

CERTIFIED RECORD OF TRIAL

(and accompanying papers)

of

CARTER

DANIEL

T

E-2

(Last Name)

(First Name)

MI

(DoD ID No.)

(Rank)

(Unit/Command Name)

U.S. NAVY
(Branch of Service)

NORFOLK, VIRGINIA
(Location)

By

Special Court-Martial (SPCM)

COURT-MARTIAL

(GCM, SPCM, or SCM)

Convened by

COMMANDING OFFICER

(Title of Convening Authority)

(Unit/Command of Convening Authority)

Tried at

NORFOLK, VIRGINIA

On

1 JUNE 2021

(Place or Places of Trial)

(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



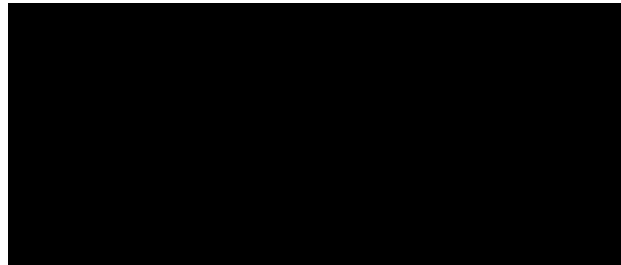
26 Mar 21

SPECIAL COURT-MARTIAL CONVENING ORDER 1-21

Pursuant to authority contained in Article 23, UCMJ, and paragraph 0120b(3), Judge Advocate General 0123801 of the Navy Instruction 5800.7F, CH-1, of 1 Jan 2019, a special court-martial is convened with the following members:

- Commander [REDACTED] U.S. Navy;
- Lieutenant Commander [REDACTED] U.S. Navy;
- Lieutenant [REDACTED] U.S. Navy;
- Lieutenant [REDACTED] U.S. Navy;
- Lieutenant [REDACTED] U.S. Navy;
- Lieutenant Junior Grade [REDACTED] U.S. Navy;
- Ensign [REDACTED] U.S. Navy;
- Ensign [REDACTED] U.S. Navy.

One alternate member is authorized if sufficient members remain available upon the completion of the voir dire process.



CHARGE SHEET

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last First MI) CARTER, Daniel T		2. SSN [REDACTED]	3. RANK/RATE ABHAA	4. PAY GRADE E-2
5. UNIT OR ORGANIZATION [REDACTED]			6. CURRENT SERVICE	
			a. INITIAL DATE 4 September 2018	b. TERM 4 Years
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED PTC: 23 Dec 20 to 28 Dec 20 RILA: 28 Dec 20 to Present
a. BASIC \$2000.70	b. SEA/FOREIGN DUTY \$60.00	c. TOTAL \$2060.70	RESTRICTION IN LIEU OF ARREST	

II. CHARGES AND SPECIFICATIONS

10

CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 121

Specification 1 (*Larceny*): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy [REDACTED], on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 22 December 2019, steal a credit card, of some value, the property of Lieutenant Colonel [REDACTED] U.S. Marine Corps.

Specification 2 (*Larceny*): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED], on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 27 December 2019, steal a debit and credit cards, of some value, the property of Airman First Class [REDACTED] U.S. Air Force.

Specification 3 (*Larceny*): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy [REDACTED], on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 31 December 2019, steal a debit card, of some value, the property of [REDACTED]

Specification 4 (*Larceny*): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy [REDACTED], on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 11 January 2020, steal a debit and credit cards, of some value, the property of Senior Airman [REDACTED], U.S. Air Force.

SEE ATTACHED CONTINUATION PAGE

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]	b. GRADE LNC/E-7	c. ORGANIZATION OF ACCUSER Region Legal Service Office Mid-Atlantic
d. [REDACTED]		e. DATE 16 February 2021

AFFIDAVIT: Before the undersigned [REDACTED] authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 16 day of February, 2021, 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

Region Legal Service Office Mid-Atlantic

Organization of Officer

LT, JAGC, USN

Grade and Service

Judge Advocate

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

12. On 17 FEBRUARY 20 21, 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(e)). (See R.C.M. 308 if notification cannot be made.)

