

UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Miles S. KENDZIORSKI
Food Service Specialist Third Class (E-4), U.S. Coast Guard

CGCMG 0340
Docket No. 1439

12 June 2017

General Court-Martial convened by Commander, Fourteenth Coast Guard District. Tried at Honolulu, Hawaii, on 9 November 2015.

Military Judge:	CDR Cassie A. Kitchen, USCG
Trial Counsel:	CDR Robert M. Pirone, USCG
Assistant Trial Counsel:	LCDR Gregory J. Knoll, USCG
Defense Counsel:	CDR Shane E. Johnson, JAGC, USN
Appellate Defense Counsel:	LT Philip A. Jones, USCGR
Appellate Government Counsel:	LT Lars T. Okmark, USCGR

BEFORE
McCLELLAND, HAVRANEK & HERMAN
Appellate Military Judges

McCLELLAND, Chief Judge:

Appellant was tried by general court-martial, military judge alone. Pursuant to his pleas, entered in accordance with a pretrial agreement, Appellant was convicted of one specification of possession of child pornography, in violation of Article 134, Uniform Code of Military Justice (UCMJ). The military judge sentenced Appellant to confinement for thirty months, reduction to E-1, forfeiture of all pay and allowances, and a bad-conduct discharge. The Convening Authority approved the sentence, but suspended confinement in excess of twenty-four months, 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.

Judges HAVRANEK and HERMAN concur.



For the Court,

Sarah P. Valdes
Clerk of the Court