

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
MORRIS, BURGESS, and JUETTEN
Appellate Military Judges

UNITED STATES, Appellee
v.
Private First Class CODY R. HANSEN
United States Army, Appellant

ARMY 20250265

Headquarters, Fort Carson
Kenton E. Spiegler, Military Judge
Colonel Jason M. Elbert, Staff Judge Advocate (trial)
Colonel Frances M. Smith, Staff Judge Advocate (post-trial)

For Appellant: Major Kelsey Mowatt-Larssen, JA; Captain Grant A. Olan (on brief).

For Appellee: Major Elizabeth G. Van Dyck, JA (on brief).

29 September 2026

SUMMARY DISPOSITION

This opinion is issued as an unpublished opinion and, as such, does not serve as precedent.

MORRIS, Senior Judge:

An enlisted panel, sitting as a general court-martial, convicted appellant, contrary to his pleas, of one specification of violating a general regulation and one specification of wrongful distribution of a controlled substance, in violation of Articles 92 and 112a, Uniform Code of Military Justice, 10 U.S.C. §§ 892, 912a [UCMJ]. The military judge sentenced appellant to a bad-conduct discharge, three months of confinement, total forfeiture of all pay and allowances, to be reprimanded, and to be reduced to the grade of E-1. Despite being sentenced to be reprimanded, the “[Staff Judge Advocate] Clemency Advice” incorrectly stated a reprimand had not been ordered. Following this incorrect advice, the convening authority declined

to take any action beneficial to appellant¹ on the sentence and no reprimand was issued.² Since the convening authority failed to act on the reprimand, neither issuing it nor providing clemency, before the military judge entered judgment and this court received appellant's record of trial, we will set aside that portion of the sentence and affirm the findings and remainder of the sentence.

LAW AND DISCUSSION

A reprimand is an authorized punishment that may be imposed by a court-martial. R.C.M. 1003(b)(1). When a reprimand is adjudged, "if approved, [it] shall be issued, in writing, by the convening authority." *Id.* If not approved, the convening authority may "disapprove, reduce, commute, or suspend the reprimand in accordance with R.C.M. 1109 or R.C.M. 1110." R.C.M. 1003(b)(1) discussion. "If the convening authority decides to take no action on the . . . sentence . . . the convening authority's staff judge advocate or legal advisor shall notify the military judge of the decision" and the military judge shall enter judgment. R.C.M. 1100(c)(1), 1111. However, this court's review of an appeal is limited to those findings and sentence codified in the entry of judgment. UCMJ art. 66(d)(1)(A) ("In any case before the Court of Criminal Appeals . . . the Court may only act with respect to the findings and sentence as entered into the record . . .").

After being incorrectly advised as to the adjudged sentence, the convening authority took neither of the two authorized actions he was required to take; i.e., issue the reprimand in accordance with the court-martial's sentence or "[r]educe, commute, or suspend" it. This was error.

Like our sister service, who addressed a similar error in *United States v. Menard*, No. ACM 40496, 2025 CCA LEXIS 137 (28 Mar. 2025), we are unable to affirm the reprimand, as we can "only affirm the portions of a sentence codified in the entry of judgment." *Id.*, at *2 n.4 (citing UCMJ art. 66(d)(1)(A)).

¹ In his ensuing request for clemency to the convening authority under Rule for Courts-Martial [R.C.M.] 1106, appellant requested the convening authority "exercise any powers to grant clemency." In appellant's case, the convening authority had the ability to "[r]educe, commute, or suspend," the adjudged reprimand pursuant to R.C.M. 1109(c)(5)(B).

² The "Convening Authority Action" in appellant's case indicated "N/A" to statements regarding whether a reprimand had been issued by the convening authority and attached to the action.

CONCLUSION

On consideration of the entire record, the findings of guilty are AFFIRMED. Only so much of the sentence as provides for a bad-conduct discharge, three months of confinement, total forfeiture of all pay and allowances, and reduction to the grade of E-1 are AFFIRMED.

Judge BURGESS and Judge JUETTEN concur.

FOR THE COURT:


JAMES W. HERRING, JR. 
Clerk of Court