

**Tuesday, 10 November 2015 (1000)  
University of North Carolina, School of Law  
Chapel Hill, NC**

United States v. Johnston

**Before Panel 3 of the Court: Senior Judge Brubaker  
Judge Holifield  
Judge Marks**

**For Appellant: LT Christopher C. McMahon, JAGC, USN**

**For Appellee: CAPT Matthew M. Harris, USMC**

A panel of members sitting as a general court-martial convicted the appellant, contrary to his pleas, of four specifications of committing a lewd act upon a child and one specification of indecent exposure in violation of Articles 120b and 120c, UCMJ, 10 U.S.C. §§ 920b and 920c. The members sentenced the appellant to reduction to E-1, forfeiture of all pay and allowances, confinement for eight months, and a bad-conduct discharge. The convening authority approved the sentence as adjudged.

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

- I. WHETHER THE PROSCRIPTION OF INDECENT EXPOSURE UNDER ARTICLE 120C(C), UCMJ, IS VOID FOR VAGUENESS; AND**
- II. WHETHER ARTICLE 120C(C) VIOLATES THE FIRST AMENDMENT OVERBREADTH DOCTRINE.**