

UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Marc P. BUTLER
Seaman (E-3), U.S. Coast Guard

CGCMS 24916
Docket No. 1404

9 March 2016

Special Court-Martial convened by Commander, Sector San Juan. Tried at San Juan, Puerto Rico, on 09 May 2014.

Military Judge:	CAPT Kevin F. Bruen , USCG
Trial Counsel:	LCDR Brooke E. Grant, USCG
Assistant Trial Counsel:	LT Timothy N. Cronin, USCG
Military Defense Counsel:	LT Kevin R. Larson, JAGC, USN
Appellate Defense Counsel:	LT Philip A. Jones, USCGR
Appellate Government Counsel:	LCDR Amanda M. Lee, USCG Mr. Stephen P. McCleary

BEFORE
McCLELLAND, HAVRANEK¹ & ALDANA
Appellate Military Judges

McCLELLAND, Chief Judge:

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 wrongful distribution of a controlled substance and two specifications of wrongful use of a controlled substance, in violation of Article 112a, Uniform Code of Military Justice (UCMJ); one specification of larceny, in violation of Article 121, UCMJ; and one specification of being incapacitated for duty by reason of overindulgence in drugs, in violation of Article 134, UCMJ. The military judge sentenced Appellant to confinement for seventy-five days, reduction to E-1, and a bad-conduct discharge. The Convening Authority approved the

¹Judge Havranek did not participate in this decision.

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sentence, and suspended the punitive discharge, 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

Judge ALDANA concurs.



For the Court,

Shelia R. O'Reilly
Clerk of the Court