

# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before  
KERN, ALDYKIEWICZ, and MARTIN  
Appellate Military Judges

**UNITED STATES, Appellee**  
**v.**  
**Specialist CHRISTOPHER L. MOYERS**  
**United States Army, Appellant**

ARMY 20110975

Headquarters, Fort Bliss  
David H. Robertson, Military Judge  
Colonel Francis P. King, Staff Judge Advocate

For Appellant: William E. Cassara, Esquire (argued); William E. Cassara, Esquire; Captain John L. Schriver, JA (on brief); William E. Cassara, Esquire; Captain Brian D. Andes, JA (on reply brief).

For Appellee: Captain T. Campbell Warner, JA (argued); Colonel John P. Carrell, JA; Lieutenant Colonel James L. Varley, JA; Major Catherine L. Brantley, JA; Captain T. Campbell Warner, JA (on brief).

28 April 2014

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SUMMARY DISPOSITION ON RECONSIDERATION  
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KERN, Senior Judge:

On 31 March 2014, we issued a decision setting aside the finding of guilty of the Specification of Charge III and dismissing Charge III and its Specification. We affirmed the remaining findings of guilty and affirmed the sentence. *See United States v. Moyers*, ARMY 20110975 (Army Ct. Crim. App. 31 March 2014) (mem. op.). Appellant subsequently filed a timely request for reconsideration and suggestion for reconsideration by the court as a whole. This court did not adopt appellant's suggestion for en banc reconsideration. However, we did grant appellant's motion for reconsideration. Upon reconsideration of the entire record,

including appellant's suggestion for reconsideration, we adopt the reasoning and outcome of our earlier decision.\*

Accordingly, the findings of guilty of Charge III and its Specification are set aside, and Charge III and its Specification are dismissed. The remaining findings of guilty are affirmed. The sentence is affirmed. All rights, privileges, and property, of which appellant has been deprived by virtue of that portion of the findings set aside by this decision, are ordered restored.

Judge ALDYKIEWICZ concurs.

MARTIN, Judge, concurring in part, dissenting in part.

I concur in part and dissent in part for the same reasons given in my earlier, separate opinion in this case.



FOR THE COURT:

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

MALCOLM H. SQUIRES, JR.  
Clerk of Court

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\* We note that the decretal paragraph in our initial decision only set aside the finding of guilty for the Specification of Charge III and not the finding of guilty for Charge III as well. We take corrective action in this decretal paragraph.