

CERTIFIED RECORD OF TRIAL

(and accompanying papers)

of

ANDERS

(Last Name)

LARRY

(First Name)

D

MI

(DoD ID No.)

E-3

(Rank)

(Unit/Command Name)

U.S. NAVY

(Branch of Service)

NORFOLK, VIRGINIA

(Location)

By

General Court-Martial (GCM)

(GCM, SPCM, or SCM)

COURT-MARTIAL

Convened by

COMMANDER

(Title of Convening Authority)

NAVY REGION MID ATLANTIC

(Unit/Command of Convening Authority)

Tried at

NORFOLK, VIRGINIA

(Place or Places of Trial)

On

21 DECEMBER 2020

(Date or Dates of Trial)

Companion and other cases

(Rank, Name, DOD ID No., (if applicable), or enter "None")

CONVENING ORDER



DEPARTMENT OF THE NAVY
COMMANDER
NAVY REGION MID-ATLANTIC
1510 GILBERT ST.
NORFOLK, VA 23511-2737

IN REPLY REFER TO:

JAN 14 2020

GENERAL COURT-MARTIAL CONVENING ORDER 1-20

Pursuant to authority contained in paragraph 0120(a) of JAGINST 5800.7F, CH-2 dated 26 August 2019, a general court-martial is convened with the following members:

Captain [REDACTED] U.S. Navy;
Captain [REDACTED] U.S. Navy;
Captain [REDACTED] U.S. Navy;
Captain [REDACTED] U.S. Navy;
Captain [REDACTED] U.S. Navy;
Captain [REDACTED] U.S. Navy;
Captain [REDACTED] U.S. Navy;
Captain [REDACTED] U.S. Navy;
Captain [REDACTED] U.S. Navy;
Captain [REDACTED] U.S. Navy;
Commander [REDACTED] U.S. Navy;
Commander [REDACTED] U.S. Navy; and
Commander [REDACTED] U.S. Navy.

The military judge is authorized to impanel an unspecified number of alternate members only if, after the exercise of all challenges, excess members remain.

[REDACTED]
C. W. ROCK
Rear Admiral, U.S. Navy
Commander, Navy Region Mid-Atlantic

CHARGE SHEET

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (<i>Last, First, MI</i>) ANDERS, Larry, D.			2. SSN [REDACTED]	3. RANK/RATE GS MFN GS M3	4. PAY GRADE E-3 E-4
5. UNIT OR ORGANIZATION [REDACTED]				6. CURRENT SERVICE	
				a. INITIAL DATE 01/12/2017	b. TERM 4 years
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED N/A
a. BASIC \$ 2303.00 \$2507-10	b. SEA/FOREIGN DUTY \$ 237.50 50.00	c. TOTAL \$ 2540.50 \$2507-10	NONE		

II. CHARGES AND SPECIFICATIONS

10.

CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 81

Technician Mechanical Fireman

Specification (*Conspiracy*): In that Gas Turbine Systems ~~Mechanic Third Class~~ Larry D. Anders, U.S. Navy, [REDACTED] on active duty, did, at or near Norfolk, Virginia, from on or about 1 October 2019 through on or about 10 December 2019, ~~on divers occasions~~, conspire with Gas Turbine Systems Mechanic Third Class [REDACTED] U.S. Navy, to commit an offense under the Uniform Code of Military Justice, to wit: wrongfully manufacture ~~and possess~~ Dimethyltryptamine, a schedule I controlled substance, with the intent to distribute the said controlled substance, and in order to effect the object of the conspiracy the said conspirators did possess, process, and manufacture said controlled substance.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 112a

Technician Mechanical Fireman

Specification 1 (*Wrongful manufacture of controlled substance with intent to distribute*): In that Gas Turbine Systems ~~Mechanic Third Class~~ Larry D. Anders, U.S. Navy, [REDACTED] on active duty, did, at or near Norfolk, Virginia, from on or about 1 October 2019 through on or about 10 December 2019, on divers occasions, wrongfully manufacture some amount of Dimethyltryptamine, a schedule I controlled substance, with the intent to distribute the said controlled substance.

