

Tuesday, 15 September 2009

1400

***United States v. Lee***

The appellant was convicted, contrary to his pleas, by a military judge sitting as a general court-martial of three specifications of burglary, one specification of conduct unbecoming an officer and gentleman, two specifications of fraternization, and five specifications of indecent assault, in violation of Articles 129, 133, and 134, Uniform Code of Military Justice, 10 U.S.C. §§ 929, 933, and 934. In addition, the appellant was convicted, pursuant to his pleas, of one specification of fraternization, in violation of Article 134, UCMJ, 10 U.S.C. § 934. The issues to be argued before the court are:

- I. WHETHER A NEW *DUBAY* HEARING BEFORE A DIFFERENT JUDGE IS REQUIRED BECAUSE THE MILITARY JUDGE WAS DISQUALIFIED.
- II. WHETHER CAPTAIN LEE'S ELECTION OF COUNSEL WAS INEFFECTIVE BECAUSE IT WAS NOT "KNOWING."