

**UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS**

**UNITED STATES**

**v.**

**Kenneth MOLINARY**  
**Electrician's Mate Second Class (E-5), U.S. Coast Guard**

**CGCMS 24945**  
**Docket No. 1440**

**12 July 2017**

Special Court-Martial convened by Commander, Coast Guard Sector Key West. Tried at Miami, Florida, and Key West, Florida, 26 Oct 2015 and 08 Dec 2015.

|                               |                               |
|-------------------------------|-------------------------------|
| Military Judge:               | CDR Ted R. Fowles, USCG       |
| Trial Counsel:                | LCDR Kelly C. Blackburn, USCG |
| Assistant Trial Counsel:      | LCDR J. Heyward Silcox, USCG  |
| Defense Counsel:              | LT Kevin R. Larson, JAGC, USN |
| Appellate Defense Counsel:    | LT Philip A. Jones, USCGR     |
| Appellate Government Counsel: | LT Sharyl L. Pels, USCGR      |

**BEFORE**  
**McCLELLAND, HAVRANEK & HERMAN**  
Appellate Military Judges

McCLELLAND, Chief Judge:

Appellant was tried by special court-martial, military judge alone. Pursuant to his pleas, Appellant was convicted of four specifications of wrongful use of a controlled substance (cocaine, heroin, marijuana, and oxycodone), in violation of Article 112a, Uniform Code of Military Justice (UCMJ). The military judge sentenced Appellant to a bad-conduct discharge, hard labor without confinement for three months, and reduction to E-1. The Convening Authority approved the sentence.

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.

**United States v. Kenneth MOLINARY, No. 1440 (C.G.Ct.Crim.App. 2017)**

**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