SEE CONTINUATION PAGE

III. PREFERRAL

11a. NAME OF ACCUSER (<i>Last, First, MI</i>) [REDACTED]	b. GRADE LNC/1-7	c. ORGANIZATION OF ACCUSER Region Legal Service Office Mid-Atlantic
d. SIGNATURE OF ACCUSER [REDACTED]		e. DATE 26 Jun 20

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 26 day of June, 2020, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

K. L. MIKE

Typed Name of Officer

LT/O-3

Grade and Service

[REDACTED]
Signature

Region Legal Service Office Mid-Atlantic

Organization of Officer

Trial Counsel

*Official Capacity to Administer Oaths
(See R C M 307(b)--must be commissioned officer)*

Continuation of DD FORM 458 ICO U.S. v. GSM3 LARRY D. ANDERS, USN

12. On 24 JUNE 20 20, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

Typed Name of Immediate Commander

Organization of Immediate Commander

CDR/O-5

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 0500 hours, 24 JUNE 20 20 at _____
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R C M 403)

Typed Name of Officer

CDR/O-5

Signature

FOR THE _____

COMMANDING OFFICER
Official Capacity of Officer Signing

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE	c. DATE
NAVY REGION MID-ATLANTIC	NORFOLK, VA	23 OCT 20

Referred for trial to the General court-martial convened by _____
General Court-Martial Convening Order 1-20

dated 14 January 20 20, subject to the following instructions? None

By _____ of _____
Command or Order

C. W. Rock

Typed Name of Officer

Rear Admiral, U.S. Navy

Signature

COMMANDER
Official Capacity of Officer Signing

15. On 3 November 20 20, I (caused to be) served a copy hereof on (each of) the above named accused.

K. L. MIKE

Typed Name of Trial Counsel

Signature

LT, JAGC, USN
Grade or Rank of Trial Counsel

FOOTNOTES

- 1 -- When an appropriate commander signs personally, inapplicable words are stricken
- 2 -- See R.C.M. 601(e) concerning instructions. If none, so state

Continuation of DD FORM 458 ICO U.S. v. GSM3 LARRY D. ANDERS, USN

Specification 2 (*Wrongful possession of controlled substance*): In that Gas Turbine Systems ~~Mechanic Third Class~~ Technician Mechanical Fireman Larry D. Anders, U.S. Navy [REDACTED], on active duty, did, at or near Norfolk, Virginia, from on or about 1 October 2019 through on or about 10 December 2019, on divers occasions, wrongfully possess some amount of Dimethyltryptamine, a schedule I controlled substance, with the intent to distribute the said controlled substance.

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 131b

Specification 1 (*Obstructing justice*): In that Gas Turbine Systems ~~Mechanic Third Class~~ Technician Mechanical Fireman Larry D. Anders, U.S. Navy, [REDACTED] on active duty, did, at or near Norfolk, Virginia, on or about 3 December 2019, wrongfully do a certain act, to wit: intimidate a witness, Ms [REDACTED], to delete incriminating text messages regarding the solicitation of Dimethyltryptamine sent by the accused, with the intent to impede the due administration of justice in the case against the accused, against whom the accused had reason to believe that there would be a criminal proceedings pending.

Specification 2 (*Obstructing justice*): In that Gas Turbine Systems ~~Mechanic Third Class~~ Technician Mechanical Fireman Larry D. Anders, U.S. Navy, [REDACTED] on active duty, did, at or near Norfolk, Virginia, on or about 10 December 2019, wrongfully do a certain act, to wit: delete incriminating text communications regarding the possession, distribution, and manufacture of controlled substances from his cell phone during an interview with Navy Criminal Investigation Service, with the intent to impede the due administration of justice in the case against the accused, against whom the accused had reason to believe that there would be a criminal proceedings pending.

AND NO OTHERS.

