

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
PENLAND, MORRIS, and ARGUELLES*
Appellate Military Judges

UNITED STATES, Appellee
v.
Specialist ESTEBAN OLAHPRADO
United States Army, Appellant

ARMY 20220200

Headquarters, 7th Infantry Division (trial)
Headquarters, U.S. Army Combined Arms Center and Fort Leavenworth (new
recommendation and action)
Jessica R. Conn, Military Judge (trial)
Tyesha L. Smith, Military Judge (second modified judgment of the court)
Colonel Robert A. Rodrigues, Staff Judge Advocate (trial)
Colonel Christian E. Beese, Staff Judge Advocate (new recommendation and action)

For Appellant: Captain Matthew S. Fields, JA (argued); Lieutenant Colonel Autumn R. Porter, JA; Major Mitchell D. Herniak, JA; Captain Matthew S. Fields, JA (on brief and reply brief); Colonel Philip M. Staten, JA; Major Mitchell D. Herniak, JA; Captain Matthew S. Fields (on brief on specified issues); Colonel Philip M. Staten, JA; Lieutenant Colonel Autumn R. Porter, JA; Major Mitchell D. Herniak, JA; Captain Matthew S. Fields, JA (on reply brief on specified issues).

For Appellee: Lieutenant Colonel Matthew T. Grady, JA (argued); Colonel Christopher B. Burgess, JA; Lieutenant Colonel Jacqueline J. DeGaine, JA; Lieutenant Colonel Matthew T. Grady, JA; Major Chase C. Cleveland, JA (on brief, on brief on specified issues).

27 June 2025

DECISION ON FURTHER REVIEW

Per Curiam:

On 9 April 2024, this Court set aside appellant's findings of guilty to Specifications 9, 10, and 11 of Charge I and the sentence in its entirety. *United*

* Judge ARGUELLES decided this case while on active duty.

OLAHPRADO — ARMY 20220200

States v. Olahprado, ARMY 20220200, 2024 CCA LEXIS 170, at *42 (Army Ct. Crim. App. 9 Apr. 2024) (mem. op.). The remaining findings of guilty were affirmed, and a rehearing was authorized for the set aside findings and sentence. *Id.*

On 3 October 2024, the returned Charge and its Specifications were withdrawn and dismissed without prejudice by the convening authority. On 12 November 2024, the convening authority determined a rehearing was impracticable. A sentence of “no punishment” was entered by the military judge on 15 November 2024 as the Second Modified Judgment of the Court.

On consideration of the entire record, we hold the findings of guilty and the sentence, as incorporated in the Second Modified Judgment of the Court, dated 15 November 2024, correct in law and fact. Accordingly, those findings of guilty and the sentence are AFFIRMED.

FOR THE COURT:



JAMES W. HERRING, JR.
Clerk of Court