

Tuesday, April 6, 2010

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*United States v. Phillips*

A military judge, sitting as a general court-martial, convicted the appellant, pursuant to his plea, of one specification of larceny, in violation of Article 121, Uniform Code of Military Justice, 10 U.S.C. § 921 and contrary to his plea, of one specification of possessing visual depictions of minors engaging in sexually explicit conduct, in violation of clauses 1 and 2 of Art. 134, UCMJ. The appellant was sentenced to 15 months confinement, reduction to pay-grade E-1, forfeiture of all pay and allowances and a dishonorable discharge. The issue to be argued before the Court is:

WHETHER THE EVIDENCE IS LEGALLY AND FACTUALLY INSUFFICIENT TO SUSTAIN THE APPELLANT'S CONVICTION FOR THE SOLE SPECIFICATION OF VIOLATING ART. 134, UCMJ, WHERE THE GOVERNMENT FAILED TO PRESENT ANY EVIDENCE THAT THE APPELLANT'S CONDUCT WAS PREJUDICIAL TO GOOD ORDER AND DISCIPLINE AND SERVICE DISCREDITING.