

Wednesday, 10 November 2010

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***United States v. Spicer***

A panel of members with enlisted representation sitting as a general court-martial convicted Appellant, contrary to his pleas, of one specification of false official statement and one specification of rape, in violation of Articles 107 and 120, UCMJ. The members sentenced Appellant to 90 days of confinement and a dishonorable discharge. The convening authority approved the findings and sentence as adjudged and, except for the dishonorable discharge, ordered it executed. The issue to be argued before the court is:

**WHETHER, IN LIGHT OF THE GOVERNMENT'S CLAIM THAT 17 YEAR-OLD VL SUBMITTED TO SEXUAL INTERCOURSE WITH APPELLANT BECAUSE OF PARENTAL COMPULSION, THE MILITARY JUDGE ERRED BY EXCLUDING UNDER M.R.E. 412: (1) EVIDENCE OF VL'S SEXUAL EXPERIENCE AND (2) EXPERT TESTIMONY THAT HER EXPERIENCE MADE IT LESS LIKELY THAT SHE SUBMITTED TO INTERCOURSE DUE TO PARENTAL COMPULSION?**