UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
ALDYKIEWCZ, SALUSSOLIA, and WALKER
Appellate Military Judges

UNITED STATES, Appellee
v.
Staff Sergeant JOSHUA S. CANNON
United States Army, Appellant

ARMY 20180034

Seventh Army Training Command
Joseph A. Keeler, Military Judge
Lieutenant Colonel Joseph B. Mackey, Staff Judge Advocate

For Appellant: Major Jack D. Einhorn, JA; Captain Patrick G. Hoffman, JA (on brief).

For Appellee: Lieutenant Colonel Wayne H. Williams, JA; Major Hannah E. Kaufman, JA; Lieutenant Colonel Teresa T. Phelps, JA (on brief).

6 March 2020

SUMMARY DISPOSITION

This opinion is issued as an unpublished opinion and, as such, does not serve as precedent.

Per Curiam:

Appellant invites this court to exercise our Article 66(c), Uniform Code of Military Justice [UCMJ] authority to reduce his sentence because of his conditions of confinement. Appellant alleges that the Joint Regional Correctional Facility has violated his First and Fifth Amendment rights by denying him contact with his step-daughter.*

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* A military judge sitting as a general court-martial convicted appellant, contrary to his pleas, of two specifications of attempting to commit a lewd act with a child under 12 years of age, in violation of Article 80, UCMJ, 10 U.S.C. § 880 (2012). The convening authority approved the adjudged sentence of reduction to the grade of E-1, forfeiture of all pay and allowances, confinement for 27 months, and a bad-conduct discharge.

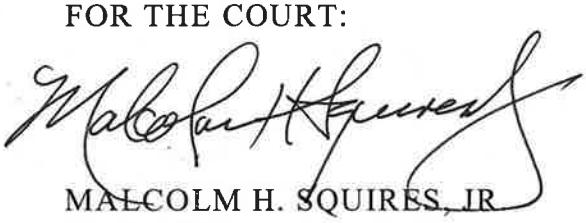
(continued . . .)

Having reviewed the parties' pleadings, Defense Appellate Exhibits A-K, and Government Appellate Exhibits 1-2, we decline appellant's invitation to grant sentence relief. *See United States v. Jessie*, ARMY 20160187, 2018 CCA LEXIS 609 (Army Ct. Crim. App. 28 Dec. 2018) (*en banc* mem. op.); *see also United States v. Gay*, 75 M.J. 264 (C.A.A.F. 2016).

CONCLUSION

The findings of guilty and the sentence are AFFIRMED.

FOR THE COURT:



MALCOLM H. SQUIRES, JR
Clerk of Court

(. . . continued)
Appellant's conviction stems from his attempts to communicate with Miss YO, an 11-year-old neighbor, the best friend of his 12-year-old step-daughter. Believing he was communicating with Miss YO, appellant sent an undercover Army Criminal Investigation Command (CID) special agent numerous inappropriate text messages of a sexual nature including: "so you want to feel me in you then;" "I would hurt you as small as you are;" "I'm a thick guy you couldn't handle it;" "still want to know what you want me to do to you;" "Try putting 3 of your fingers in, If you can't I can't;" "I'm probably longer then whoever you had sex with;" and "all men like bjs." Appellant also, on divers occasions, sent the special agent images of a penis.