

Summarized Report of Results of Trial February 2021

First Judicial Circuit

On 05 February 2021, at a general court-martial convened at Fort Drum, New York, a Specialist, United States Army, was acquitted by a military judge of one specification of sexual assault in violation of Article 120, UCMJ.

On 05 February 2021, at a special court-martial convened at Fort Campbell, Kentucky, PFC Cristoval Lemusvaldez, United States Army, was convicted by a military judge, pursuant to his plea, of one specification of absence without leave in violation of Article 86, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1 and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of the plea agreement.

On 05 February 2021, at a general court-martial convened at Fort George G. Meade, Maryland, PFC Darrius J. Johnson, United States Army, was convicted by military judge, pursuant to his pleas, of two specifications of assault consummated by a battery and one specification of simple assault in violation of Article 128, UCMJ. The accused was acquitted of four specifications of sexual assault in violation of Article 120, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, forfeiture of all pay and allowances and to be confined for 60 days. The sentence was consistent with the terms of the plea agreement.

On 11 February 2021, at a general court-martial convened at Fort Campbell, Kentucky, a Private, United States Army, was acquitted by a military judge of one specification of sexual assault, four specifications of aggravated assault on a child under the age of sixteen years, one specification of aggravated assault, and one specification of child endangerment in violation of Articles 120, 128, and 134, UCMJ.

On 12 February 2021, at a special court-martial convened at Fort Drum, New York, PFC Jakob R. Gadd, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of damaging nonmilitary property, one specification of larceny, and one specification of unlawful entry in violation of Articles 109, 121, and 129, UCMJ. The military judge sentenced the accused to be confined for 14 days and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of the plea agreement.

On 17 February 2021, at a general court-martial convened at Fort Drum, New York, CW4 Craig A. Parker, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of maltreatment of a subordinate, and three specifications of conduct unbecoming an officer and a gentleman in violation of Articles 93 and 133, UCMJ. The accused was acquitted of two specifications of willfully disobeying a superior commissioned officer, one specification of abusive sexual contact, seven specifications of conduct unbecoming an officer and a gentleman, and

four specifications of indecent language in violation of Articles 90, 120, 133 and 134, UCMJ. The military judge sentenced the accused to be reprimanded and to forfeit \$5,455.00 per month for 5 months. The sentence was consistent with the terms of the plea agreement.

On 18 February 2021, at a general court-martial convened at Fort Lee, Virginia, a Sergeant First Class, United States Army, was acquitted by a military panel composed of officer and enlisted members of two specifications of sexual assault and one specification of assault consummated by a battery in violation of Articles 120 and 128, UCMJ.

On 19 February 2021, at a general court-martial convened at Fort Drum, New York, PVT Jordan D. Bellazer, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of sexual assault of a child in violation of Article 120b, UCMJ. The accused was acquitted of one specification of attempted sexual assault of a child in violation of Article 80, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, confined for 7 months, and to be discharged from the service with a dishonorable discharge. The sentence was consistent with the terms of the plea agreement.

On 19 February 2021, at a general court-martial convened at Fort Drum, New York, SPC Dakota L. Beebe, United States Army, was convicted by a military judge, pursuant to his pleas, of two specifications of desertion in violation of Article 85, UCMJ. The military judge sentenced the accused to be confined for 30 days and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of the plea agreement.

Second Judicial Circuit

On 09 February 2021, at a general court-martial convened at Fort Bragg, North Carolina, SGT Daniel J. Candelario, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of conspiracy and one specification of larceny of military property over \$1,000, in violation of Articles 81 and 108, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 18 months, and to be discharged from the service with a dishonorable discharge. The sentence was consistent with the terms of the plea agreement.

On 11 February 2021, at a special court-martial convened at Fort Bragg, North Carolina, SGT Andrea Bertarello, United States Army, was convicted by a military judge, contrary to his plea, of one specification of domestic violence in violation of Article 128b, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-4, and to be confined for 90 days.

On 18 February 2021, at a special court-martial convened at Fort Bragg, North Carolina, SGT Jeremy Creech, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of failing to go to his place of duty, two

specifications of absence without leave, and one specification of willfully disobeying a superior commissioned officer in violation of Articles 86 and 90, UCMJ. The military judge sentenced the accused to be confined for 13 days. The sentence was consistent with the terms of the plea agreement.

