

**Wednesday, 14 June 2017 (1000)**  
**U.S. Navy-Marine Corps Court of Criminal Appeals Courtroom**  
**Washington Navy Yard**  
**1254 Charles Morris Street SE, Washington, DC 20374**

*United States v. Hutchins*, NMCCA No. 200800393

**Before Panel 3 of the Court: Chief Judge Glaser-Allen**  
**Senior Judge Marks**  
**Judge Hutchison**

**For Appellant: Mr. Christopher Oprison, Esq.**  
**LtCol Babu Kaza, USMC**  
**LT David Warning, JAGC, USN**

**For Appellee: Maj Cory Carver, USMC**  
**LT James Belforti, JAGC, USN**

A panel of officer and enlisted members sitting as a general court-martial convicted the appellant, contrary to his pleas, of one specification of conspiracy, one specification of false official statement, one specification of unpremeditated murder, and one specification of larceny in violation of Articles 81, 107, 118, and 121, UCMJ, 10 U.S.C. §§ 881, 907, 918, 921 (2006). The members sentenced the appellant to confinement for fifteen years, reduction to pay grade E-1, a reprimand, and a dishonorable discharge. The convening authority approved the findings and sentence as adjudged and, with the exception of the reprimand and all confinement in excess of 11 years, ordered the sentence executed.

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

- I. WHETHER THE MILITARY JUDGE ERRED WHEN HE DENIED THE DEFENSE MOTION TO SUPPRESS EVIDENCE OF CONDUCT FOR WHICH APPELLANT HAD BEEN ACQUITTED AT HIS FIRST TRIAL.**
- II. WHETHER THE MILITARY JUDGE ERRED WHEN HE ADMITTED FORMER TESTIMONY WHERE THE DECLARANTS WERE NOT UNAVAILABLE AND THERE WAS NO SIMILAR MOTIVE FOR CROSS EXAMINATION.**
- III. WHETHER THE FINDINGS AND SENTENCE MUST BE SET ASIDE AND DISMISSED WITH PREJUDICE DUE TO UNLAWFUL COMMAND INFLUENCE FROM THE SECRETARY OF THE NAVY.**