[Redacted]
Typed Name of Immediate Commander

[Redacted]
Organization

RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1515 hours, 17 FEBRUARY 20 21 at _____
Designation of Command or

[Redacted]
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE _____
COMMANDING OFFICER
Official Capacity of Officer Signing

[Redacted]
Typed Name of Officer

V. REFERRAL; SERVICE OF CHARGES

14. DESIGNATION OF COMMAND OR CONVENING AUTHORITY _____ b. PLACE NORFOLK, VIRGINIA c. DATE _____

Referred for trial to the Special court-martial convened by Special Court-Martial Convening Order 1-21

dated 26 March 20 21, subject to the following instructions:² None

By _____ Of _____
Command or Order

[Redacted]
Typed Name of Officer

COMMANDING OFFICER
Official Capacity of Officer Signing

CAPT/O-6/USN

15. On _____, 20 21, I (caused to be) served a copy hereof on (each of) the above named accused

K. L. MIKE
Typed Name of Trial Counsel

LT. JAGC. USN
Grade or Rank of Trial Counsel

Signature

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 UNITED STATES V. AA DANIEL T. CARTER, USN

Specification 5 (*Larceny*): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 11 January 2020, steal credit cards and cash, of some value, the property of Staff Sergeant [REDACTED] U.S. Air Force.

Specification 6 (*Larceny*): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED], on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 20 January 2020, steal a debit card, of some value, the property of [REDACTED].

Specification 7 (*Larceny*): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 21 January 2020, steal a debit and credit cards, of some value, the property of Master Sergeant [REDACTED] U.S. Air Force.

Specification 8 (*Larceny*): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED], on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 27 January 2020, steal a debit and credit cards, of some value, the property of Master Sergeant [REDACTED] U.S. Air Force.

Specification 9 (*Larceny*): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED], on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 8 February 2020, steal a debit and credit cards and cash, of some value, the property of Airman First Class [REDACTED] U.S. Air Force.

Specification 10 (*Larceny*): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED], on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 21 February 2020, steal a debit card and cash, of some value, the property of Airman First Class [REDACTED] U.S. Air Force.

Specification 11 (*Larceny*): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 25 February 2020, steal a debit and credit cards and cash, of some value, the property of Technical Sergeant [REDACTED] U.S. Air Force.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 121a

Specification (*Fraudulent Use of Credit Card, Debit Card, or Other Access Device*): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED] on active duty, did, at or near Hampton, Virginia, on divers occasions, from on or about 1 November 2019 to on or about 25 February 2020, knowingly and with the intent to defraud, use debit and credit cards that were stolen to obtain money, to wit: cash and gift cards of an aggregate value of more than \$1,000.00.

withdrew also directed
10 Aug 21
JP [unclear] direction

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) Carter, Daniel, T		2. BRANCH Navy	3. PAYGRADE E-2	4. DoD ID NUMBER [REDACTED]
5. CONVENING COMMAND [REDACTED]		6. TYPE OF COURT-MARTIAL Special	7. COMPOSITION Judge Alone - MJA16	8. DATE SENTENCE ADJUDGED Jun 1, 2021

SECTION B - FINDINGS

SEE FINDINGS PAGE

SECTION C - TOTAL ADJUDGED SENTENCE

9. DISCHARGE OR DISMISSAL Bad conduct discharge	10. CONFINEMENT N/A	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 7	22. DAYS OF JUDICIALLY ORDERED CREDIT 0	23. TOTAL DAYS OF CREDIT 7 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

Charge I and its specifications: 0 days confinement(concurrently with all specifications of Charge I); BCD shall be adjudged; no fines; no forfeitures; no other punishments; no limitation for reduction.

SECTION F - SUSPENSION OR CLEMENCY RECOMMENDATION

25. DID THE MILITARY JUDGE RECOMMEND SUSPENSION OF THE SENTENCE OR CLEMENCY? Yes <input type="radio"/> No <input checked="" type="radio"/>	26. PORTION TO WHICH IT APPLIES [REDACTED]	27. RECOMMENDED DURATION [REDACTED]
28. FACTS SUPPORTING THE SUSPENSION OR CLEMENCY RECOMMENDATION [REDACTED]		

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) Ostrom, Donald, R	34. BRANCH Navy	35. PAYGRADE O-5	36. DATE SIGNED Jun 1, 2021	38. JUDGE'S SIGNATURE OSTROM.DONALD.R ALD.RAYMOND D [REDACTED]
37. NOTES [REDACTED]				Digitally signed by OSTROM.DONALD.R AYMOND Date: 2021.06.01 14:40:28 -04'00'

