

UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Matthew P. JOHNSTON
Machinery Technician Second Class (E-5), U.S. Coast Guard

CGCMS 24485

Docket No. 1364

9 January 2013

Special Court-Martial convened by Commander, Coast Guard Sector Puget Sound. Tried at Seattle, Washington, on 01 December 2011.

Military Judge:	LCDR Thomas R. Brown, USCG
Trial Counsel:	LT Tamara S. Wallen, USCGR
Assistant Trial Counsel:	LCDR John T. Dewey, USCG
Defense Counsel:	LT Leigha B. Fassett, JAGC, USN
Appellate Defense Counsel:	LT Cara J. Condit, USCG
Appellate Government Counsel:	LT Amanda M. Lee, USCG

BEFORE
McCLELLAND, McTAGUE & DUIGNAN
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 making a false official statement, in violation of Article 107, Uniform Code of Military Justice (UCMJ); one specification of indecent act, in violation of Article 120, UCMJ; and one specification of violating 18 U.S.C. 2251 by persuading or enticing a minor to engage in sexually explicit conduct to produce a visual depiction that would be transported via interstate commerce, which conduct was of a nature to bring discredit upon the armed forces, and one specification of violating 18 U.S.C. 2252 by receiving material that contained child pornography and had been transmitted via interstate commerce, which conduct was of a nature to bring discredit upon the armed forces, both in violation of Article 134, UCMJ. The military judge

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sentenced Appellant to confinement for ten months, reduction to E-1, and a bad-conduct discharge. The Convening Authority approved the sentence as adjudged. The pretrial agreement did not affect 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.

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,

Andrew R. Alder
Clerk of the Court