

UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Thomas J. TWOMLEY
Boatswain's Mate First Class (E-6), U.S. Coast Guard

CGCMG 0317
Docket No. 1412

18 April 2016

General Court-Martial convened by Commander, First Coast Guard District. Tried at Boston, Massachusetts, on 24 January (VTC), 27 February, 28 March, and 3-4 September 2014.

Military Judge:	CDR Robert P. Monahan Jr., JAGC, USN
Trial Counsel:	LT Robert W. Canoy, USCGR
Assistant Trial Counsel:	LCDR Gary C. Murphy, USCG
Defense Counsel:	LT James M. Belforti, JAGC, USN
Assistant Defense Counsel:	CAPT Paul C. Leblanc, JAGC, USN
Appellate Defense Counsel:	LT Philip A. Jones, USCGR
Appellate Government Counsel:	LT Daniel Velez, USCGR

BEFORE
McCLELLAND, ALDANA & JUDGE
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 five specifications of maltreatment by sexual harassment, in violation of Article 93, Uniform Code of Military Justice (UCMJ); and six specifications of assault and battery, in violation of Article 128, UCMJ. The military judge sentenced Appellant to confinement for ten months, reduction to E-1, and a bad-conduct discharge. The Convening Authority approved the sentence except for four months of confinement, which were disapproved in accordance with the pretrial agreement.

United States v. Thomas J. TWOMLEY, No. 1412 (C.G.Ct.Crim.App. 2016)

Before this court, Appellant has assigned as error that the promulgating order indicates the original language of a specification to which he pleaded guilty by exceptions and substitutions, and the finding of guilty to a lesser included offense, but not the language to which he pleaded guilty. The Government concedes the error. We order a new promulgating order and otherwise affirm.

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. A new promulgating order shall be issued accurately reflecting the language of all specifications of which Appellant was found guilty



For the Court,

Sarah P. Valdes
Clerk of the Court