TRIAL COURT MOTIONS & RESPONSES

**THERE ARE NO TRIAL COURT MOTIONS
AND RESPONSES**

REQUESTS

THERE ARE NO REQUESTS

NOTICES

THERE ARE NO NOTICES

COURT RULINGS & ORDERS

**THERE ARE NO COURT RULINGS
AND ORDERS**

STATEMENT OF TRIAL RESULTS

STATEMENT OF TRIAL RESULTS

SECTION A - ADMINISTRATIVE

1. NAME OF ACCUSED (last, first, MI) Anders, Larry, D.	2. BRANCH Navy	3. PAYGRADE E-3	4. DoD ID NUMBER [REDACTED]
5. CONVENING COMMAND COMMANDER, NAVY REGION MID-ATLANTIC	6. TYPE OF COURT-MARTIAL General	7. COMPOSITION Judge Alone - MJA16	8. DATE SENTENCE ADJUDGED Dec 21, 2020

SECTION B - FINDINGS

SEE FINDINGS PAGE

SECTION C - TOTAL ADJUDGED SENTENCE

9. DISCHARGE OR DISMISSAL Bad conduct discharge	10. CONFINEMENT 10 Months	11. FORFEITURES N/A	12. FINES N/A	13. FINE PENALTY N/A
14. REDUCTION E-1	15. DEATH Yes <input type="radio"/> No <input checked="" type="radio"/>	16. REPRIMAND Yes <input type="radio"/> No <input checked="" type="radio"/>	17. HARD LABOR Yes <input type="radio"/> No <input checked="" type="radio"/>	18. RESTRICTION Yes <input type="radio"/> No <input checked="" type="radio"/>
19. HARD LABOR PERIOD N/A				20. PERIOD AND LIMITS OF RESTRICTION N/A

SECTION D - CONFINEMENT CREDIT

21. DAYS OF PRETRIAL CONFINEMENT CREDIT 0	22. DAYS OF JUDICIALLY ORDERED CREDIT 0	23. TOTAL DAYS OF CREDIT 0 days
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SECTION E - PLEA AGREEMENT OR PRE-TRIAL AGREEMENT

24. LIMITATIONS ON PUNISHMENT CONTAINED IN THE PLEA AGREEMENT OR PRE-TRIAL AGREEMENT

All charges and specifications: 270 days- 455 days confinement(concurrently with all charges and specifications); A BCD will be adjudged; no fines; no limitation on forfeitures; no other punishments.

SECTION F - SUSPENSION OR CLEMENCY RECOMMENDATION

25. DID THE MILITARY JUDGE RECOMMEND SUSPENSION OF THE SENTENCE OR CLEMENCY? Yes <input checked="" type="radio"/> No <input type="radio"/>	26. PORTION TO WHICH IT APPLIES Confinement	27. RECOMMENDED DURATION 4 months
28. FACTS SUPPORTING THE SUSPENSION OR CLEMENCY RECOMMENDATION Suspended due to accused's background prior to entering the military, cooperation with authorities and plans to complete certification and license for civilian employment.		

SECTION G - NOTIFICATIONS

29. Is sex offender registration required in accordance with appendix 4 to enclosure 2 of DoDI 1325.07?	Yes <input type="radio"/> No <input checked="" type="radio"/>
30. Is DNA collection and submission required in accordance with 10 U.S.C. § 1565 and DoDI 5505.14?	Yes <input checked="" type="radio"/> No <input type="radio"/>
31. Did this case involve a crime of domestic violence as defined in enclosure 2 of DoDI 6400.06?	Yes <input type="radio"/> No <input checked="" type="radio"/>
32. Does this case trigger a firearm possession prohibition in accordance with 18 U.S.C. § 922?	Yes <input checked="" type="radio"/> No <input type="radio"/>

SECTION H - NOTES AND SIGNATURE

33. NAME OF JUDGE (last, first, MI) Larsen, Hayes, C	34. BRANCH Navy	35. PAYGRADE O-5	36. DATE SIGNED Dec 21, 2020	38. JUDGE'S SIGNATURE LARSEN.HAYES.CHRISTIAN N. [REDACTED] Digitally signed by LARSEN.HAYES.CH RISTIAN Date: 2020.12.21 13:39:17 -05'00'
37. NOTES				

