

**UNITED STATES NAVY–MARINE CORPS
COURT OF CRIMINAL APPEALS**

No. 201700100

UNITED STATES OF AMERICA

Appellee

v.

SAMUEL T. BOYLES

Hospitalman Apprentice (E-2), U.S. Navy

Appellant

Appeal from the United States Navy-Marine Corps Trial Judiciary

Military Judge: Lieutenant Colonel Michael D. Zimmerman, USMC.

Convening Authority: Commanding General, Training Command,
Quantico, VA.

Staff Judge Advocate's Recommendation: Lieutenant Colonel
Michael E. Sayegh, USMC.

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

For Appellee: Brian K. Keller, Esq.

Decided 30 June 2017

Before CAMPBELL, FULTON, and HUTCHISON, *Appellate Military
Judges*

After careful consideration of the record, submitted without assignment of error, we affirm the findings and sentence as approved by the convening authority. Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c). The supplemental promulgating order will reflect that following the merger of Specifications 2 and 5 under Charge I, Specification 2 reads as follows: In that Hospitalman Apprentice Samuel T. Boyles, U.S. Navy Reserves, on active duty, did, at an unknown location, on or about 10 January 2016, commit a lewd act upon D.M.S., a child who had not attained the age of 16 years, to wit: intentionally communicating indecent language to D.M.S., through communication technology, and intentionally sending a digital image of an erect penis to D.M.S. through communication technology with an intent to arouse

or gratify his sexual desire. *United States v. Crumpley*, 49 M.J. 538, 539 (N-M. Ct. Crim. App. 1998).

For the Court

R.H. TROIDL
Clerk of Court