Third Judicial Circuit

On 01 February 2021, at a general court-martial convened at Fort Hood, Texas, SGT Allen H. Mitchell, United States Army, was convicted by a military judge, pursuant to his pleas, of three specifications of abusive sexual contact in violation of Article 120, UCMJ. The accused was acquitted of two specifications of sexual assault in violation of Article 120, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-3, to be confined for 9 months, and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of the plea agreement.

On 03 February 2021, at a general court-martial convened at Fort Riley, Kansas, SGT William T. Niven III, United States Army, was convicted by a military judge, pursuant to his plea, of one specification of wrongfully possessing child pornography in violation of Article 134, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, confined for 30 days, and to be discharged from service with a bad-conduct discharge. The sentence was consistent with the terms of the plea agreement.

On 04 February 2021, at a general court-martial convened at Fort Polk, Louisiana, PFC Sebastian Ventura, United States Army, was convicted by a military judge, contrary to his pleas of one specification of willfully disobeying a superior commissioned officer, one specification of sexual assault, and one specification of obstructing justice in violation of Articles 90, 120 and 131b, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 36 months, and to be discharged from the service with a dishonorable discharge.

On 09 February 2021, at a general court-martial convened at Fort Riley, Kansas, CPL Jason C. Seifert, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of attempt to commit sexual assault and one specification of aggravated assault in violation of Articles 80 and 128, UCMJ. The accused was acquitted of one specification of sexual assault in violation of Article 120, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, forfeiture of all pay and allowances, to be confined for 4 years and 6 months, and to be discharged from the service with a dishonorable discharge. The sentence was consistent with the terms of the plea agreement.

On 10 February 2021, at a special court-martial convened at Fort Hood, Texas, PFC Edward Reed, United States Army, was convicted by a military judge, contrary to his plea, of one specification of assault consummated by a battery in violation of Article 128, UCMJ. The military judge sentenced the accused to be discharged from the service with a bad-conduct discharge.

On 10 February 2021, at a general court-martial convened at Fort Riley, Kansas, SGT Dustin L. Hensley, United States Army, was convicted by a military judge, pursuant to his plea, of one specification of sexual assault in violation of Article 120, UCMJ. The military judge sentenced the accused to be confined for 16 months and to be discharged from the service with a dishonorable discharge. The sentence was consistent with the terms of the plea agreement.

On 12 February 2021, at a general court-martial convened at Fort Hood, Texas, SPC Jorge G. Martinez-Colon, United States Army, was convicted by a military judge, contrary to his pleas, of four specifications of sexual assault in violation of Articles 120, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for four years, and to be discharged from the service with a dishonorable discharge.

Fourth Judicial Circuit

On 01 February 2021, at a special court-martial convened at Wheeler Army Airfield, Hawaii, LTC Rose A. Guerrero, United States Army, was convicted by a military judge, pursuant to her pleas, of one specification of assault and one specification of conduct unbecoming an officer and gentleman, in violation of Articles 128 and 133, UCMJ. The military judge sentenced the accused to be reprimanded. The sentence was consistent with the terms of the plea agreement.

On 03 February 2021, at a general court-martial convened at Joint Base Lewis-McChord, Washington, SPC Cody W.C. Wood, United States Army, was convicted by a military judge, pursuant to his plea, of one specification of Attempted Sexual Abuse of a Child Involving Indecent Communication in violation of Article 80, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 30 days, and to be discharged from the service with a bad conduct discharge. The sentence was consistent with the terms of the plea agreement.

On 05 February 2021, at a general court-martial convened at Fort Carson, Colorado, PVT Trey S. Allen, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of false official statement in violation of Article 107, UCMJ. The military judge sentenced the accused to be confined for 170 days, and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of the plea agreement.

On 05 February 2021, at a general court-martial convened at Fort Huachuca, Arizona, CPT Christopher L. Wilkinson, United States Army, was convicted, contrary to his pleas, of one specification of attempted indecent viewing, two specifications of abusive sexual contact of a child, and one specification of indecent exposure in violation of Articles 80, 120b, and 120c, UCMJ. The accused was acquitted of one specification of indecent viewing in violation of Article 120c, UCMJ. The military judge sentenced the accused to be confined for 3 years, and to be dismissed from the service.

