

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

UNITED STATES

v.

**Bryan M. POET,
Fireman Apprentice (E-2), U.S. Coast Guard**

CGCMS 24351

Docket No. 1266

14 September 2006

Special Court-Martial convened by Commander, Maintenance & Logistics Command Pacific.
Tried at Alameda, California, on 8 March 2006.

Military Judge:	CDR Kevin E. Lunday, USCG
Trial Counsel:	LT Robin A. Ellerbe, USCGR
Assistant Trial Counsel:	LT Youngmee Moon, USCGR
Defense Counsel:	LT Terexa L. Fan, JAGC, USNR
Appellate Defense Counsel:	LCDR Nancy J. Truax, USCG
Appellate Government Counsel:	LT Donna D. Leoce, USCG

**BEFORE
PANEL THREE
BAUM, KANTOR, & MCCLELLAND**
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 convicted of one specification of making a false official statement with the intent to deceive, in violation of Article 107, Uniform Code of Military Justice (UCMJ), and one specification of falsely testifying on a material matter in a trial by summary court-martial after having taken a lawful oath, in violation of Article 131, UCMJ. The military judge sentenced Appellant to a bad-conduct discharge, confinement for 200 days, forfeiture of \$800 pay per month for six months, and reduction to E-1. The Convening Authority approved the adjudged sentence but suspended

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all confinement in excess of ninety days for a period of twelve months from the date of his action, pursuant to the terms of 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.

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 and partially suspended below, are affirmed.



For the Court,

Jane R. Lim
Clerk of the Court