

Monday, 17 May 2010

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United States v. Foisy

The appellant was convicted, contrary to his pleas, by a panel with enlisted members sitting as a general court-martial of violating a lawful general order and aggravated sexual assault, in violation of Articles 92 and 120, UCMJ, 10 U.S.C. §§ 892 and 920. He was sentenced to one year of confinement, reduction to pay-grade E-1, total forfeitures and a bad-conduct discharge. The issue to be argued before the court is:

WHETHER THE MILITARY JUDGE ABUSED HIS DISCRETION
WHEN HE DID NOT ALLOW THE DEFENSE TO INTRODUCE INTO
EVIDENCE THE INITIAL NCIS STATEMENT MADE BY PFC
FOISY AFTER THE GOVERNMENT HAD ALREADY ADMITTED PFC
FOISY'S SUPPLEMENTAL NCIS STATEMENT.