

**UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS**

**UNITED STATES**

**v.**

**James V. RANKIN**  
**Machinery Technician Second Class (E-5), U.S. Coast Guard**

**CGCMG 0320**  
**Docket No. 1416**

**20 June 2016**

General Court-Martial convened by Commander, Fifth Coast Guard District. Tried at Norfolk, Virginia on 7 October 2014.

Military Judge:	CAPT Christine N. Cutter, USCG
Trial Counsel:	LT Justin R. Jolley, USCGR
Assistant Trial Counsel:	LTJG Ian D. King, USCG
Defense Counsel:	LCDR Kimberly J. Kelly, JAGC, USN
Appellate Defense Counsel:	LT Philip A. Jones, USCGR
Appellate Government Counsel:	LCDR Amanda M. Lee, USCG

**BEFORE**  
**McCLELLAND, SPOLIDORO & 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 one specification of unauthorized absence, in violation of Article 86, Uniform Code of Military Justice (UCMJ); and one specification of aggravated assault with a loaded firearm, in violation of Article 128, UCMJ. The military judge sentenced Appellant to reduction to E-1, five years confinement, and a bad-conduct discharge. The Convening Authority disapproved confinement in excess of four years, in accordance with the pretrial agreement, and otherwise approved the sentence as adjudged.

**United States v. James V. RANKIN, No. 1416 (C.G.Ct.Crim.App. 2016)**

Before this court, Appellant has assigned as error that his sentence is inappropriately severe in light of the nature of the charged offenses. Upon careful consideration, we do not agree that the sentence is inappropriately severe.

We note that the factual basis for the unauthorized absence alleged under Charge II, provided by the providence inquiry and the stipulation of fact (Prosecution Ex. 1) does not support the alleged inception date of 4 May 2014. Rather, the unauthorized absence began on 5 May 2014. We will correct the discrepancy in the decretal paragraph.

**Decision**

We have reviewed the record in accordance with Article 66, UCMJ. Upon such review, the specification of Charge II, under Article 86, is amended to allege an inception date of 5 May 2014. After that amendment, 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 court-martial order shall be issued reflecting the amended specification.



For the Court,

Sarah P. Valdes  
Clerk of the Court