

**UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS
Washington, DC**

UNITED STATES

v.

James RODRIGUEZ

Telecommunications Specialist Second Class, U.S. Coast Guard

CGCMG 0137

Docket No. 1097

25 March 1999

General Court-Martial convened by Commander, Coast Guard Pacific Area. Tried at Coast Guard Island, Alameda, California, on 6-8 February 1997.

Military Judge:	CAPT Lane I. McClelland, USCG
Trial Counsel:	LTJG Martin G. Sarch, USCGR
Assistant Trial Counsel:	LT Benes Z. Aldana, USCGR
Detailed Defense Counsel:	LTJG Donna D. Ordine, USCGR
Assistant Defense Counsel:	LT Jeffrey K. Van Nest, JAGC, USNR
Appellate Defense Counsel:	LT Sandra K. Selman, USCGR
Appellate Government Counsel:	LT Benes Z. Aldana, USCGR

BEFORE

PANEL FOUR

BAUM, KANTOR, AND WESTON

Appellate Military Judges

PER CURIAM:

Appellant was tried by a general court-martial before a military judge sitting alone. Pursuant to his pleas of guilty, entered in accordance with a pretrial agreement, he was convicted of the following offenses: one specification of absence without leave, one specification of assault consummated by a battery, and one specification of indecent assault, in violation of Articles 86, 128, and 134 of the Uniform Code of Military Justice (UCMJ), 10 USC §§886, 928, and 934, respectively. The judge sentenced Appellant to be confined for 32 months, to forfeit all pay and allowances, to be reduced to pay grade E-1, and to be discharged with a bad conduct discharge. The convening authority approved the sentence as adjudged, but suspended for 12 months that part of the sentence adjudging confinement

in excess of 18 months, pursuant to the pretrial agreement.

Before this Court, without admitting that the findings and sentence are correct in fact and law, Appellant has submitted his case on its merits as to any and all issues. The Court has 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 and sentence, as approved and partially suspended below, are affirmed.

//s//

For the Court,

Brian A. Johnson
Clerk of the Court