STATEMENT OF TRIAL RESULTS - FINDINGS

SECTION I - LIST OF FINDINGS

CHARGE	ARTICLE	SPECIFICATION	PLEA	FINDING	ORDER OR REGULATION VIOLATED	LIO OR INCHOATE OFFENSE ARTICLE	DIBRS	
Charge I	81	Specification:	Guilty	Guilty			90Z	
		Offense description	Conspiracy					
Charge II	112a	Specification 1:	Guilty	Guilty			112AF1	
		Offense description	Manufacture of Schedule I / II / III controlled drugs with intent to distribute					
		Specification 2:	Guilty	Guilty				112AA1
		Offense description	Possession of Schedule I / II / III controlled drugs					
Charge III	131b	Specification 1:	Not Guilty	Withdrawn			134-U2	
		Offense description	Obstructing justice					
		Withdrawn and Dismissed	Without prejudice to ripen into prejudice upon appellate review					
		Specification 2:	Guilty	Guilty				134-U2
		Offense description	Obstructing justice					

MILITARY JUDGE ALONE SEGMENTED SENTENCE

SECTION J - SENTENCING

CHARGE	SPECIFICATION	CONFINEMENT	CONCURRENT WITH	CONSECUTIVE WITH	FINE
Charge I	Specification:	10 months	All others		
Charge II	Specification 1:	10 months	All others		

Charge III	Specification 2:	9 months	All others		

	Specification 1:	N/A	None		

	Specification 2:	9 months	All others		

CONVENING AUTHORITY'S ACTIONS

POST-TRIAL ACTION

SECTION A - STAFF JUDGE ADVOCATE REVIEW

1. NAME OF ACCUSED (LAST, FIRST, MI) Anders, Larry D.		2. PAYGRADE/RANK E3	3. DoD ID NUMBER [REDACTED]
4. UNIT OR ORGANIZATION [REDACTED]		5. CURRENT ENLISTMENT 12 Jan 2017	6. TERM 5 years
7. CONVENING AUTHORITY (UNIT/ORGANIZATION) Commander, Navy Region Mid-Atlantic	8. COURT-MARTIAL TYPE General	9. COMPOSITION Judge Alone - MJA16	10. DATE SENTENCE ADJUDGED 21 December 2020

Post-Trial Matters to Consider

11. Has the accused made a request for deferment of reduction in grade?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
12. Has the accused made a request for deferment of confinement?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
13. Has the accused made a request for deferment of adjudged forfeitures?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
14. Has the accused made a request for deferment of automatic forfeitures?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
15. Has the accused made a request for waiver of automatic forfeitures?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
16. Has the accused submitted necessary information for transferring forfeitures for benefit of dependents?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
17. Has the accused submitted matters for convening authority's review?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
18. Has the victim(s) submitted matters for convening authority's review?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
19. Has the accused submitted any rebuttal matters?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
20. Has the military judge made a suspension or clemency recommendation?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
21. Has the trial counsel made a recommendation to suspend any part of the sentence?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
22. Did the court-martial sentence the accused to a reprimand issued by the convening authority?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

23. Summary of Clemency/Deferment Requested by Accused and/or Crime Victim, if applicable.

- On 21 December 2020, the military judge recommended the suspension of four (4) months' confinement for four (4) months.
- On 18 January 2021, defense counsel submitted a clemency request, specifically requesting the Convening Authority's strong consideration of the military judge's recommendation to suspend four (4) months' confinement.
- There were no victims in this case.

Please see continuation page.

24. Convening Authority Name/Title C. W. ROCK, Commander, Navy Region Mid-Atlantic	25. SJA Name [REDACTED] CDR, JAGC, USN
26. SJA signature [REDACTED]	27. Date Mar 9, 2021

SECTION B - CONVENING AUTHORITY ACTION

28. Having reviewed all matters submitted by the accused and the victim(s) pursuant to R.C.M. 1106/1106A, and after being advised by the staff judge advocate or legal officer, I take the following action in this case: [If deferring or waiving any punishment, indicate the date the deferment/waiver will end. Attach signed reprimand if applicable. Indicate what action, if any, taken on suspension recommendation(s) or clemency recommendations from the judge.]

