

UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS

Washington, DC

UNITED STATES

v.

Sean R. DUNCAN

Seaman, U.S. Coast Guard

CGCMG 0148

Docket No. 1108

19 August 1999

General Court-Martial convened by Commander, Maintenance and Logistics Command, Atlantic. Tried at Washington, D.C., on 8-9 July 1998.

Military Judge: CAPT Robert Bruce, USCG

Trial Counsel: CDR Gary Felicetti, USCG

Assistant Trial Counsel: LT Frank Levi, USCGR

Detailed Defense Counsel: LT Erin Stone, JAGC, USNR

Detailed Defense Counsel: LTJG Brandon Halstead, USCG Appellate Defense Counsel: LT Sandra K. Selman, USCGR

Appellate Government Counsel: LT Benes Aldana, USCGR

**BEFORE
PANEL TWO**

BAUM, KANTOR, McCLELLAND

Appellate Military Judges

PER CURIAM:

Appellant was tried by a general court-martial before a military judge sitting without members. Pursuant to his pleas entered in accordance with a pretrial agreement, he was convicted of the following offenses: attempted larceny, making false official statements, larceny (eight specifications), forgery, and stealing mail matter in violation of Articles 80, 107, 121, 123, and 134 of the Uniform Code of Military Justice (UCMJ), respectively. The judge sentenced appellant to six months confinement, reduction to pay-grade E-1, and a bad conduct discharge. The convening authority approved the sentence as adjudged, but suspended sixteen days of the confinement. In accordance with the pretrial agreement, he also deferred and waived \$400.00 of automatic forfeitures under Article 58(b), UCMJ, to be paid directly to Appellant's spouse by involuntary allotment.

Before this Court, without admitting the findings and sentence are correct in fact and law, Appellant has submitted his case on its merits as to any and all issues. Accordingly, the Court has reviewed the record pursuant to Article 66, UCMJ. Upon such review, the findings and sentence are determined to be correct in law and fact and on the basis of the entire record should be approved. Accordingly, the findings and sentence, as approved below and partially suspended, are affirmed.

//s//

For the Court,

J. H. BAUM
Chief Judge
