

# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before  
YOB, KRAUSS, and BURTON  
Appellate Military Judges

**UNITED STATES, Appellee**  
**v.**  
**Sergeant DARRICK GARNER**  
**United States Army, Appellant**

ARMY 20100684

Headquarters, V Corps  
Wendy P. Daknis, Military Judge  
Lieutenant Colonel Randolph Swansiger, Staff Judge Advocate

For Appellant: Colonel Patricia A. Ham, JA; Lieutenant Colonel Imogene M. Jamison, JA; Major Richard E. Gorini, JA; Captain Matthew T. Grady, JA (on brief).  
Colonel Patricia A. Ham, JA; Lieutenant Colonel Imogene M. Jamison, JA; Major Richard E. Gorini, JA; Captain James P. Curtin, JA (on reply brief).

For Appellee: Lieutenant Colonel Amber J. Roach, JA; Major Catherine L. Brantley, JA; Captain Edward J. Whitford, JA (on brief).

7 March 2013

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SUMMARY DISPOSITION ON RECONSIDERATION  
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Per Curiam:

A panel of officer and enlisted members, sitting as a general court-martial, convicted appellant, contrary to his pleas, of two specifications of rape of a child under the age of twelve, and one specification of aggravated sexual contact with a child, in violation of Article 120, Uniform Code of Military Justice, 10 U.S.C. § 920 (2006) [hereinafter UCMJ]. The panel sentenced appellant to confinement for eighteen months and reduction to the grade of E-1. The convening authority approved only so much of the adjudged sentence as provided for confinement for seventeen months and twenty days and reduction to the grade of E-1.

On 28 February 2013, we issued a decision in this case holding the findings correct in law and fact and the sentence appropriate. *United States v. Garner*, ARMY 20100684 (Army Ct. Crim. App. 28 Feb. 2013) (mem. op.). However, we did

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not explicitly affirm the findings and sentence. Upon *sua sponte* reconsideration, the findings and sentence are AFFIRMED.



FOR THE COURT:

A handwritten signature in black ink, which appears to read "Malcolm H. Squires, Jr.", is written over the printed name.

MALCOLM H. SQUIRES, JR.  
Clerk of Court