

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
COOPER, WILLIAMS, and SCHLACK
Appellate Military Judges

UNITED STATES, Appellee
v.
Private E1 JESUS D. CALVILLOMAGANA
United States Army, Appellant

ARMY 20230161

Headquarters, National Training Center and Fort Irwin
Matthew S. Fitzgerald and Jessica Conn, Military Judges
Lieutenant Colonel Justin M. Marchesi, Staff Judge Advocate

For Appellant: Colonel Philip M. Staten, JA; Lieutenant Colonel Autumn R. Porter, JA; Major Robert D. Luyties, JA; Major Amanda Williams, JA (on brief); Lieutenant Colonel Autumn R. Porter, JA; Major Robert D. Luyties, JA (on reply brief).

For Appellee: Colonel Richard E. Gorini, JA; Lieutenant Colonel K.M. Bohlke, JA; Major Marc B. Sawyer, JA; Lieutenant Colonel Matthew T. Grady, JA (on brief).

4 May 2026

DECISION ON REMAND

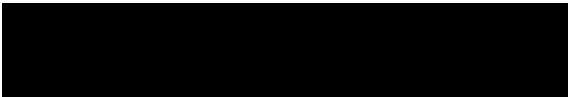
This opinion is issued as an unpublished opinion and, as such, does not serve as precedent.

Per Curiam:

On 19 March 2025, this court set aside appellant's finding of guilty for Specification 2 of The Charge and the corresponding segmented sentence for that specification. *United States v. Calvillomagana*, ARMY 20230161, 2025 CCA LEXIS 115 (Army Ct. Crim. App. 19 Mar. 2025) (summ. disp.). We further merged Specification 1 and Specification 2 into a single specification. On 2 March 2026, this court's decision was set aside by the United States Court of Appeals for the Armed Forces [CAAF], and, on 30 March 2026, the case was remanded back to this court for a new Article 66 review in accordance with the CAAF's decision in *United States v. Malone*, ___ M.J. ___, 2026 CAAF LEXIS 62 (C.A.A.F. 20 Jan. 2026).

Considering *Malone*, the findings of guilty and the sentence, as entered in the original Judgment of the Court, dated 27 April 2023, are correct in law and fact. Accordingly, the findings and sentence are AFFIRMED.

FOR THE COURT:



JAM S W.
Clerk of Court