

UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Benjamin C. CAIN
Fireman (E-3), U.S. Coast Guard

CGCMG 0298
Docket No. 1385

7 August 2014

General Court-Martial convened by Commander, First Coast Guard District. Tried at Washington, D.C. and Boston, Massachusetts, on 20 June, 22 July, and 05 August 2013.

Military Judge:	COL Daniel J. Daugherty, USMC
Trial Counsel:	LCDR Gary C. Murphy, USCG
Assistant Trial Counsel:	LT Jason W. Roberts, USCG
Civilian Defense Counsel:	Mr. Stephen P. Kelly
Military Defense Counsel:	LT James M. Belforti, JAGC, USN
Appellate Defense Counsel:	CDR Ted R. Fowles, USCG
Appellate Government Counsel:	CDR Michael S. Cavallaro, USCG

BEFORE
McCLELLAND, LUCE¹ & KOVAC
Appellate Military Judges

Per curiam:

Appellant was tried by general court-martial, military judge alone. Pursuant to his pleas of guilty, entered in accordance with a pretrial agreement, Appellant was convicted of two specifications of making a false official statement, in violation of Article 107, Uniform Code of Military Justice (UCMJ); one specification of wrongful sexual contact, in violation of Article 120, UCMJ; one specification of stalking, in violation of Article 120a, UCMJ; two specifications of battery, in violation of Article 128, UCMJ; and one specification of communicating a threat, in violation of Article 134, UCMJ. The military judge sentenced Appellant to confinement for 300 days, reduction to E-1, forfeiture of all pay and allowances, a reprimand, and a bad-conduct

¹ Judge Luce did not participate in this decision.

United States v. Benjamin C. CAIN, No. 1385 (C.G.Ct.Crim.App. 2014)

discharge. The Convening Authority approved the sentence except for confinement in excess of nine months, in accordance with the pretrial agreement.

Before this Court, without admitting that the findings and sentence are correct in law and fact, Appellant has submitted this case on its merits as to any and all errors.

Decision

We have reviewed the record in accordance with 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 of guilty and the sentence, as approved below, are affirmed.



For the Court,

L. I. McClelland
Chief Judge