

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
FLEMING, PENLAND, and COOPER
Appellate Military Judges

UNITED STATES, Appellee
v.
Sergeant First Class ROBERT J. RATAJCZAK, JR.
United States Army, Appellant

ARMY 20230197

Headquarters, U.S. Army Alaska
Jessica R. Conn, Military Judge
Colonel William D. Smoot, Staff Judge Advocate

For Appellant: Captain Robert W. Duffie, JA; Catherine M. Cherkasky, Esquire (on brief, reply brief, and request for reconsideration).

For Appellee: Colonel Richard E. Gorini, JA; Major Chase Cleveland, JA; Major Patrick S. Barr, JA (on brief); Colonel Richard E. Gorini, JA; Major Patrick S. Barr, JA (on reply to request for reconsideration).

13 January 2025

DECISION ON RECONSIDERATION

Per Curiam:

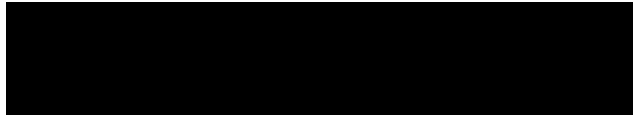
On 3 December 2024, this court affirmed the findings of guilty and the sentence in appellant's case. On 9 December 2024, appellant filed a motion for reconsideration, which was granted by the court on 13 December 2024. On reconsideration of the entire record, including consideration of the issues personally specified by appellant, we hold the findings of guilty and the sentence, as entered in the Judgment, correct in law and fact. Accordingly, those findings of guilty and the sentence are AFFIRMED.*

* The block pertaining to Specification 4 of the Charge of the "Statement of Trial Results Findings Worksheet" is modified to read as follows:

In that Sergeant First Class (E-7) Robert J. Ratajczak, U.S. Army, did,
at or near Anchorage, Alaska, on or about 19 October 2020, commit a

(continued . . .)

FOR THE COURT:



JAMES W. HERRING, JR.
Clerk of Court

CF: JALS-DA
JALS-GA
JALS-CCR
JALS-CCZ
JALS-CR2

(. . continued)

lewd act upon [REDACTED], a child who had not attained the age of 16 years, by touching [REDACTED]'s vulva with Sergeant First Class (E-7) Robert J. Ratajczak's body part to wit: his finger, with an intent to arouse and gratify the sexual desire of Sergeant First Class (E-7) Robert J. Ratajczak.

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For Appellee: Colonel Richard E. Gorini, JA; Major Chase Cleveland, JA; Major Patrick S. Barr, JA (on brief).

3 December 2024

DECISION

Per Curiam:

On consideration of the entire record, including consideration of the issues personally specified by appellant, we hold the finding of guilty and the sentence, as entered in the Judgment, correct in law and fact. Accordingly, the finding of guilty and the sentence are AFFIRMED.*

FOR THE COURT:


JAMES W. HERRING, JR.
Clerk of Court

* The block pertaining to Specification 4 of the Charge of the "Statement of Trial Results

(continued . . .)

(. . .continued)

Findings Worksheet” is modified to read as follows:

In that Sergeant First Class (E-7) Robert J. Ratajczak, U.S. Army, did, at or near Anchorage, Alaska, on or about 19 October 2020, commit a lewd act upon [REDACTED], a child who had not attained the age of 16 years, by touching [REDACTED]'s vulva with Sergeant First Class (E-7) Robert J. Ratajczak's body part to wit: his finger, with an intent to arouse and gratify the sexual desire of Sergeant First Class (E-7) Robert J. Ratajczak.