

**UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS
Washington, D.C.**

UNITED STATES

v.

**Robert V. MAHONEY
Seaman Apprentice (E-2), U.S. Coast Guard**

CGCMS 24244

Docket No. 1183

27 August 2003

Special Court-Martial convened by Commanding Officer, Coast Guard Yard. Tried at Baltimore, Maryland, on 26 February 2003.

Military Judge:	CDR Mark R. Higgins, USCG
Trial Counsel:	LT Bryan C. Pape, USCGR
Defense Counsel:	LT Christopher A. Julka, JAGC, USNR
Appellate Defense Counsel:	LCDR Nancy J. Truax, USCG
Appellate Government Counsel:	LT Sandra J. Miracle, USCG

**BEFORE
PANEL TWO
BAUM, KANTOR, & PALMER**
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 found guilty of the following offenses: three specifications of unauthorized absence, in violation of Article 86, Uniform Code of Military Justice (UCMJ); one specification of failure to obey a lawful order, in violation of Article 92, UCMJ; one specification of wrongful possession of marijuana, in violation of Article 112a, UCMJ; and one specification of assault consummated by a battery, in violation of Article 128, UCMJ.

Appellant was sentenced to a bad conduct discharge, confinement for 120 days, and reduction to E-1. The Convening Authority approved the sentence, but suspended execution of the confinement in excess of 60 days for a period of six months, in accordance with the pretrial agreement. The Convening Authority also credited Appellant with 65 days of confinement against the sentence of confinement. 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

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all errors.

We have reviewed the record in accordance with Article 66, UCMJ. Upon such review, we have determined that the findings and sentence are 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.



For the Court,

Roy Shannon Jr.
Clerk of the Court