

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
HAIGHT, PENLAND, and WOLFE
Appellate Military Judges

UNITED STATES, Appellee
v.
Staff Sergeant RODERICK N. PUGH
United States Army, Appellant

ARMY 20140176

Headquarters, Fort Stewart
John T. Rothwell, Military Judge (arraignment)
Richard Weis, Military Judge (trial)
Colonel Francisco A. Vila, Staff Judge Advocate

For Appellant: Lieutenant Colonel Charles D. Lozano, JA; Major Aaron R. Inkenbrandt, JA; Captain Amanda R. McNeil, JA (on brief).

For Appellee: Major A.G. Courie, III, JA; Major John K. Choike, JA; Captain Jaclyn E. Shea, JA (on brief).

8 October 2015

SUMMARY DISPOSITION

Per Curiam:

A military judge sitting as a special court-martial convicted appellant, pursuant to his pleas, of false official statement and larceny, in violation of Articles 107 and 121, Uniform Code of Military Justice, 10 U.S.C. §§ 907 and 921 [hereinafter UCMJ]. The military judge sentenced appellant to a bad-conduct discharge and one month of confinement. The convening authority approved the adjudged sentence.

This case is before us for review under Article 66, UCMJ. Appellant assigns two errors and raises matters pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982). One of the assigned errors warrants brief discussion and relief.

DISCUSSION

In one specification, appellant was charged with, pleaded guilty to, and convicted of stealing three distinct allowances, with a total value of \$26,408.51, “on divers occasions.” While appellant acknowledges that divers allowances were

stolen, he now correctly asserts that he only stole \$26,408.51 once, not multiple times. The stipulation of fact and providence inquiry support and confirm appellant's assertion. Accordingly, we will grant appellant's requested relief of amending the larceny specification by removing the words "on divers occasions."

CONCLUSION

The court amends and AFFIRMS only so much of the finding of guilty of Charge II and its Specification as provides:

Charge II, The Specification: In that [appellant], U.S. Army, did, at or near Yongson, Republic of Korea, between on or about 11 June 2010 and on or about 10 July 2011, steal Basic Allowance for Housing (BAH), Cost of Living Allowance (COLA), and Dislocation Allowance (DLA), totaling a value of about \$26,408.51, the property of the United States Government.

The remaining findings of guilty and the sentence are AFFIRMED. All rights, privileges, and property of which appellant was deprived by virtue of that portion of his findings being set aside by this decision are hereby ordered restored.



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