

UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Colby C. BAILEY
Seaman (E-3), U.S. Coast Guard

CGCMG 0330
Docket No. 1428

5 February 2018

General Court-Martial convened by Commander, Seventh Coast Guard District. Arraignment by VTC on 29 October 2014. Tried at Clearwater, Florida, on 8-12 December 2014.

Military Judge (arraignment):	CAPT Christine N. Cutter, USCG
Military Judge (trial):	CDR Ian K. Thornhill, JAGC, USN
Appellate Defense Counsel:	LT Philip A. Jones, USCG LT Jason W. Roberts, USCG
Appellate Government Counsel:	LT Tereza Z. Ohley, USCG LT Sharyl L. Pels, USCG

BEFORE
McCLELLAND, HAVRANEK & BRUCE
Appellate Military Judges

Per curiam:

Appellant was tried by general court-martial composed of members with enlisted representation. Contrary to his pleas, Appellant was convicted of three specifications of sexual assault and one specification of abusive sexual contact, all in violation of Article 120, Uniform Code of Military Justice (UCMJ). The members sentenced Appellant to confinement for eighteen months, reduction to E-1, a dishonorable discharge, and forfeiture of all pay and allowances. The Convening Authority approved the sentence as adjudged.

This is our second review of this case. In our first review, we affirmed the findings and the sentence. The United States Court of Appeals for the Armed Forces (CAAF) granted a petition for review and affirmed our decision as to findings but reversed as to sentence. *United*

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States v. Bailey, 71 M.J. 11, 16 (C.A.A.F. 2017). CAAF noted that although we had affirmed the sentence as approved—which included forfeiture of all pay and allowances—we failed to reference the forfeitures when reciting the sentence in our opening paragraph. CAAF concluded that our opinion was thus ambiguous and ordered the record remanded for clarification. *Id.* at 15–16.

Our omission of reference to forfeiture of pay and allowances was a scrivener's error. We now clarify by affirming the entire approved sentence, including forfeiture of all pay and allowances.

Decision

The findings have previously been affirmed. *Bailey*, 71 M.J. at 16. The sentence, as approved below, is affirmed.



For the Court,

Sarah P. Valdes
Clerk of the Court