

Tuesday, 26 October 2010

1200

United States v. Sparks

A military judge sitting as a general court-martial, convicted the appellant, contrary to his pleas, of two specifications of aggravated sexual contact with a child in violation of Article 120, 10 U.S.C. §920. The appellant was sentenced to a dishonorable discharge, reduction to pay grade E-1, and confinement for three years. The issue to be argued before the court is:

I. WHETHER THE MILITARY JUDGE ABUSED HIS DISCRETION WHEN HE ALLOWED INTO EVIDENCE HEARSAY ACCUSATIONS ALLEGEDLY COMMUNICATED BY THE APPELLANT'S FOUR-YEAR OLD DAUGHTER TO HER ESTRANGED, MATERNAL GRANDMOTHER; THE ADMISSION OF THE STATEMENT DID NOT SATISFY THE REQUIREMENTS OF MILITARY RULE OF EVIDENCE 807 AND THE ERROR WAS PREJUDICIAL TO THE APPELLANT.