

UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Bryan Z. SPARKS
Food Service Specialist Third Class (E-4), U.S. Coast Guard

CGCMS 24891
Docket No. 1377

16 October 2014

Special Court-Martial convened by Commander, Ninth Coast Guard District. Tried at Norfolk, Virginia, on 23 August 2012.

Military Judge:	LCDR Benjamin G. Karpinski, USCG
Trial Counsel:	LCDR Benedict S. Gullo, USCG
Defense Counsel:	LT Conor L. O'Brien, JAGC, USN
Appellate Defense Counsel:	LT Jonathan C. Perry, USCGR LT Cara J. Condit, USCG LT Philip A. Jones, USCGR
Appellate Government Counsel:	LT Frances S. Johnson-Gillion, USCGR

BEFORE
McCLELLAND, GILL & LUCE¹
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 desertion, in violation of Article 85, Uniform Code of Military Justice (UCMJ); two specifications of dereliction of duty, in violation of Article 92, UCMJ; and one specification of stealing military property of a value of \$20,000.00, in violation of Article 121, UCMJ. The military judge sentenced Appellant to confinement for twelve months, reduction to E-1, and a bad-conduct discharge. The Convening Authority approved the sentence and suspended confinement in excess of seven months in accordance with the pretrial agreement.

¹ Judge Luce did not participate in this decision.

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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,

L. I. McClelland
Chief Judge

