

Monday, 13 August 2018 (1300)
The United States Navy-Marine Corps Court of Criminal Appeals Courtroom
1254 Charles Morris Street SE, Bldg. 58, Suite 320
Washington Navy Yard, DC 20374

United States v. Spinoza, NMCCA No. 201700236

Before Panel 3 of the Court: Chief Judge Woodard
Senior Judge Jones
Judge Tang

For Appellant: Maj Maryann McGuire, USMC

For Appellee: Maj Kelli O'Neil, USMC

A general court-martial composed of officer members convicted the appellant, contrary to his pleas, of stalking, assault consummated by battery, communicating a threat, fraternization, and unlawful entry. The members sentenced the appellant to be reprimanded and dismissed from the Naval Service. The convening authority approved the sentence as adjudged, and, except for the dismissal, ordered the sentence executed.

The issue to be argued before the court is as follows:

- I. IF THE SEARCH OF LT SPINOZA'S CELLPHONE WAS OUTSIDE THE SCOPE OF CONSENT AND NOT SUPPORTED BY COMMAND AUTHORIZATION, WAS LT SPINOZA DENIED EFFECTIVE ASSISTANCE OF COUNSEL WHEN HIS DEFENSE TEAM DID NOT MOVE TO SUPPRESS EVIDENCE OBTAINED FROM THE UNCONSTITUTIONAL SEARCH OF HIS CELLPHONE?