

DEPARTMENT OF THE ARMY
Headquarters, U.S. Army Fires Center of Excellence and Fort Sill
Fort Sill, Oklahoma 73503

GENERAL COURT-MARTIAL ORDER
NUMBER 262

10 November 2010

In the general court-martial case of Private First Class Peter B. Franco, [REDACTED], U.S. Army, Headquarters and Headquarters Company, 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team, 4th Infantry Division (Rear) (Provisional), Fort Hood, TX 76544 (currently assigned to Personnel Control Facility, Garrison Support Unit, U.S. Army Fires Center of Excellence and Fort Sill, Fort Sill, OK 73503), the sentence to reduction to the grade of Private E1, forfeiture of all pay and allowances, confinement for 3 years, and a Bad-Conduct Discharge, adjudged on 13 August 2008, as promulgated in General Court-Martial Order Number 6, Headquarters, III Corps and Fort Hood, Fort Hood, TX 76544, dated 23 April 2009, has been finally affirmed. The accused was credited with 50 days of confinement against the sentence to confinement. Article 71(c) having been complied with, the Bad-Conduct Discharge will be executed.

BY COMMAND OF BRIGADIER GENERAL MATHEWS:

(b) (6)

MASON S. WEISS
MAJ, JA
Chief, Criminal Law Division

DISTRIBUTION:

Accused (1)
Cdr, HQ, III Corps and Fort Hood, ATTN: SJA, Fort Hood, TX 76544 (1)
Cdr, NAVCON Brig Miramar, 46141 Miramar Way, PO Box 452135, San Diego, CA 92145 (1)
Cdr, PCF, GSU, Fort Sill, OK 73503 (1)
DMPO, ATTN: Special Pay (2)
Cdr, USEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249 (1)
Clerk of Court, ATTN: JALS-CCZ, U.S. Army Legal Services Agency, HQDA, 901 N. Stuart St, Suite 1200, Arlington, VA 22203-2194 (1)
HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th St, Fort Belvoir, VA 22060-5506 (1)
Criminal Investigation Lab, Fort Gillem, ATTN: CODIS Lab, 4553 North 2d Street, B1dg 213B, Forest Park, GA 30297-5122 (1)
HQ, Department of the Army, Office of the Provost Marshal General, ATTN: MP Division Operations, 2800 Army Pentagon, Washington DC 20310-2800 (1)
Reference Set (1)
Record Set (1)
(ARMY 20080742)

OFFICE OF THE JUDGE ADVOCATE GENERAL

This order accurately reflects the final action duly taken pursuant to appellate review. NOV 18 2010

FOR THE JUDGE ADVOCATE GENERAL

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
CONN, HOFFMAN, GIFFORD
Appellate Military Judges

UNITED STATES, Appellee
v.
Private First Class Peter B. Franco
United States Army, Appellant

ARMY 20080742

III Corps and Fort Hood
Gregory A. Gross, Military Judge

For Appellant: Major Grace M. Gallagher; Captain Todd L. Lindquist

For Appellee: Lieutenant Colonel Martha L. Foss

24 May 2010

DECISION

Per Curiam:

On consideration of the entire record, including consideration of the issues personally specified by the appellant, we hold the findings of guilty and the sentence as approved by the convening authority correct in law and fact. Accordingly, those findings of guilty and the sentence are AFFIRMED.

FOR THE COURT:

(b) (6)

MALCOLM H. SQUIRES, JR.
Clerk of Court

JALS-DA

DNA processing required. 10 USC 1565.

DEPARTMENT OF THE ARMY
Headquarters, III Corps and Fort Hood
Fort Hood, Texas 76544

GENERAL COURT-MARTIAL ORDER
NUMBER 6

23 April 2009

Private First Class Peter B. Franco, [REDACTED], U.S. Army, Headquarters and Headquarters Company, 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team, 4th Infantry Division (Rear) (Provisional), Fort Hood, Texas 76544, was arraigned at Fort Hood, Texas on the following offenses at a general court-martial convened by the Commander, Headquarters, III Corps and Fort Hood.

Charge I: Article 125. Plea: Not Guilty. Finding: Guilty.

Specification 1: Did, at or near Fort Hood, Texas, on or about 26 May 2007, commit sodomy with J.I.T., a child who had attained the age of 12 but was under the age of 16, by force and without the consent of the said J.I.T. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: Did, at or near Fort Hood, Texas, on or about 7 July 2007, commit sodomy with J.I.T., a child who had attained the age of 12 but was under the age of 16, by force and without the consent of the said J.I.T. Plea: Not Guilty. Finding: Guilty.

Charge II: Article 134. Plea: Not Guilty. Finding: Not Guilty.

The Specification: Did, at or near Fort Hood, on or about 22 June 2007, commit an indecent act upon the body of J.I.T., a male under 16 years of age, not the spouse of the said Accused, by taking off the pants of J.I.T., with the intent to gratify the sexual desires of the said Accused. Plea: Not Guilty. Finding: Not Guilty.

SENTENCE

Sentence was adjudged on 13 August 2008. To be reduced to the grade of Private (E1), to forfeit all pay and allowances, to be confined for three years, and to be discharged from the service with a Bad-Conduct Discharge.

ACTION

The sentence is approved and, except for the part of the sentence pertaining to the Bad-Conduct Discharge, will be executed. The Accused will be credited with 50 days of confinement against the sentence to confinement.

GCMO No. 6, DA, HQ, III Corps and Fort Hood, Fort Hood, TX 76544, dtd 23 Apr 09
(continued)

BY COMMAND OF LIEUTENENT GENERAL LYNCH:

(b) (6)

DISTRIBUTION:

PFC Franco (1)
MJ, COL Gross (1)
TC, CPT Ward (1)
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ADC, Mr. Galligan (1)
Cdr, HHC, 1-66 AR Reg, 1BCT, 4ID(R)(P) (1)
Cdr, 1BCT, 4ID(R)(P) (1)
Cdr, Fort Hood, ATTN: SJA (2)
Cdr, DMPO (1)
Cdr, 1BCT, 4ID(R)(P) (S-1) (1)
Cdr, Battery A, PCF PSB, Fort Sill, OK 73503-5100 (1)
OSJA, HQ, U.S. Army Field Artillery Center & Fort Sill, Bldg 462, Taylor Hall ATTN:
Crim Law, Fort Sill, OK 73503-5100 (1)
Cdr, NAVCOM, Brig Miramar, ATTN: Army Detachment, 46141 Miramar Way, Suite 1,
San Diego, CA 92145
Cdr, U.S. Army Enlisted Records and Evaluation Center, ATTN: PCRE-FS, Fort
Benjamin Harrison, IN 46249 (1)
Clerk of Court, ATTN: JALS-CCR, 901 North Stuart Street, Suite 1200, Arlington,
VA 22203-1837 (10)
HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506 (1)
Cdr, USACIDC, 2200 Support Ave, Fort Hood, TX 76544 (1)
Headquarters, Department of the Army, Office of the Provost Marshal General,
ATTN: MP Division Operations, 2800 Army Pentagon Washington, DC 20310-2800
(1)
U.S. Army Criminal Investigations Lab, Fort Gillem, ATTN: CODIS Lab, 4553 North
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CRAIG G. SUMNER
CW4, JA
Legal Administrator