

February 2022

Summarized Report of Results of Trial

First Judicial Circuit

On 2 February 2022, at a general court-martial convened at the U.S. Military Academy, a Cadet, United States Army, was acquitted by a military judge of one specification of sexual assault, and two specifications of abusive sexual contact in violation of Article 120, UCMJ.

On 18 February 2022, at a general court-martial convened at Fort Lee, Virginia, a Staff Sergeant, United States Army, was acquitted by an enlisted panel of two specifications of domestic violence and one specification obstruction of justice in violation of Articles 128b and 131b, UCMJ.

On 22 February 2022, at a special court-martial convened at Fort Campbell, Kentucky, SPC Jonathan Brito, United States Army, was convicted by a military judge, pursuant to his pleas, of two specifications of wrongful distribution of a controlled substance, one specification of wrongful possession of a controlled substance, and one specification of wrongful use of a controlled substance in violation of Article 112a, 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 a plea agreement.

Second Judicial Circuit

On 3 February 2022, at a general court-martial convened at Fort Benning, Georgia, PV2 Matthew L. Coe, United States Army, was convicted by a military judge, contrary to his pleas, of one specification of sexual assault in violation of Article 120, UCMJ. The accused was acquitted of one specification of false official statement and one specification of obstruction of justice in violation of Articles 107 and 131b, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 24 months, and to be discharged from the service with a dishonorable discharge.

On 15 February 2022, at a special court-martial convened at Fort Benning, Georgia, PV2 Colton R. Hicks, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of fraudulent enlistment, one specification of wrongful introduction of a controlled substance onto an installation controlled by the armed forces, and one specification of wrongful use of a controlled substance in violation of Articles 104a and 112a, UCMJ. The accused was acquitted of two specifications of disobeying a lawful order, one specification of disobeying a lawful general regulation, five specifications of wrongfully possessing a controlled substance, five specifications of wrongful use of a controlled substance, three specifications of wrongful introduction of a controlled substance onto a military installation, and one specification of larceny in violation of Articles 92, 112a, and 121, UCMJ. The military judge sentenced the accused to be confined for 80 days and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of a plea agreement.

February 2022

Summarized Report of Results of Trial

On 16 February 2022, at a general court-martial convened at Fort Bragg, North Carolina, SPC Ty B. Robertson, Jr., United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of child pornography in violation of Article 134, UCMJ. The military judge sentenced the accused to be confined for 7 months and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of a plea agreement.

On 16 February 2021, at a special court-martial convened at Fort Bragg, North Carolina, a Specialist, United States Army, was acquitted by a military panel composed of officer and enlisted members of one specification of wrongful use of a controlled substance in violation of Article 112a, UCMJ.

On 24 February 2022, at a general court-martial convened at Fort Bragg, North Carolina, SGT Keith Johnson, United States Army, was convicted by a military judge, contrary to his pleas, of one specification of desertion, one specification of rape of a child, one specification of aggravated sexual assault of a child, and two specifications of forcible sodomy in violation of Articles 85, 120, and 125, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 20 years, and to be discharged from the service with a dishonorable discharge.

On 24 February 2022, at a court-martial convened at Fort Gordon, Georgia, PFC Alexis Gonzalez, United States Army, was convicted by a military judge, pursuant to his plea, of one specification of possession of a controlled substance and one specification of distribution of a controlled substance in violation of Article 112a, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 90 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 24 February 2022, at a special court-martial convened at Fort Gordon, Georgia, SFC Robert H. Cook, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button and one specification of wrongfully and without authority wearing insignia, decoration, badge, ribbon, device, or lapel button, such conduct being of a nature to bring discredit upon the armed forces in violation of Articles 106a and 134, UCMJ. The accused was acquitted of one specification of making a false official statement in violation of Article 107, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-6. The sentence was consistent with the terms of the plea agreement.

On 25 February 2022, at a general court-martial convened at Fort Jackson, South Carolina, 1LT Edward P. Cepe, United States Army, was convicted by a military judge, pursuant to his pleas, of seven specifications of failure to obey a lawful general regulation and one specification of engaging in a prohibited act with a military recruit or trainee by a person in position of special trust in violation of Articles 92 and 93a, UCMJ. The military judge sentenced the accused to be dismissed from the service. The sentence was consistent with the terms of a plea agreement.

February 2022

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Third Judicial Circuit

On 1 February 2022, at a general court-martial convened at Fort Sill, Oklahoma, PV1 Alan S. Gutierrez, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of absence without leave, one specification of making a false official statement, and one specification of obstruction of justice in violation of Articles 86, 107, and 134 UCMJ. The accused was acquitted of one specification of sexual assault and two specifications of unlawful entry in violation of Articles 120 and 129, UCMJ. The military judge sentenced the accused to be confined for 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 14 February 2022, at a general court-martial convened at Fort Hood, Texas, PFC Rogelio L. Alanis, United States Army, was convicted by a military judge, pursuant to his pleas, of three specifications of human trafficking in violation of Articles 134, UCMJ. The military judge sentenced the accused to be confined for 60 days, and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of a plea agreement.

On 16 February 2022, at a general court-martial convened at Fort Hood, Texas, SPC Noah Fernandez, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of sexual assault and one specification of indecent recording in violation of Articles 120 and 120c, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 27 months, and to be discharged from the service with a dishonorable discharge. The sentence was consistent with the terms of a plea agreement.

