

UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Paul R. SUBA
Food Service Specialist Second Class (E-5), U.S. Coast Guard

CGCMS 24896
Docket No. 1380

29 July 2014

Special Court-Martial convened by Commanding Officer, Coast Guard Sector Guam. Tried at Santa Rita, Guam, on 16 January 2013.

Military Judge:	CDR Kevin F. Bruen, USCG
Trial Counsel:	LCDR Lisa M. Rice, USCG
Assistant Trial Counsel:	LT Kelly A. Vandenberg, USCG
Defense Counsel:	LT Craig S. Thedwall, JAGC, USN
Assistant Defense Counsel:	LT Stanley P. Fields, USCG
Appellate Defense Counsel:	LT Cara J. Condit, USCG
Appellate Government Counsel:	LT Daniel Velez, USCGR

BEFORE
McCLELLAND, NORRIS & CLEMENS¹
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 willfully disobeying a superior commissioned officer, in violation of Article 90, Uniform Code of Military Justice (UCMJ); three specifications of dereliction of duty, in violation of Article 92, UCMJ; one specification of false official statement, in violation of Article 107, UCMJ; one specification of larceny and one specification of wrongful appropriation, in violation of Article 121, UCMJ; and eight specifications of fraud against the United States, in violation of Article 132, UCMJ. The military judge sentenced Appellant to confinement for

¹ Judge Clemens did not participate in this case.

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forty-five days, reduction to E-1, and a bad-conduct discharge. The Convening Authority approved the sentence. The pretrial agreement did not affect the sentence.

Before this Court, Appellant points out an erroneous date of trial in the Court-Martial Order. Otherwise, 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. The Convening Authority shall issue a new promulgating order reflecting the correct date of trial, correcting the entry as to Charge I to read Article 90 vice Article 86, and correctly rendering the findings, particularly the exceptions and substitutions, of the specification of Charge I, in accordance with page 144 of the record of trial.



For the Court,

L. I. McClelland
Chief Judge