On 10 February 2021, at a special court-martial convened at Joint Base Elmendorf-Richardson, Alaska, PFC Alfonso A. Espinoza, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of attempted larceny of property of a value of more than \$1,000.00, one specification of larceny of property of a value of more than \$1,000.00, one specification of larceny of property of a value of more than \$500.00, and three specifications of wire fraud in violation of Articles 80, 121, and 134, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to forfeit \$1,190.00 pay per month for 2 months, to perform 60 days of hard labor without confinement, to be restricted for 60 days, and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of the plea agreement.

On 10 February 2021, at a general court-martial convened at Fort Carson, Colorado, SPC Kenneth Brown, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of false official statement and two specifications of abusive sexual contact in violation of Articles 107 and 120, UCMJ. The military judge sentenced the accused to be confined for six months, and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of the plea agreement.

On 10 February 2021, at a general court-martial convened at Wheeler Army Airfield, Hawaii, PV2 Zacharias T. Moala, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of assault of a superior commissioned officer, one specification of disrespect toward a superior commissioned officer, and one specification of assault consummated by battery, in violation of Articles 89 and 128, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 150 days, and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of the plea agreement.

On 11 February 2021, at a general court-martial convened at Fort Bliss, Texas, PFC Paul E. Luna, United States Army, was convicted by a military judge, pursuant to his pleas of one specification of violating a lawful general order or regulation, one specification of aggravated assault, and one specification of assault consummated by battery in violation of Articles 92 and 128, UCMJ. The accused was acquitted of one specification of willfully damaging military property, and one specification of obstructing justice in violation of Articles 108 and 131b, UCMJ. The military judge sentenced the accused to be confined for 330 days and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of the plea agreement.

On 12 February 2021, at a general court-martial convened at Joint Base Lewis-McChord, Washington, PFC Steven A. Greene, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of absence without leave, one specification of aggravated assault, and one specification of assault consummated by a battery in violation of Articles 86 and 128, UCMJ. The accused was acquitted by a

military panel composed of officer and enlisted members of two specifications of attempted rape, one specification of attempted sexual assault, one specification of aggravated sexual contact, and two specifications of abusive sexual contact in violation of Articles 80, and 120. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 8 months and 7 days, and to be discharged from the service with a bad conduct discharge.

On 16 February 2021, at a special court-martial consisting of a military judge alone, at Camp Humphreys, Republic of Korea, Major Kurt D. Kresta, United States Army, was convicted by a military judge, pursuant to his plea, of one specification of drunken operation of a vehicle in violation of Article 113, UCMJ. The military judge adjudged a sentence of no punishment. The sentence was consistent with the terms of the plea agreement.

On 17 February 2021, at a special court-martial convened at Schofield Barracks, Hawaii, a Staff Sergeant, United States Army, was acquitted by a military panel composed of officers of one specification of wrongful use of a controlled substance in violation of Article 112a, UCMJ.

On 19 February 2021, at a special court-martial convened at Fort Carson, Colorado, PV2 Miguel A. Ibarra, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of wrongful broadcast of intimate visual images in violation of Article 117a, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1 and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of the plea agreement.

Fifth Judicial Circuit

On 03 February 2021, at a special court-martial convened at Kaiserslautern, Germany SSG Christian Hernandez, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of false official statement and one specification of larceny in violation of Articles 107 and 121, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1 and to be confined for 60 days. The sentence was consistent with the terms of the plea agreement.

On 09 February 2020, at a special court-martial convened at Vilseck, Germany, SFC Eric W. Grubb, United States Army, was convicted by a military judge, pursuant to his pleas, of two specifications of indecent conduct in violation of Article 134, UCMJ. The accused was acquitted of one specification of drunken operation of a vehicle, two specifications of indecent exposure, and one specification of indecent conduct in violation of Articles 113, 120c and 134, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-4, to be confined for 210 days, and to be discharged from the service with a bad-conduct discharge.

On 12 February 2021, at a general court-martial convened at Kaiserslautern, Germany, a Sergeant, United States Army, was acquitted by a military panel composed of officer

and enlisted members of one specification of being absent without leave and nine specifications of sexual assault in violation of Articles 86 and 120, UCMJ.

On 19 February 2021, at a general court-martial convened at Kaiserslautern, Germany, SPC Keyshawn T. Eller, United States Army, was convicted by a military judge, pursuant to his plea, of one specification of sexual assault in violation of Article 120, UCMJ. The accused was acquitted of two specifications of sexual assault in violation of Article 120, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to forfeit all pay and allowances, to be confined for 26 months, and to be discharged from the service with a dishonorable discharge. The sentence was consistent with the terms of the plea agreement.

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