

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
SALUSSOLIA, SALADINO, and ALDYKIEWICZ
Appellate Military Judges

UNITED STATES, Appellee
v.
Specialist JORDAN T. ELIE
United States Army, Appellant

ARMY 20160112

Headquarters, 7th Infantry Division
Jeffery D. Lippert and Lanny J. Acosta, Jr., Military Judges
Colonel Russell N. Parson, Staff Judge Advocate

For Appellant: Major Julie L. Borchers, JA; Captain Oluwaseye Awoniyi, JA (on brief).

For Appellee: Lieutenant Colonel Wayne H. Williams, JA (on brief).

4 April 2019

SUMMARY DISPOSITION ON FURTHER REVIEW

Per Curiam:

This case comes before us again under Article 66, Uniform Code of Military Justice, 10 U.S.C. § 866 [UCMJ] following a rehearing on sentence. When we originally reviewed this case, we set aside appellant's conviction for attempted abusive sexual contact (Article 80, UCMJ) and affirmed one specification of sexual assault (Article 120, UCMJ) after reviewing the military judge's erroneous propensity instruction through the lenses of *United States v. Hills*, 75 M.J. 350 (C.A.A.F. 2016), *United States v. Hukill*, 76 M.J. 219 (C.A.A.F. 2017), and *United States v. Guardado*, 77 M.J. 90 (C.A.A.F. 2017). *United States v. Elie*, ARMY 20160112, 2018 CCA LEXIS 17 (Army Ct. Crim. App. 16 Jan. 2018). In remanding the case to the convening authority, we authorized a rehearing on the Article 80 offense as well as on sentencing. *Id.* at *11.

On remand, the convening authority dismissed the Article 80 offense. Appellant opted to have the military judge sit as a general court-martial for his sentence rehearing for the Article 120 offense. The military judge sentenced

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appellant to a dishonorable discharge, confinement for twenty-four months, forfeiture of all pay and allowances, and reduction to the grade of E-1.

We have reexamined this case, to include the assignments of error originally raised by appellant in his 14 April 2017 brief and matters personally raised by appellant pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982). Having conducted a complete review of the case, we stand by our original resolution of these matters.

CONCLUSION

The findings of guilty and the sentence imposed at the rehearing are AFFIRMED.



FOR THE COURT:

A handwritten signature in black ink, which appears to read "Malcolm H. Squires, Jr.".

MALCOLM H. SQUIRES, JR.
Clerk of Court