

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
WALKER, HAYES, and PARKER
Appellate Military Judges

UNITED STATES, Appellee
v.
Private First Class LEE T. NGUYEN
United States Army, Appellant

ARMY 20210509

Headquarters, 82nd Airborne Division
Travis L. Rogers, Military Judge
Major Donel J. Davis, Acting Staff Judge Advocate

For Appellant: Colonel Michael C. Friess, JA; Jonathan F. Potter, Esquire; Major Joyce C. Liu, JA; Captain Sean Patrick Flynn, JA (on brief); Lieutenant Colonel Dale C. McFeatters, JA; Jonathan F. Potter, Esquire; Major Joyce C. Liu, JA; Captain Sean Patrick Flynn, JA (on reply brief).

For Appellee: Colonel Christopher B. Burgess, JA; Lieutenant Colonel Jacqueline J. DeGaine, JA; Major Kalin P. Schlueter, JA; Captain Patrick S. Barr, JA (on brief).

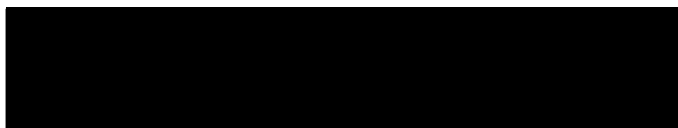
29 June 2023

DECISION

Per Curiam:

On consideration of the entire record, including consideration of the issues personally specified by the 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.*

FOR THE COURT:



JAMES W. HERRING, JR.
Clerk of Court

* We have given full and fair consideration to matters personally raised by appellant

(continued . . .)

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pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), and find all but the error alleging improper argument by the government to be without merit. Although we acknowledge trial counsel made improper statements that appellant “lied” on several occasions during their closing argument, we find no prejudice and that appellant is entitled to no relief. *See United States v. Fletcher*, 62 M.J. 175, 179 (C.A.A.F. 2005) (“It is improper for a trial counsel to interject herself into the proceedings by expressing a personal belief or opinion as to the truth or falsity of any testimony or evidence.”)