

CORRECTED COPY

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
PENLAND, MORRIS, and ARGUELLES¹
Appellate Military Judges

UNITED STATES, Appellee
v.
Private E1 DAMARIYAE T. POPE
United States Army, Appellant

ARMY 20210501

Headquarters, Fort Stewart (trial)
Headquarters, U.S. Army Combined Arms Center and
Fort Leavenworth (*DuBay* Hearing)²
Alyssa S. Adams, Military Judge (arraignment)
Albert G. Courie III, Military Judge (trial)
Adam S. Kazin, Military Judge (*DuBay* Hearing)²
Colonel Joseph M. Fairfield, Staff Judge Advocate (trial)
Colonel Robert L. Manley, Staff Judge Advocate (*DuBay* Hearing)²

For Appellant: Captain David Hamstra, JA; Allison R. Weber, Esquire (on brief).

For Appellee: Colonel Christopher B. Burgess, JA; Lieutenant Colonel Jacqueline J. DeGaine, JA; Lieutenant Colonel Anthony O. Pottinger, JA; Major Pamela L. Jones, JA (on brief).

13 July 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.³

¹ Judge ARGUELLES decided this case while on active duty.

² Corrected

³ The military judge did not formally announce assembly of the court-martial. This

(continued . . .)

FOR THE COURT:



JAMES W. HERRING, JR.
Clerk of Court

(. . . continued)

failure to announce was harmless error given that the court-martial was in fact properly constituted and assembled, without announcement, immediately after appellant's request for trial by judge alone was accepted. See *United States v. Callaway*, Army No. 20050268, 2007 CCA LEXIS 578 at *9-10 (Army Ct. Crim. App. 31 Jul. 2007) (mem. op.); *United States v. Mull*, 76 M.J. 741, 742 (A.F. Ct. Crim. App. 2017).