

**Tuesday, October 20, 2009**

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***United States v. Savala***

The appellant was convicted by members with enlisted representation, contrary to his plea, of, *inter alia*, one specification of rape in violation of Article 120 of the Uniform Code of Military Justice, 10 U.S.C. § 920, MANUAL FOR COURTS-MARTIAL, UNITED STATES (2005 ed.). The issues to be argued before the court are whether:

I. THE MILITARY JUDGE ACTED TO THE SUBSTANTIAL PREJUDICE OF APPELLANT WHEN HE: (1) GRANTED THE PROSECUTION MOTION TO EXCLUDE RELEVANT EVIDENCE UNDER MIL.R.EVID. 412, (2) EXCLUDED MIL.R.EVID. 412 EVIDENCE, EVEN THOUGH THE PROSECUTION AND COMPLAINING WITNESS FIRST INTRODUCED SUCH TESTIMONY DURING THE MERITS, AND (3) EXCLUDED MIL.R.EVID. 412 EVIDENCE, WHEN THE PROSECUTION AND COMPLAINING WITNESS AGAIN INTRODUCED RELATED TESTIMONY DURING SENTENCING.