On 16 February 2022, at a special court-martial convened at Fort Hood, Texas, MSG David Telfer, United States Army, was convicted by a military judge, pursuant to his pleas, of three specifications of failure to obey a lawful general regulation in violation of Article 92, UCMJ. The accused was acquitted of one specification of drunk driving in violation of Article 113, UCMJ. The military judge sentenced the accused to a reprimand. The sentence was consistent with the terms of a plea agreement.

On 18 February 2022, at a general court-martial convened at Fort Hood, Texas, SSG Ricky Gumbs, United States Army, was convicted by a military panel, contrary to his pleas, of one specification of failure to obey a lawful general regulation, one specification of possession of a controlled substance, one specification of sexual assault, and one specification of indecent conduct in violation of Articles 92, 112a, 120, and 134, UCMJ. The accused was acquitted of one specification of attempted extramarital conduct and one specification of sexual assault in violation of Articles 80 and 120, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 14 months, and to be discharged from the service with a bad-conduct discharge.

February 2022

Summarized Report of Results of Trial

On 25 February 2022, at a general court-martial convened at Fort Hood, Texas, PFC Timothy D. Tindall, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of wrongfully and willfully discharging a firearm and two specifications of assault in violation of Articles 114 and 128, UCMJ. The accused was acquitted of one specification of attempted murder, one specification of communicating a threat, one specification of assault, one specification of violating a protective order, and three specifications of willfully disobeying superior commissioned officer in violation of Articles 80, 90, 92, 115, 128, and 134, UCMJ. The military judge sentenced the accused to be confined for 18 months and to be discharged from the service with a bad-conduct discharge.

On 25 February 2022, at a general court-martial convened at Fort Sill, Oklahoma, a Private (E-2), United States Army, was acquitted by an enlisted panel of two specifications of sexual assault in violation of Article 120, UCMJ.

Fourth Judicial Circuit

On 3 February 2022, at a special court-martial convened at Joint Base Elmendorf-Richardson, Alaska, a Specialist, United States Army, was acquitted by a military panel composed of officer and enlisted members of three specifications of false official statements and two specifications of larceny of military property of a value of more than \$1000.00 in violation of Articles 107 and 121, UCMJ.

On 16 February 2022, at a general court-martial convened at Wheeler Army Airfield, Hawaii, SPC David P. Vanburen, United States Army, was convicted by a military panel composed of officers and enlisted members, contrary to his pleas, of one specification of impersonating an agent of superior authority and three specifications of abusive sexual contact in violation of Articles 106 and 120, UCMJ. The accused was acquitted of one specification of giving a false official statement and one specification of sexual assault in violation of Articles 107 and 120, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 16 months, and to be discharged from the service with a bad-conduct discharge.

On 16 February 2022, at general court-martial convened at Joint Base Lewis-McChord, Washington, SPC Zechariah L. Rucker, United States Army, was convicted by a military judge, in accordance with his pleas, of ten specifications of assault consummated by a battery and one specification of indecent language in violation of Articles 128 and 134, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 135 days, and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of a plea agreement.

February 2022

Summarized Report of Results of Trial

On 17 February 2022, at a general court-martial convened at Joint Base Lewis-McChord, Washington, SGT Blaine S. Malave, United States Army, was convicted by a military judge, pursuant to his plea, of one specification of fraud by wire, radio, or television (18 U.S.C. § 1343) in violation of Article 134, UCMJ. The military judge sentenced the accused to be reprimanded, to be reduced to the grade of E-1, to be fined \$15,000, 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 a plea agreement.

On 22 February 2022, at a general court-martial convened at Joint Base Elmendorf-Richardson, Alaska, PV1 Michael W. Jones, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of an indecent act in violation of Article 120, UCMJ. The military judge sentenced the accused to be confined for 6 months and to be discharged from the service with a bad-conduct discharge. As part of an offer to plead guilty, a pretrial agreement limited confinement to 4 months.

On 22 February 2022, at a special court-martial convened at Camp Humphreys, Republic of Korea, SSG Skyler B. Smith, United States Army, was convicted by a military judge, pursuant to his pleas, of six specifications of assault consummated by a battery in violation of Article 128, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-4 and to be confined for 60 days. The sentence was consistent with the terms of a plea agreement.

On 24 February 2022, at a general court-martial convened at Fort Bliss, Texas, a Specialist, United States Army, was acquitted by a military judge of one specification of rape by force and one specification of sexual assault without consent in violation of Article 120, UCMJ.

On 25 February 2022, at a special court-martial convened at Joint Base Lewis-McChord, Washington, PV1 Najjar Abdullah, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of conspiracy to commit larceny of money over a value of \$1000 and one specification of obstruction of justice in violation of Articles 81 and 131b, UCMJ. The accused was acquitted of one specification of false pretenses to obtain services in violation of Article 134, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to forfeit two-thirds pay for two months, to be confined for 180 days, and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of a plea agreement.

February 2022

Summarized Report of Results of Trial

Fifth Judicial Circuit

On 17 February 2022, at a general court-martial convened at Rose Barracks, Germany, SPC Ashton K. Glenn, United States Army, was convicted by a military panel composed of officers and enlisted members, contrary to his pleas, of one specification of sexual assault in violation of Article 120, UCMJ. The accused was acquitted of two specifications of abusive sexual contact, one specification of sexual assault and one specification of assault consummated by a battery in violation of Articles 120 and 128, UCMJ. The military judge sentenced the accused to be confined for 30 days and to be discharged from the service with a dishonorable discharge.

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