

Shepard's®: Report Content

Appellate History:Requested

➤ Citing Decisions:None Applied

Other Citing Sources:Not Requested


Table Of Authorities:Not Requested

Shepard's®: ➤ [United States v. Brazell](#) 2019 CCA LEXIS 34,2019 WL 386809: (A.F.C.C.A. January 29, 2019)

No negative [subsequent appellate history](#)

Appellate History (8)

Prior

1. [Brazell v. Uddenberg](#), 2019 CCA LEXIS 36, 2019 WL 366306 


Court: A.F.C.C.A. | Date: January 28, 2019

2.  Citation you Shepardized™
Related proceeding at:
[United States v. Brazell](#), 2019 CCA LEXIS 34, 2019 WL 386809 

Court: A.F.C.C.A. | Date: January 29, 2019

3. Writ denied by:
[Brazell v. Uddenberg](#), 78 M.J. 412, 2019 CAAF LEXIS 176, 2019 WL 1581456 

Court: C.A.A.F. | Date: March 11, 2019

4. Writ of habeas corpus denied and
Without prejudice by:
[Brazell v. Uddenberg](#), 2020 U.S. Dist. LEXIS 216989, 2020 WL 6741673 

Court: S.D. Cal. | Date: November 17, 2020

5. Writ of habeas corpus denied:

[Brazell v. Uddenberg](#), 2022 U.S. Dist. LEXIS 160844, 2022 WL 4088617 ▲

Court: S.D. Cal. | **Date:** September 6, 2022

6. **Appeal filed(Oct. 14, 2022) (22-55954):**

Subsequent

7. **B** Motion granted by:

[United States v. Brazell](#), 79 M.J. 26, 2019 CAAF LEXIS 206, 2019 WL 2084413 **A**

Court: C.A.A.F. | **Date:** April 1, 2019

8. **G** Review denied by:

[United States v. Brazell](#), 79 M.J. 139, 2019 CAAF LEXIS 468 **A**

Court: C.A.A.F. | **Date:** June 5, 2019

Citing Decisions (2)

Analysis: Followed by (2)

Ct. of App. for the Armed Forces/Ct. of Mil. App.


1. [United States v. Jones](#), 2022 CCA LEXIS 709 

G Followed by:

In *United States v. Brazell*, the Government charged the appellant with sexual assault of a child and during trial offered evidence of a statement by the appellant to a non-complaining witness that while on a trip to Japan he "wanted to have sex with anything he could or f[***] anything with a hole in it." Our sister court found this statement was admissible, concluding that it was both relevant under Mil. R. Evid. 401 and demonstrated the appellant's intent to satisfy his sexual desire. The court concluded the probative value of the statement under Mil. R. Evid. 403 was not outweighed by other considerations. The court went on to find the statement was "more one of intent than propensity and overtly demonstrated [his] desire to engage in a sexual act during [his] visit."

Similarly here, Appellant's statements to AR Delta and MM3 Charlie were admissible non-hearsay statements demonstrating his intent and desire to engage in a sexual act while at the hotel that evening. These statements do not constitute hearsay as they were spoken by Appellant himself to the witnesses. Further, we conclude the probative value of these statements demonstrating the intent of Appellant on the evening of the incident substantially outweighs any risk of unfair prejudice posed by the phrases "tap that" or "get some," particularly when compared to the far more offensive language referenced in ... *Brazell*

Court: U.S. Navy Ct. of Crim. Appeals/US Navy/Marine Ct of Crim App. | **Date:** December 9, 2022













2. [United States v. Jones](#), 2022 CCA LEXIS 629, 2022 WL 16547170 

G Followed by:

Similarly here, Appellant's statements to AR Delta and MM3 Charlie were admissible non-hearsay statements demonstrating his intent and desire to engage in a sexual act while at the hotel that evening. These statements do not constitute hearsay as they were spoken by Appellant himself to the witnesses. Further, we conclude the probative value of these statements demonstrating the intent of Appellant on the evening of the incident substantially outweighs any risk of unfair prejudice posed by the phrases "tap that" or "get some," particularly when compared to the far more offensive language referenced in ... *Brazell*

Court: U.S. Navy Ct. of Crim. Appeals/US Navy/Marine Ct of Crim App. | **Date:** October 31, 2022

Legend

	Warning - Negative Treatment is Indicated		Red - Warning Level Phrase
	Questioned - Validity questioned by citing references		Orange - Questioned Level Phrase
	Caution - Possible negative treatment		Yellow - Caution Level Phrase
	Positive - Positive treatment is indicated		Green - Positive Level Phrase
	Analysis - Citing Refs. With Analysis Available		Blue - Neutral Level Phrase
	Cited - Citation information available		Light Blue - No Analysis Phrase
	Warning - Negative case treatment is		