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	121	Specification 1:	Guilty	Guilty			121-B1	
		Offense description	Larceny of non-military property of a value of \$1000 or less					
		Specification 2:	Guilty	Guilty				121-B1
		Offense description	Larceny of non-military property of a value of \$1000 or less					
		Specification 3:	Guilty	Guilty				121-B1
		Offense description	Larceny of non-military property of a value of \$1000 or less					
		Specification 4:	Guilty	Guilty				121-B1
		Offense description	Larceny of non-military property of a value of \$1000 or less					
		Specification 5:	Guilty	Guilty by Exception				121-B1
		Offense description	Larceny of non-military property of a value of \$1000 or less					
		Exceptions and Substitutions	Excepting the language "and cash."					
		Specification 6:	Guilty	Guilty				121-B1
		Offense description	Larceny of non-military property of a value of \$1000 or less					
		Specification 7:	Guilty	Guilty				121-B1
		Offense description	Larceny of non-military property of a value of \$1000 or less					
		Specification 8:	Guilty	Guilty				121-B1
		Offense description	Larceny of non-military property of a value of \$1000 or less					
		Specification 9:	Guilty	Guilty by Exception				121-B1
		Offense description	Larceny of non-military property of a value of \$1000 or less					
		Exceptions and Substitutions	Excepting the language "and cash."					
Specification 10:	Guilty	Guilty by Exception				121-B1		
Offense description	Larceny of non-military property of a value of \$1000 or less							
Exceptions and Substitutions	Excepting the language "and cash."							
Specification 11:	Guilty	Guilty by Exception				121-B1		
Offense description	Larceny of non-military property of a value of \$1000 or less							
Exceptions and Substitutions	Excepting the language "and cash."							
Charge	121a	Specification:	Not Guilty	W/D			121-B2	
		Offense description	Knowingly using a stolen credit or debit card to obtain property of a value of more than \$1000					
		Withdrawn and Dismissed	Withdrawn specification will be dismissed without prejudice to ripen into prejudice upon completion of appellate review.					

MILITARY JUDGE ALONE SEGMENTED SENTENCE

SECTION J - SENTENCING

CHARGE	SPECIFICATION	CONFINEMENT	CONCURRENT WITH	CONSECUTIVE WITH	FINE
Charge I	Specification 1:	0 Days	All others	N/A	N/A

	Specification 2:	0 Days	All others	N/A	N/A

	Specification 3:	0 Days	All others	N/A	N/A

	Specification 4:	0 Days	All others	N/A	N/A

	Specification 5:	0 Days	All others	N/A	N/A

	Specification 6:	0 Days	All others	N/A	N/A

Specification 7:	0 Days	All others	N/A	N/A	

Specification 8:	0 Days	All others	N/A	N/A	

Specification 9:	0 Days	All others	N/A	N/A	

Specification 10:	0 Days	All others	N/A	N/A	

Specification 11:	0 Days	All others	N/A	N/A	

Charge	Specification:	N/A	N/A	N/A	N/A

CONVENING AUTHORITY'S ACTIONS

POST-TRIAL ACTION

SECTION A - STAFF JUDGE ADVOCATE REVIEW

1. NAME OF ACCUSED (LAST, FIRST, MI) CARTER, DANIEL, T		2. PAYGRADE/RANK E2	3. DoD ID NUMBER [REDACTED]
4. UNIT OR ORGANIZATION [REDACTED]		5. CURRENT ENLISTMENT 04-Sep-2018	6. TERM 3 Years
7. CONVENING AUTHORITY (UNIT/ORGANIZATION) [REDACTED]	8. COURT-MARTIAL TYPE Special	9. COMPOSITION Judge Alone - Pre MJA	10. DATE SENTENCE ADJUDGED 02-Jun-2021

Post-Trial Matters to Consider

11. Has the accused made a request for deferment of reduction in grade?	<input checked="" type="radio"/> Yes	<input 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 type="radio"/> Yes	<input checked="" 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.
 AR Carter submitted a clemency request for the CA to defer his reduction in grade. Named victims did not submit matters to the CA for consideration.

24. Convening Authority Name/Title [REDACTED] CAPT, USN; COMMANDING OFFICER, [REDACTED]	25. SJA Name [REDACTED] LCDR, JAGC, USN; COMMAND JUDGE ADVOCATE, [REDACTED]
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26. SJA signature [REDACTED]	27. Date 23 July 2021
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Convening Authority's Action -

CARTER, DANIEL, T

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.]