1. Sentence Adjudged. On 21 December 2020, GSMFN Anders, USN, was sentenced to ten (10) months' confinement, reduction to the pay grade of E-1, and a bad-conduct discharge.
2. Action. In the case of Gas Turbine Systems Technician Fireman Larry D. Anders, U.S. Navy [REDACTED] the sentence is approved, but pursuant to a recommendation by the Military Judge, confinement in excess of six (6) months is suspended for four (4) months from the entry of judgment, at which time, unless the suspension is sooner vacated, the suspended confinement will be remitted without further action.
3. Pretrial Confinement Credit. There was no pretrial confinement credit awarded in this case.
4. Initial Place of Confinement. Naval Consolidated Brig Charleston, Detachment Chesapeake, VA.
5. Companion Cases. United States v. GSM3 [REDACTED] U.S. Navy, is a companion case. On 10 December 2020, the military judge awarded GSM3 [REDACTED] 12 months' confinement, reduction to the pay grade of E-1, and a bad-conduct discharge after accepting his pleas of guilty to Conspiracy and the Wrongful Manufacture of Controlled Substances with the Intent to Distribute. The military judge recommended suspending confinement in excess of six (6) months for six (6) months.
6. Statutory Reporting Requirements. DNA collection and submission are required in accordance with 10 U.S.C. 1565 and DoDI 5505.14. Sex offender registration is not required in accordance with Appendix 4 to Enclosure 2 of DoDI 1325.07. The Gun Control Act, 18 U.S.C. 922, does apply in this case.
7. Deferral and Waiver. There was no request for deferral or waiver in this case.
8. Matters Considered. In taking this action I have considered the Memorandum of Plea Agreement dated 11 December 2020, the Statement of Trial Results dated 21 December 2020, the record of trial including the military judge's recommendation that the Convening Authority suspend four (4) months' confinement for four (4) months, and defense counsel's letter of 18 January 2021. After careful consideration, I agree to the judge's recommendation and suspend confinement in excess of six (6) months for a period of four (4) months.

29. Convening authority's written explanation of the reasons for taking action on offenses with mandatory minimum punishments or offenses for which the maximum sentence to confinement that may be adjudged exceeds two years, or offenses where the adjudged sentence includes a punitive discharge (Dismissal, DD, BCD) or confinement for more than six months, or a violation of Art. 120(a) or 120(b) or 120b:

30. Convening Authority's signature

31. Date

10 MAR 2021

32. Date convening authority action was forwarded to PTPD or Review Shop.

CONTINUATION SHEET - CA'S ACTION AND ENTRY OF JUDGMENT

23. Summary of Clemency/Deferment Requested by Accused and/or Crime Victim, if applicable. (Continued)

- You may not set aside, disapprove, or take any other action with regard to the findings in this case. Nor may you disapprove, commute, or suspend, in whole or in part, the sentence to a bad-conduct discharge. However, you do have the authority to disapprove, commute, or suspend, in whole or in part, the reduction to the pay grade of E-1. Because the military judge has recommended suspension of four (4) months' confinement with an explanation of the facts supporting his recommendation you may suspend up to four (4) months' confinement for four months.

ENTRY OF JUDGMENT

ENTRY OF JUDGMENT

SECTION A - ADMINISTRATIVE

1. NAME OF ACCUSED (LAST, FIRST, MI) ANDERS, Larry D.		2. PAYGRADE/RANK E3	3. DoD ID NUMBER [REDACTED]
4. UNIT OR ORGANIZATION [REDACTED]		5. CURRENT ENLISTMENT 12 Jan 2017	6. TERM 5 YEARS
7. CONVENING AUTHORITY (UNIT/ORGANIZATION) Commander, Navy Region Mid-Atlantic	8. COURT-MARTIAL TYPE General	9. COMPOSITION Judge Alone - MJA16	10. DATE COURT-MARTIAL ADJOURNED 21 December 2020

SECTION B - ENTRY OF JUDGMENT

****MUST be signed by the Military Judge (or Circuit Military Judge) within 20 days of receipt****

11. Findings of each charge and specification referred to trial. [Summary of each charge and specification (include at a minimum the gravamen of the offense), the plea of the accused, the findings or other disposition accounting for any exceptions and substitutions, any modifications made by the convening authority or any post-trial ruling, order, or other determination by the military judge. R.C.M. 1111(b)(1)]

Charge I -- Article 81 CONSPIRACY

Specification: That the accused, at or near Norfolk, VA from on or about 1 October 2019 through on or about 10 December 2019, conspire with GSM3 [REDACTED] to commit an offense under the UCMJ: wrongfully manufacture Dimethyltryptamine, a schedule I controlled substance, with the intent to distribute the said controlled substance, and in order to effect the object of the conspiracy the said conspirators did possess, process, and manufacture said controlled substance.

