

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

**UNITED STATES**

**v.**

**Kyler J. MARTIN  
Aviation Maintenance Technician Third Class (E-4), U.S. Coast Guard**

**CGCMG 0268**

**Docket No. 1335**

**4 March 2011**

General Court-Martial convened by Commander, Thirteenth Coast Guard District. Tried at Seattle, Washington, on 1 September 2009.

Military Judge:	CAPT Gary E. Felicetti, USCG
Trial Counsel:	LT Matthew N. Jones, USCG
Defense Counsel:	LT Griffin T. Farris, JAGC, USNR
Appellate Defense Counsel:	LT Kelley L. Tiffany, USCGR
Appellate Government Counsel:	LCDR Marcus A. Mitchell, USCG

**BEFORE  
McCLELLAND, McGUIRE & SELMAN  
Appellate Military Judges**

SELMAN, Judge:

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 three specifications of unauthorized absence, in violation of Article 86, Uniform Code of Military Justice (UCMJ); one specification of dereliction of duty, in violation of Article 92, UCMJ; and one specification of using methamphetamine and one specification of distributing methamphetamine, both in violation of Article 112a, UCMJ. The military judge sentenced Appellant to confinement for 330 days, reduction to E-1, and a dishonorable discharge. The Convening Authority approved the sentence as adjudged. The pretrial agreement did not affect the sentence.

**United States v. Kyler J. MARTIN, No. 1335 (C.G.Ct.Crim.App. 2011)**

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 all errors.

**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.

Judge MCGUIRE concurs.

McCLELLAND, Chief Judge (concurring in part and dissenting in part):

I concur with affirmance of the findings. As to the sentence, I consider the dishonorable discharge excessive in the circumstances of this case. I would reduce it to a bad-conduct discharge and otherwise affirm the sentence.



For the Court,

Brian J Barnes  
Clerk of the Court