

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

UNITED STATES

v.

**Gavin B. MITCHELL
Fireman (E-3), U.S. Coast Guard**

CGCMG 0260

Docket No. 1323

23 April 2010

General Court-Martial convened by Commander, Eighth Coast Guard District. Tried at Charlottesville, Virginia, on 29 April 2009.

Military Judge:	CAPT Gary E. Felicetti, USCG
Trial Counsel:	LT Brian K. McNamara, USCG
Detailed Defense Counsel:	LT Jason S. Ayeroff, JAGC, USN
Appellate Defense Counsel:	LT Kelley L. Tiffany, USCGR
Appellate Government Counsel:	LT Emily P. Reuter, USCG

**BEFORE
McCLELLAND, LODGE & McGUIRE**
Appellate Military Judges

Per curiam:

Appellant was tried by general 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 making a false official statement, in violation of Article 107, Uniform Code of Military Justice (UCMJ); and two specifications of having sexual intercourse with a child of less than 16 years of age, one specification of abusive sexual contact with a child of less than 16 years of age, and one specification of indecent liberties with a child of less than 16 years of age, all in violation of Article 120, UCMJ. The military judge sentenced Appellant to confinement for fifteen months, reduction to E-1, and a dishonorable discharge. The Convening Authority approved the sentence except for confinement in excess of twelve months, pursuant to the pretrial agreement.

United States v. Gavin B. MITCHELL, No. 1323 (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