PLEA: GUILTY FINDING: GUILTY

Charge II -- Article 112(a)

Specification 1:

That the accused, at or near Norfolk, VA, from on or about 1 October 2019 through on or about 10 December 2019, on divers occasions, wrongfully manufacture Dimethyltryptamine, a schedule I controlled substance, with the intent to distribute the said controlled substance.

Plea: GUILTY Finding: Guilty

Specification 2:

That the accused, at or near Norfolk, VA, from on or about 1 October 2019 through on or about 10 December 2019, on divers occasions, wrongfully possess some amount of Dimethyltryptamine, a schedule I controlled substance, with the intent to distribute the said controlled substance.

PLEA: GUILTY FINDING: GUILTY

Charge III -- Obstructing Justice, Article 131b

Specification 1: That the accused at or near Norfolk, VA on or about 3 December 2019, wrongfully do a certain act, to wit, intimidate a witness to delete incriminating text messages with the intent to impede the due administration of justice in a case against the accused, against whom the accused had a reason to believe there would be a criminal proceeding pending.

Plea: NOT GUILTY Finding: Withdrawn

Specification 2: (Obstructing Justice): That the accused at or near Norfolk, VA, on or about 10 December 2019, wrongfully deleted incriminating text communications regarding the possession, distribution, manufacture of controlled substances from his cell phone during an interview with NCIS, with the intent to impede the due administration of justice in the case against the accused, whom the accused had a reason to believe that there would be criminal proceedings pending.

Plea: GUILTY Finding: GUILTY

12. Sentence to be Entered. Account for any modifications made by reason of any post-trial action by the convening authority (including any action taken based on a suspension recommendation), confinement credit, or any post-trial rule, order, or other determination by the military judge. R.C.M. 1111(b)(2). If the sentence was determined by a military judge, ensure confinement and fines are segmented as well as if a sentence shall run concurrently or consecutively.

The accused was sentenced by the military judge as follows:

For Charge I and its specification -- to be confined for a period of 10 Months (to be served concurrently with all others)

For Charge II, specification 1: to be confined for a period of 10 months (to be served concurrently with all others)

For Charge II, specification 2: to be confined for a period of 9 months (to be served concurrently with all others)

For Charge III, specification 2: to be confined for a period of 9 months (to be served concurrently with all others)

To be reduced to the paygrade of E-1

Bad Conduct Discharge

The Convening Authority agreed to suspend all confinement in excess of six months for a period of four months from the date of this Entry of Judgment.

13. Deferment and Waiver. Include the nature of the request, the CA's Action, the effective date of the deferment, and date the deferment ended. For waivers, include the effective date and the length of the waiver. RCM 1111(b)(3)

There were no requests for deferral or waiver from the accused.

14. Action convening authority took on any suspension recommendation from the military judge:

Based on the military judge's recommendation, the convening authority suspended all confinement in excess of 6 months for a period of four months from the date of this action.

15. Judge's signature:

--	--	--

16. Date judgment entered:

Apr 5, 2021

17. In accordance with RCM 111(c)(1), the military judge who entered a judgment may modify the judgment to correct computational or clerical errors within 14 days after the judgment was initially entered. Include any modifications here and resign the Entry of Judgment.

--

18. Judge's signature:

--

19. Date judgment entered:

--

APPELLATE INFORMATION

**IN THE UNITED STATES NAVY-MARINE CORPS
COURT OF CRIMINAL APPEALS**

Before Panel No. 3

UNITED STATES

Appellee

v.

