

Monday, 10 August 2009

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*United States v. Baldwin*

The appellant was convicted, contrary to his pleas, by a military judge sitting as a general court-martial of two specifications each of wrongful use of a controlled substance, wrongful distribution of a controlled substance, wrongful introduction of a controlled substance, and knowingly causing to be mailed an article deemed nonmailable by 10 U.S.C. § 1716, in violation of Articles 112a and 134, Uniform Code of Military Justice, 10 U.S.C. §§ 912a and 934. In addition, the appellant was convicted, pursuant to his pleas, of two specifications of failing to obey an order and four specifications of wrongful use of a controlled substance, in violation of Articles 92 and 112a, UCMJ, 10 U.S.C. §§ 892 and 912a. The issues to be argued before the court are:

- I. WHETHER 18 U.S.C. §1716 APPLIES TO A SERVICEMEMBER'S INTERNET ORDER PLACED AND RECEIVED WHILE OUTSIDE THE TERRITORIAL JURISDICTION OF THE UNITED STATES.
- II. WHETHER, AND TO WHAT EXTENT, THE CODE OF FEDERAL REGULATIONS AND AGENCY MANUALS MAY BE USED IN DEFINING A TERM IN A FEDERAL CRIMINAL STATUTE.