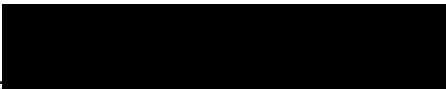
I take no action on the findings or sentence in this case.

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:

N/A

30. Convening Authority's signature

31. Date



26 JULY 2021

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

26 July 2021

ENTRY OF JUDGMENT

ENTRY OF JUDGMENT

SECTION A - ADMINISTRATIVE

1. NAME OF ACCUSED (LAST, FIRST, MI) Carter, Daniel, T		2. PAYGRADE/RANK E2	3. DoD ID NUMBER [REDACTED]
4. UNIT OR ORGANIZATION [REDACTED]		5. CURRENT ENLISTMENT 01-Sep-2018	6. TERM 4 Years
7. CONVENING AUTHORITY (UNIT/ORGANIZATION) [REDACTED]	8. COURT-MARTIAL TYPE Special	9. COMPOSITION Judge Alone - MJA16	10. DATE COURT-MARTIAL ADJOURNED 01-Jun-2021

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: VIOLATION OF THE UCMJ, ARTICLE 121

Specification 1 (Larceny): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 22 December 2019, steal a credit card, of some value, the property of Lieutenant Colonel [REDACTED] U.S. Marine Corps.

Plea- Guilty, Finding-Guilty

Specification 2 (Larceny): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 27 December 2019, steal a debit and credit cards, of some value, the property of Airman First Class [REDACTED] U.S. Air Force.

Plea-Guilty, Finding-Guilty

Specification 3 (Larceny): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 31 December 2019, steal a debit card, of some value, the property of [REDACTED]

Plea-Guilty, Finding-Guilty

Specification 4 (Larceny): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 11 January 2020, steal a debit and credit cards, of some value, the property of Senior Airman [REDACTED] U.S. Air Force.

Plea-Guilty, Finding-Guilty

Specification 5 (Larceny): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 11 January 2020, steal credit cards and cash, of some value, the property of Staff Sergeant [REDACTED] U.S. Air Force.

Plea-Guilty, Finding-Guilty

SEE CONTINUATION PAGE

CONTINUATION SHEET - ENTRY OF JUDGMENT

11. Findings (Continued)

Specification 6 (Larceny): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 20 January 2020, steal a debit card, of some value, the property of [REDACTED]

Plea-Guilty, Finding-Guilty

Specification 7 (Larceny): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 21 January 2020, steal a debit and credit cards, of some value, the property of Master Sergeant [REDACTED] U.S. Air Force.

Plea-Guilty, Finding-Guilty

Specification 8 (Larceny): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 27 January 2020, steal a debit and credit cards, of some value, the property of Master Sergeant [REDACTED] U.S. Air Force.

Plea-Guilty, Finding-Guilty

Specification 9 (Larceny): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 8 February 2020, steal a debit and credit cards and cash, of some value, the property of Airman First Class [REDACTED] U.S. Air Force.

Plea-Guilty, Finding-Guilty

Specification 10 (Larceny): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 21 February 2020, steal a debit card and cash, of some value, the property of Airman First Class [REDACTED] U.S. Air Force.

Plea-Guilty, Finding-Guilty

Specification 11 (Larceny): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED] on active duty, did, on board Langley Air Force Base, at or near Hampton, Virginia, on or about 25 February 2020, steal a debit and credit cards and cash, of some value, the property of Technical Sergeant [REDACTED] U.S. Air Force.

Plea-Guilty, Finding-Guilty

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 121a

Specification (Fraudulent Use of Credit Card, Debit Card, or Other Access Device): In that Aviation Boatswain's Mate Aircraft Handler Airman Apprentice Daniel T. Carter, U.S. Navy, [REDACTED] on active duty, did, at or near Hampton, Virginia, on divers occasions, from on or about 1 November 2019 to on or about 25 February 2020, knowingly and with the intent to defraud, use debit and credit cards that were stolen to obtain money, to wit: cash and gift cards of an aggregate value of more than \$1,000.00.

Plea-Not Guilty, Finding- Withdrawn IAW Plea Agreement

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.