Larry D ANDERS
Gas Turbine System Technician
Mechanical Fireman (E-3)
U.S. Navy

Appellant

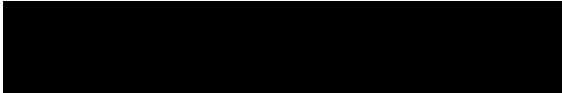

NMCCA Case No. 202100112

**SUBMISSION OF CASE
WITHOUT SPECIFIC
ASSIGNMENTS OF ERROR**

Tried at Norfolk, VA, December 21,
2020, before a General Court-Martial
convened by Commander, Navy
Region Mid Atlantic, CDR Hayes
Larsen, JAGC, USN, presiding

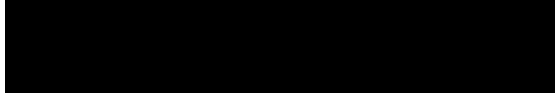
**TO THE HONORABLE, THE JUDGES OF THE UNITED STATES
NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS**

COMES NOW the undersigned and states that I have been designated by the Judge Advocate General of the Navy as appellate defense counsel in the above-captioned case pursuant to Appellant's request, that I have carefully examined the record of trial in the case, that I do not admit that the findings and sentence are correct in law and fact, and that I submit the case on its merits to this Honorable Court without specific assignments of error or brief.

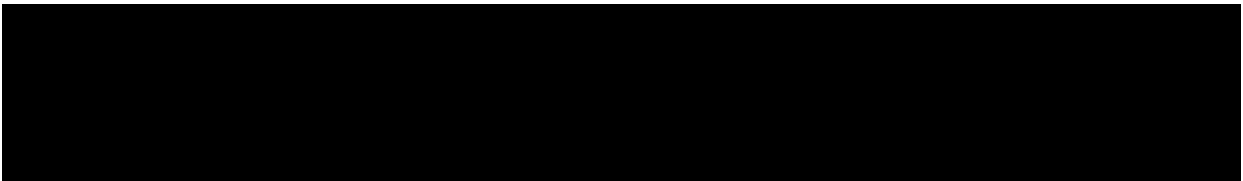

Thomas P. Belsky
CAPT, JAGC, USN
Appellate Defense Counsel
Navy-Marine Corps Appellate Review Activity
1254 Charles Morris Street, SE
Building 58, Suite 100
Washington, DC 20374


Certificate of Filing and Service

I certify that this document was emailed to the Court's filing address on June 3, 2021, that a copy was uploaded into the Court's case management system on June 3, 2021, *and* that a copy of the foregoing was emailed to Director and Deputy Director, Appellate Government Division, on June 3, 2021.



Thomas P. Belsky
CAPT, JAGC, USN
Appellate Defense Counsel



Subject: RECEIPT - FILING - Panel 3 - U.S. v. Anders - NMCCA 202100112 - D Merit (Belsky)
Date: Thursday, June 3, 2021 8:55:00 AM

RECEIVED
June 03 2021
United States Navy-Marine Corps
Court of Criminal Appeals




Subject: FILING - Panel 3 - U.S. v. Anders - NMCCA 202100112 - D Merit (Belsky)

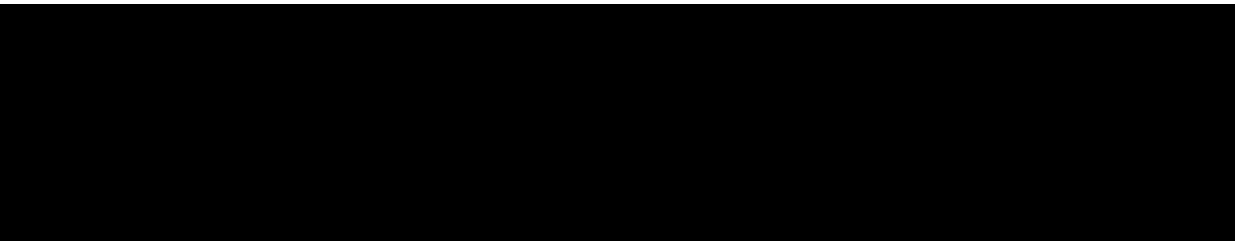
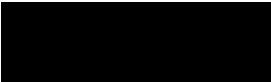
Good morning,

Please see attached filing.

