

UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Benjamin L. SYLVESTER
Machinery Technician (E-7), U.S. Coast Guard

CGCMG 0307
Docket No. 1398

21 January 2016

General Court-Martial convened by Commander, Seventeenth Coast Guard District. Tried at Juneau, Alaska, on October 29, 2013 and 30 January 2014.

Military Judge:	CAPT Christine N. Cutter, USCG
Trial Counsel:	LCDR William J. George, USCG
Assistant Trial Counsel:	LCDR Stanley P. Fields, USCG
Civilian Defense Counsel:	Ms. Elizabeth W. Fleming, Esq.
Military Defense Counsel:	LT Tereza Z. Ohley, USCG
Appellate Defense Counsel:	LT Philip A. Jones, USCGR
Appellate Government Counsel:	LCDR Amanda M. Lee, USCG

BEFORE
McCLELLAND, DUIGNAN¹ & KOVAC
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 making a false statement, in violation of Article 107, Uniform Code of Military Justice (UCMJ); and two specifications of indecent acts on a child, such conduct being of a nature to bring discredit upon the armed forces, in violation of Article 134, UCMJ. The military judge sentenced Appellant to confinement for seven years, reduction to E-1, forfeiture of all pay and allowances, and a dishonorable discharge. The convening authority mitigated the

¹ Judge Duignan did not participate in this decision.

United States v. Benjamin L. SYLVESTER, No. 1398 (C.G.Ct.Crim.App. 2016)

dishonorable discharge to a bad-conduct discharge, and suspended confinement in excess of thirty-six months and the reduction in grade, all in accordance with the pretrial agreement.

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.



For the Court,

Shelia R. O'Reilly
Clerk of the Court