CHARGE I AND ITS SPECIFICATION: 0 DAYS CONFINEMENT (CONCURRENT WITH ALL OTHER SPECIFICATIONS OF CHARGE I)

CHARGE II: WITHDRAWN IAW PLEA AGREEMENT


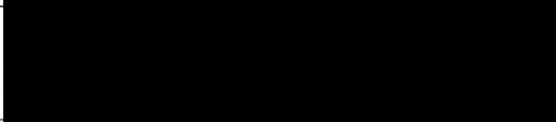
BAD CONDUCT DISCHARGE

REDUCTION IN RANK TO E-1

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)

Defense submitted clemency on 14 June 2021. The convening authority considered the clemency, and took no action on findings or sentence.

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

15. Judge's 


16. Date judgment entered:
Aug 16, 2021

17. In accordance with RCM 1111(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 UNITED STATES NAVY-MARINE CORPS
COURT OF CRIMINAL APPEALS**

Before Panel No. 3

UNITED STATES

Appellee

v.

Daniel T. CARTER
Aviation Boatswain's Mate Aircraft
Handler Airman Apprentice (E-2)
U.S. Navy

Appellant

NMCCA Case No. 202100228

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

Tried at Norfolk, Virginia, on April 15,
2021, and June 1, 2021, before a
Special Court-Martial convened by
Commanding Officer, [REDACTED]
[REDACTED] Commander
Donald R. Ostrom, JAGC, U.S. Navy,
Military Judge, presiding

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

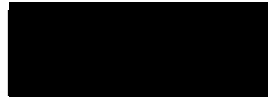
COMES NOW the undersigned and states that I have been designated by the Judge Advocate General of the Navy as appellate defense counsel in the above-captioned case pursuant to Appellant's request, that I have carefully examined the record of trial in the case, that I do not admit that the findings and 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.

Respectfully submitted.

[REDACTED]
C. Eric Roper
Commander, JAGC, USN
Appellate Defense Counsel
Navy-Marine Corps Appellate Review Activity
1254 Charles Morris Street, SE
Building 58, Suite 100
Washington, DC 20374
[REDACTED]

CERTIFICATE OF FILING AND SERVICE

I certify that this document was emailed to the Court's filing address on October 22, 2021, that a copy was uploaded into the Court's case management system on October 22, 2021, *and* that a copy of the foregoing was emailed to Director and Deputy Director, Appellate Government Division, on October 22, 2021.



C. Eric Roper
Commander, JAGC, USN
Appellate Defense Counsel

Subject:
Signed By:

RECEIPT - FILING - Panel 3 - U.S. v. Carter - NMCCA 202100228 - D Merit (Roper)

RECEIVED
Oct 22 2021
United States Navy-Marine Corps
Court of Criminal Appeals

Subject: FILING - Panel 3 - U.S. v. Carter - NMCCA 202100228 - D Merit (Roper)

Good afternoon,

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.

Daniel T. CARTER
Aviation Boatswain's Mate Aircraft Handler
Airman Apprentice (E-2), U.S. Navy
Appellant

No. 202100228

Decided: 29 December 2021

Appeal from the United States Navy-Marine Corps Trial Judiciary

Military Judge:
Donald R. Ostrom

Sentence adjudged 1 June 2021 by a special 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 and a bad-conduct discharge.

For Appellant:
Commander C. Eric Roper, JAGC, USN

For Appellee:
Brian K. Keller, Esq.

**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.¹

However, we note that the Entry of Judgment does not accurately reflect the disposition of the charges. Although we find no prejudice, Appellant is entitled to have court-martial records that correctly reflect the content of his proceeding.² In accordance with Rule for Courts-Martial 1111(c)(2), we modify the Entry of Judgment and direct that it be included in the record.

The findings and sentence are **AFFIRMED**.



FOR THE COURT:


Clerk of Court

¹ Uniform Code of Military Justice Articles 59, 66, 10 U.S.C. §§ 859, 866.

² *United States v. Crumpley*, 49 M.J. 538, 539 (N-M. Ct. Crim. App. 1998).

United States Navy - Marine Corps
Court of Criminal Appeals

UNITED STATES

v.

Daniel T. CARTER
Aviation Boatswain's Mate Aircraft
Handler Airman Apprentice (E-2)
U.S. Navy

Accused

NMCCA NO. 202100228

**ENTRY
OF
JUDGMENT**

As Modified on Appeal

29 December 2021

On 15 April 2021 and 1 June 2021, the Accused was tried at Naval Station Norfolk, Virginia, by a special court-martial consisting of a military judge sitting alone. Military Judge Donald R. Ostrom presided.