Very respectfully,



Office Manager
Navy-Marine Corps Appellate Review Activity
Appellate Defense Division (Code 45)
1254 Charles Morris Street SE
Washington Navy Yard, DC 20374



This opinion is subject to administrative correction before final disposition.

United States Navy - Marine Corps
Court of Criminal Appeals

Before
GASTON, BAKER, and MYERS
Appellate Military Judges

UNITED STATES
Appellee

v.

Larry D. ANDERS
Gas Turbine System Technician (Mechanical) Fireman (E-3)
U.S. Navy
Appellant

No. 202100112

Decided: 29 March 2022

Appeal from the United States Navy-Marine Corps Trial Judiciary

Military Judge:
Hayes C. Larson

Sentence adjudged 21 December 2020 by a general court-martial convened at Naval Station Norfolk, Virginia, consisting of a military judge sitting alone. Sentence in the Entry of Judgment: reduction to E-1, confinement for ten months,¹ and a bad-conduct discharge.

For Appellant:
Captain Thomas P. Belsky, JAGC, USN

¹ The convening authority suspended confinement in excess of six months as a matter of clemency in accordance with the recommendation of the military judge.

**This opinion does not serve as binding precedent under
NMCCA Rule of Appellate Procedure 30.2(a).**

PER CURIAM:

After careful consideration of the record, submitted without assignment of error, we have determined that the findings and sentence are correct in law and fact and that no error materially prejudicial to Appellant's substantial rights occurred.²

The findings and sentence are **AFFIRMED**.



FOR THE COURT:

RODGER A. DREW, JR.
Clerk of Court

² Articles 59 & 66, Uniform Code of Military Justice, 10 U.S.C. §§ 859, 866.

REMAND

THERE WERE NO REMANDS

SUPPLEMENTAL COURT-MARTIAL ORDER



DEPARTMENT OF THE NAVY
NAVY-MARINE CORPS APPELLATE REVIEW ACTIVITY
1254 CHARLES MORRIS STREET SE
WASHINGTON NAVY YARD DC 20374-5214

5814
40/202100112
26 Sep 22

From: Deputy Director, Military Justice Administration Division (Code 40)
To: Commanding Officer, Navy and Marine Corps Appellate Leave Activity (NAMALA)

Subj: NOTIFICATION OF COMPLETION OF APPELLATE REVIEW IN THE GENERAL COURT-MARTIAL OF GAS TURBINE SYSTEM TECHNICIAN (MECHANICAL) FIREMAN LARRY D. ANDERS, USN – NMCCA 202100112

Ref: (a) Uniform Code of Military Justice, Article 57 (c)(2)
(b) Manual for Courts-Martial, Rule 1209 (a)(1)(B)(i), (2019 Ed.)

Encl: (1) Post Trial Action of 10 Mar 21 and Entry of Judgment of 5 Apr 21
(2) NMCCA Opinion of 29 Mar 22

1. Gas Turbine System Technician (Mechanical) Fireman (GSMFN) Larry D. Anders, USN – NMCCA 202100112 was arraigned, tried, and convicted at a General Court-Martial convened by the Commander, Navy Region Mid-Atlantic. GSMFN Anders was sentenced on 21 December 2020 to reduction to E-1, 10 months confinement, and to be discharged from the United States Navy with a Bad Conduct Discharge. (Encl. 1)

2. In an Opinion issued 29 March 2022, the United States Navy-Marine Corps Court of Criminal Appeals (NMCCA), pursuant to Article 66, UCMJ, affirmed the findings and the sentence of the General Court-Martial. (Encl. 2)

3. Accordingly, all appellate review is now complete in the General Court-Martial of GSMFN Anders, USN – NMCCA 202100112. Article 57 (c)(2), U.C.M.J. and Rule 1209 (a)(1)(B)(i), M.C.M. have been complied with. The Bad Conduct Discharge awarded to GSMFN Anders may now be executed.

4. Point of contact for this matter is [REDACTED] Branch Head, Court-Martial Records;
[REDACTED]
[REDACTED]

Copy to:
Appellant
SJA, USS JASON DUNHAM (DDG 109)
RLSO MIDLANT
File