

# Sexual Assault Snafus – Tales of Three Reversed Cases

---

Terri R. Zimmermann  
Colonel, U.S. Marine Corps Reserve  
Zimmermann Lavine & Zimmermann, P.C.  
713-552-0300 \* Terri.Zimmermann@ZLZSlaw.com

State Bar of Texas  
Military and Veterans Law Section  
Spring Meeting and CLE  
27-28 April 2018

# Disclaimer

The information in this presentation is the product of my OWN personal education, background, and experience. I do not speak for the Department of Defense, Department of the Navy, or the Marine Corps.



# Overview

- Air Force Major
- Air Force 2d Lt
- Air Force Lt Col

# Air Force Major

## ➤ Allegations:

- Art 120

- Art 133

## ➤ Facts



# Air Force Major cont

## ➤ Legal Issues

- Factual sufficiency/MOF
- MRE 412
- Improper argument
- Instructional error
- Failure to state 133 offense

## ➤ Status

# Air Force 2d Lt

## ➤ Allegations:

- Art 120 x 2 + divers

## ➤ Facts

## ➤ Legal Issues

- MRE 412
- MRE 513

## ➤ Status



# Air Force Lt Col

## ➤ Allegations:

- Art 120

## ➤ Facts

## ➤ Procedural history

# Air Force Lt Col cont

## ➤ Legal Issues

- Speedy trial (due process)
  - Whether the lower court erred in finding no due process violation when the Government was inactive for over 17 years before investigating a claim of rape, violating [Appellant's] Fifth Amendment Right to a Speedy Trial.
- Statute of limitations
  - In light of *Coker v. Georgia*, 433 U.S. 584, 598 (1977), and *United States v. Hickson*, 22 M.J. 146, 154 n.10 (C.M.A. 1986), was the offense of rape of an adult woman, a violation of Article 120, UCMJ, 10 U.S.C. § 920 (Supp. II 1997), a crime punishable by death within the meaning of Article 43, UCMJ, 10 U.S.C. § 843 (1994).

## ➤ Status



QUESTIONS ???



**HAVE A GREAT  
MARINE CORPS  
DAY!**

