

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

UNITED STATES

v.

**Clark R. BATES
Boatswain's Mate First Class (E-6), U.S. Coast Guard**

CGCMS 24420

Docket No. 1324

26 March 2010

Special Court-Martial convened by Commanding Officer, Group/Air Station North Bend. Tried at North Bend, Oregon, on 25 March 2009.

Military Judge:	CAPT Thomas R. Cahill, USCG
Trial Counsel:	LT Matthew N. Jones, USCG
Defense Counsel:	LT William A. Holt, JAGC, USN
Assistant Defense Counsel:	LTJG Timothy D. Bergstrom, JAGC, USNR
Appellate Defense Counsel:	LCDR J. Scott Howard, USCG
Appellate Government Counsel:	LT Emily P. Reuter, USCG

**BEFORE
McCLELLAND, TOUSLEY & McTAGUE**
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 violating a lawful general order, in violation of Article 92, Uniform Code of Military Justice (UCMJ); and two specifications of adultery and four specifications of using indecent language with a child under 16 years of age, all in violation of Article 134, UCMJ. The military judge sentenced Appellant to confinement for six months, reduction to E-3, and a bad-conduct discharge. The Convening Authority approved the sentence as adjudged. The pretrial agreement did not affect the sentence.

United States v. Clark R. BATES, No. 1324 (C.G.Ct.Crim.App. 2010)

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,

Gail M. Reese
Clerk of the Court