USMC**

**For Appellee: Capt Luke Huisenga, USMC**

A panel of officers sitting as a general court-martial convicted the appellant, contrary to his pleas, of one specification of sexual harassment, two specifications of drunken operation of a vehicle, three specifications of sexual assault, one specification of extortion, one specification of burglary, two specifications of conduct unbecoming an officer, one specification of communicating a threat, and two specifications of unlawful entry in violation of Articles 92, 111, 120, 127, 129, 133, and 134, Uniform Code of Military Justice, 10 U.S.C. §§ 892, 911, 920, 927, 929, 933, and 934 (2016). The appellant was sentenced to twenty years' confinement and a dismissal. The convening authority approved the sentence as adjudged and, except for the dismissal, ordered the sentence executed.

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

- I. AFTER REMOVING MINORITY AND FEMALE MEMBERS FROM A PANEL, THE GOVERNMENT MUST PROVIDE A DEMOGRAPHIC-NEUTRAL REASON FOR THE REMOVALS. THE CONVENING AUTHORITY REMOVED TWO AFRICAN AMERICANS AND THREE WOMEN FROM THE APPELLANT'S MEMBERS PANEL AND REPLACED THEM WITH ONLY WHITE MEN. WAS IT ERROR TO NOT REQUIRE A DEMOGRAPHIC-NEUTRAL EXPLANATION AFTER THE DEFENSE OBJECTED?**
  
- III. EVIDENCE ADMITTED UNDER MILITARY RULE OF EVIDENCE 404(b) MUST BE MATERIALLY RELEVANT AND THE PROBATIVE VALUE MUST OUTWEIGH THE PREJUDICE. THE MILITARY JUDGE INSTRUCTED THE MEMBERS THEY MAY USE EVIDENCE THAT WAS NOT MATERIALLY RELEVANT AND INVITED CHARACTER INFERENCES TO PROVE INTENT AND MOTIVE. DID THE MILITARY JUDGE ERR IN ASSESSING THE MATERIAL RELEVANCE, PROBATIVE VALUE AND PREJUDICIAL EFFECT ON THE EVIDENCE?**