

**UNITED STATES NAVY-MARINE CORPS  
COURT OF CRIMINAL APPEALS  
WASHINGTON, D.C.**

**Before  
C.L. REISMEIER, J.A. MAKSYM, R.E. BEAL  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**COURTNEY M.L. TAISAKAN  
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 200900291  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 07 April 2009.

**Military Judge:** CAPT Bruce MacKenzie, JAGC, USN.

**Convening Authority:** Commanding Officer, 1st Battalion,  
5th Marines, 1st Marine Division, Camp Pendleton, CA.

**Staff Judge Advocate's Recommendation:** Col B.D. Landrum,  
USMC.

**For Appellant:** LCDR Luis Leme, JAGC, USN.

**For Appellee:** LCDR Sergio Sarkany, JAGC, USN.

**27 May 2010**

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**OPINION OF THE COURT**  
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**IN ACCORDANCE WITH RULE 18.2, NMCCA RULES OF PRACTICE AND PROCEDURE, THIS  
OPINION DOES NOT SERVE AS PRECEDENT.**

PER CURIAM:

A military judge sitting as a special court-martial convicted the appellant, consistent with his pleas, of violation of a lawful general order, assault in which grievous bodily harm was intentionally inflicted, and assault consummated by battery in violation of Articles 92 and 128, Uniform Code of Military Justice, 10 U.S.C. §§ 892 and 928. The appellant was sentenced to confinement for six months, reduction to pay grade E-1, forfeiture of \$900.00 pay per month for six months, and a bad-conduct discharge. The convening authority approved the sentence as adjudged and, except for the bad-conduct discharge, ordered it

executed, but suspended all confinement in excess of 60 days pursuant to a pretrial agreement.

This case was initially submitted without assigned error however we specified the following issue: "Whether the military judge's providence inquiry into Specification 1 of Charge II sufficiently established a factual basis to find that at the time of the appellant's assault upon Sergeant H, the appellant possessed the specific intent to cause grievous bodily harm."

After considering the record of trial and the submissions by the parties, we find there is no substantial basis in law or fact for questioning the guilty plea and that the military judge did not abuse his discretion in accepting the appellant's pleas. The findings and sentence are correct in law and fact and no error materially prejudicial to the substantial rights of the appellant occurred. Arts. 59(a) and 66(c), UCMJ.

#### **Standard of Review**

We review a military judge's acceptance of a guilty plea for an abuse of discretion. *United States v. Inabinette*, 66 M.J. 320, 322 (C.A.A.F. 2008). "A military judge abuses this discretion if he fails to obtain from the accused an adequate factual basis to support the plea -- an area in which we afford significant deference." *United States v. Nance*, 67 M.J. 362, 365 (C.A.A.F. 2009) (citations and internal quotation marks omitted). When reviewing the adequacy of a plea, appellate courts will consider the entire record. *United States v. Barton*, 60 M.J. 62, 64 (C.A.A.F. 2004) (citations omitted).

#### **Analysis**

The appellant pled guilty to an aggravated assault in which he specifically intended to inflict grievous bodily harm. The concern raised in this case involves the fourth element, i.e., that the appellant, at the time of the assault, specifically intended to cause grievous bodily harm.

Preceding his colloquy with the appellant, the military judge correctly explained the elements of the offense to him. Record at 16. Additionally, the military judge correctly defined the term "grievous bodily harm" and explained to the appellant that to be guilty of this offense, he "must have had at the time of the assault described in the specification, a specific intent to cause serious bodily injury." *Id.* at 17. The appellant twice affirmed that he understood the elements of the offense. *Id.* at 17-18. Furthermore, the appellant indicated that the elements of all the offenses accurately described what happened on each occasion. *Id.* at 18.

During his lengthy colloquy with the appellant, the military judge did not explicitly ask the appellant if he intended to cause the grievous bodily harm at the time of his assault.

Nonetheless, he established objective facts that were sufficient to support the appellant's admission to that element:

[MJ]: Did you believe that when you struck this person . . . that it was going to result in some sort of injury to him?

ACC: Yes, sir.

MJ: Was that your intent, to injure him?

ACC: Yes, sir.

. . . .

MJ: Now the injuries that were sustained to him, do you know what they were?

ACC: Fractured orbital high (sic) socket, broken nose, a laceration above the right eye which resulted in 20 stitches, sir.

. . . .

MJ: So when you were striking him, were you striking him with great force?

ACC: Yes, sir.

MJ: Great force to commit these types of injuries?

ACC: Yes, sir.

MJ: And you intended to strike him hard?

ACC: Yes, sir.

*Id.* at 34, 35.

The military judge properly advised the appellant of the elements (including the specific intent to cause grievous bodily harm) as well as the attending definitions. The appellant affirmed that they accurately described what he did. In light of the appellant's specific admissions that he intended to injure the victim, intended to strike him "with great force," and caused the injuries alleged, we find the record as a whole adequately supports a finding that the appellant intended to inflict grievous bodily harm at the time of the assault. Accordingly, we find that the military judge did not abuse his discretion in accepting the appellant's guilty plea and we find no substantial basis in law or fact for questioning the appellant's guilty plea. *Inabinette*, 66 M.J. at 322.

**Conclusion**

The findings and the approved sentence are affirmed.

For the Court

R.H. TROIDL  
Clerk of Court