

Thursday, 2 February 2012

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United States v. Warren

Panel Two - J.A. MAKSYM, J.R. PERLAK, R. Q. WARD  
Appellate Military Judges

For Appellant: Capt David Roberts, USMC

For Appellee: Maj Jeffrey R. Liebenguth, USMC

A military judge sitting as a general court-martial convicted the appellant, pursuant to his pleas, of reckless operation of a motor vehicle, involuntary manslaughter, and fleeing the scene of an accident, in violation of Articles 111, 119, and 134, Uniform Code of Military Justice, 10 U.S.C. §§ 911, 919, and 934. The military judge sentenced the appellant to eight years confinement, reduction to pay grade E-1, forfeiture of all pay and allowances, and a dishonorable discharge. The Convening Authority approved the sentence adjudged, however, pursuant to the terms of a pretrial agreement, suspended all confinement in excess of twenty-four months for the period of confinement served plus six months thereafter.

The issue to be argued before the Court is as follows:

WHETHER THIS COURT ERRED IN ITS 3 JUNE 2011 ORDER SETTING ASIDE THE 13 MAY 2011 CONVENING AUTHORITY'S ACTION AS AMBIGUOUS; SPECIFICALLY DID THE CONVENING AUTHORITY'S ACTION CONTAIN CLEAR AND UNAMBIGUOUS LANGUAGE APPROVING OR DISAPPROVING A DISHONORABLE DISCHARGE IN LIGHT OF *UNITED STATES V. WILSON*, 65 M.J. 140 (C.A.A.F. 2007)?