

**Thursday, 13 January 2011**

0930

***United States v. Lee***

At trial the appellant was represented by civilian counsel and detailed military trial defense counsel. Prior to trial the military defense counsel was assigned to work as a trial counsel for the government, but remained on the appellant's defense team. The military defense counsel's new supervisor was the lead prosecutor in the appellant's case. The civilian counsel did not advise the appellant of any potential conflict. The appellant was ultimately convicted of various offenses including burglary, assault, and fraternization.

I. WHETHER IT WAS A CONFLICT OF INTEREST FOR DETAILED DEFENSE COUSEL TO SERVE CONCURRENTLY AS TRIAL COUNSEL IN OTHER CASES AND BE EVALUATED BY OPPOSING COUNSEL.

II. WHETHER CAPT LEE KNOWINGLY WAIVED THE CONFLICT.

III. WHETHER CAPT LEE MUST SHOW SPECIFIC PREJUDICE IN ORDER TO HAVE THE FINDINGS AND SENTENCE SET ASIDE.

**Tuesday, 25 January 2011**

1200 at the Jacob Burns Moot Courtroom - George Washington University Law School

***United States v. Pineda***

A panel of members with enlisted representation sitting as a general court-martial convicted the appellant, contrary to his pleas, of aggravated sexual assault by engaging in a sexual act with a person who was substantially incapacitated, in violation of Article 120, UCMJ, 10 U.S.C. § 920. The members sentenced the appellant to three months confinement and a bad-conduct discharge. The Convening Authority approved the sentence as adjudged and, except for the punitive discharge, ordered the sentence executed. The issue to be argued before the Court is:

I. ARTICLE 73 OF THE UCMJ ALLOWS AN APPELLANT TO PETITION FOR A NEW TRIAL UPON DISCOVERY OF NEW EXCULPATORY EVIDENCE OR UPON EVIDENCE OF FRAUD COMMITTED UPON THE COURT. AFTER THE APPELLANT'S CONVICTION, SN K.A., A KEY GOVERNMENT WITNESS, DISCLOSED NEW EXCULPATORY INFORMATION TO NCIS AND ADMITTED TO MAKING SEVERAL FALSE STATEMENTS TO THE COURT. SN K.A. IS NOW DECEASED. SHOULD THE APPELLANT BE GRANTED A NEW TRIAL BASED ON THE POST-TRIAL STATEMENTS OF SN K.A.?