FINDINGS

The following are the Accused's pleas and the Court's findings to all offenses the convening authority referred to trial:

Charge I: Violation of Article 121, Uniform Code of Military Justice, 10 U.S.C. § 921.

Plea: Guilty.

Finding: Guilty

Specification 1: Did, at Langley Air Force Base, at or near Hampton, Virginia, on or about 22 December 2019, steal a credit card, the property of Lieutenant Colonel ██████ U.S. Marine Corps.

Plea: Guilty.

Finding: Guilty.

Specification 2: Did, at Langley Air Force Base, at or near Hampton, Virginia, on or about 27 December 2019, steal a debit and credit cards, the property of Airman First Class ██████ U.S. Air Force.

Plea: Guilty.

Finding: Guilty.

Specification 3: Did, at Langley Air Force Base, at or near Hampton, Virginia, on or about 31 December 2019, steal a debit card, the property of Mr. [REDACTED]

Plea: Guilty.

Finding: Guilty.

Specification 4: Did, at Langley Air Force Base, at or near Hampton, Virginia, on or about 11 January 2020, steal a debit and credit cards, the property of Senior Airman [REDACTED] U.S. Air Force.

Plea: Guilty.

Finding: Guilty.

Specification 5: Did, at Langley Air Force Base, at or near Hampton, Virginia, on or about 11 January 2020, steal credit cards and cash, the property of Staff Sergeant [REDACTED] U.S. Air Force.

Plea: Guilty to the Specification excepting the language, “and cash.”

Finding: Guilty to the Specification as excepted.

Specification 6: Did, at Langley Air Force Base, at or near Hampton, Virginia, on or about 20 January 2020, steal a debit card, the property of Mr. [REDACTED]

Plea: Guilty.

Finding: Guilty.

Specification 7: Did, at Langley Air Force Base, at or near Hampton, Virginia, on or about 21 January 2020, steal a debit and credit cards, the property of Master Sergeant [REDACTED] U.S. Air Force.

Plea: Guilty.

Finding: Guilty.

Specification 8: Did, at Langley Air Force Base, at or near Hampton, Virginia, on or about 27 January 2020, steal a debit and credit cards, the property of Master Sergeant [REDACTED] U.S. Air Force.

Plea: Guilty.

Finding: Guilty.

Specification 9: Did, at Langley Air Force Base, at or near Hampton, Virginia, on or about 8 February 2020, steal a debit and credit cards and cash, the property of Airman First Class [REDACTED] U.S. Air Force.

Plea: Guilty to the Specification excepting the language, “and cash.”

Finding: Guilty to the Specification as excepted.

Specification 10: Did, at Langley Air Force Base, at or near Hampton, Virginia, on or about 21 February 2020, steal a debit card and cash, the property of Airman First Class [REDACTED] U.S. Air Force.

Plea: Guilty to the Specification excepting the language, “and cash.”

Finding: Guilty to the Specification as excepted.

Specification 11: Did, at Langley Air Force Base, at or near Hampton, Virginia, on or about 25 February 2020, steal a debit and credit cards and cash, of some value, the property of Technical Sergeant [REDACTED] U.S. Air Force.

Plea: Guilty to the Specification excepting the language, “and cash.”

Finding: Guilty to the Specification as excepted.

Charge II: Violation of Article 121a, Uniform Code of Military Justice, 10 U.S.C. § 921a.

Plea: Not Guilty.

Finding: Dismissed.

Specification: Did, at or near Hampton, Virginia, on divers occasions, from on or about 1 November 2019 to on or about 25 February 2020, fraudulently use stolen debit and credit cards to obtain money, to wit: cash and gift cards of an aggregate value of more than \$1,000.

Plea: Not Guilty.

Finding: Dismissed.

SENTENCE

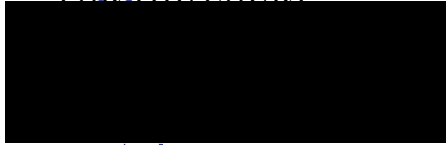
On 1 June 2021, a military judge sentenced the Accused to the following:

Reduction to pay grade E-1.

A bad-conduct discharge.



FOR THE COURT:



Clerk of Court

REMAND

THERE WERE NO REMANDS

SUPPLEMENTAL COURT-MARTIAL ORDER