

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
HAIGHT, PENLAND, and WOLFE
Appellate Military Judges

UNITED STATES, Appellee
v.
Private E-1 HUNTER J. ISRAEL
United States Army, Appellant

ARMY 20131054

Headquarters, Fort Carson
Timothy Grammel, Military Judge
Lieutenant Colonel Stephanie D. Sanderson, Staff Judge Advocate

For Appellant: Captain Payum Doroodian, JA; Gregory M. Gagne, Esq (on brief).

For Appellee: Colonel Mark H. Sydenham, JA; Major A.G. Courie III, JA; Major Daniel D. Derner, JA; Captain Samuel E. Landes, JA (on brief).

26 April 2016

OPINION OF THE COURT UPON REMAND

WOLFE, Judge:

A general court-martial composed of officer and enlisted members convicted appellant, contrary to his pleas, of two specifications of making a false official statement, one specification of sodomy with a child between the ages of 12 and 16 years, and two specifications of obstruction of justice, in violation of Articles 107, 125, and 134, 10 U.S.C. §§ 907, 925 and 934 (2006; 2012) [hereinafter UCMJ].¹ The panel sentenced appellant to a dishonorable discharge, confinement for ten years, and forfeiture of all pay and allowances. The convening authority approved the adjudged sentence.

On 18 December 2015, we issued an opinion of the court in appellant's case in which we affirmed appellant's convictions for sodomy with a child and obstruction of justice, and additionally, we affirmed a single false official statement

¹ Appellant was acquitted of one specification of providing alcohol to a minor in violation of Article 134, UCMJ.

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specification after concluding two separate convictions for statements made in a single interview “should be approved” only as a single offense. *United States v. Israel*, 75 M.J. 559, 561-62 (Army Ct. Crim. App. 2015).

As our 18 December 2015 opinion was ambiguous as to the affirmed sentence, on 19 April 2016, the United States Court of Appeals for the Armed Forces (C.A.A.F.) remanded appellant’s case to this court for “clarification of the affirmed sentence.”

The findings as affirmed in our 18 December 2015 opinion are again AFFIRMED. *Israel*, 75 M.J. at 562. We find the approved sentence is appropriate and is AFFIRMED for the reasons stated in our 18 December 2015 decision. *Id.*

Appellant may now again petition the C.A.A.F. for review. *See* UCMJ arts. 67(a)(3) and (b)(1).

Senior Judge HAIGHT and Judge PENLAND concur.



FOR THE COURT:

A handwritten signature in black ink, appearing to read "John P. Taitt".

JOHN P. TAITT
Chief Deputy Clerk of Court