

UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Daniel H. ROSE
Fireman (E-3), U.S. Coast Guard

CGSPCM 24914
Docket No. 1405

22 February 2016

Special Court-Martial convened by Commander, Coast Guard Pacific Area. Tried at Alameda, California on 28 May 2014.

Military Judge:	LCDR Benedict S. Gullo, USCG
Trial Counsel:	LT Grace E. Oh, USCGR
Assistant Trial Counsel:	LT Joel C. Coito, USCG
Defense Counsel:	LT Tereza Z. Ohley, USCGR
Appellate Defense Counsel:	LT Philip A. Jones , USCGR
Appellate Government Counsel:	LT Lars T. Okmark, USCGR

BEFORE
McCLELLAND, DUIGNAN¹ & NORRIS
Appellate Military Judges

Per curiam:

Appellant was tried by special court-martial, military judge alone. Pursuant to his pleas of guilty, entered in accordance with a pretrial agreement, Appellant was convicted of one specification of wrongfully appropriating an automobile, in violation of Article 121, Uniform Code of Military Justice (UCMJ); one specification of assault and battery, in violation of Article 128, UCMJ; and two specifications of indecent language, in violation of Article 134, UCMJ. The military judge sentenced Appellant to confinement for four months, reduction to E-1, and a bad-conduct discharge. The Convening Authority approved the sentence. The pretrial agreement did not affect the sentence.

¹ Judge Duignan did not participate in this decision.

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Before this court, Appellant has assigned as error that FN Rose's sentence is inappropriately severe in light of the nature of the charged offenses. We are not persuaded that the sentence is too severe.

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,

Sarah P. Valdes
Clerk of the Court