



DEPARTMENT OF THE NAVY

COMMANDER  
NAVY REGION HAWAII  
850 TICONDEROGA ST STE 110  
PEARL HARBOR HI 96860-5101

9 Mar 09

GENERAL COURT-MARTIAL ORDER NO. 03-09

Aviation Structural Mechanic First Class Armando C. Garong, U.S. Navy, Consolidated Maintenance Organization TWO, located at Marine Corps Base Hawaii, Kaneohe Bay, Hawaii, was arraigned at Region Legal Service Office Hawaii, on the following offenses at a General Court-Martial convened by this command:

OFFENSES, PLEAS, AND FINDINGS:

Charge I: Violation UCMJ, Article 134

Plea: GUILTY  
Finding: GUILTY

Specification 1: In that Aviation Structural Mechanic First Class Armando C. Garong, U.S. Navy, Consolidated Maintenance Organization TWO, on active duty, did, on divers occasions

at  
Marine Corps Base Hawaii, Kaneohe Bay, Hawaii, knowingly receive child pornography,

that had been transported in interstate or foreign commerce, by means of an internet connection to a computer, in violation of 18 United States Code section 2252A(a) (2) (A), which conduct was of a nature to bring discredit upon the armed forces.

Plea: GUILTY  
Finding: GUILTY

Specification 2: In that Aviation Structural Mechanic First Class Armando C. Garong, U.S. Navy, Consolidated Maintenance Organization TWO, on active duty,

at Marine Corps Base Hawaii, Kaneohe Bay, Hawaii, land owned by, leased to, or otherwise used by or under the control of the United States Government, knowingly possess a hard drive,

containing  
child pornography,

in violation of  
18 United States Code section 2252A(a) (5) (A), which conduct was of a nature to bring discredit upon the armed forces.

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Plea: NOT GUILTY  
Finding: WITHDRAWN AND DISMISSED WITH PREJUDICE PURSUANT TO  
THE PRETRIAL AGREEMENT

SENTENCE

On 13 January 2009, the accused was sentenced to confinement for a period of four (4) years and to be discharged from the Naval Service with a bad conduct discharge.

ACTION OF THE CONVENING AUTHORITY

In the general court-martial case of Aviation Structural Mechanic First Class Armando C. Garong, U.S. Navy, Consolidated Maintenance Organization TWO, located at Marine Corps Base Hawaii, Kaneohe Bay, Hawaii, the sentence is approved and, except for that part of the sentence extending to a bad conduct discharge will be executed. All automatic forfeitures are waived for a period not to exceed six (6) months from the date of this action, provided that AM1 Garong maintains a dependent's allotment to \_\_\_\_\_ in the total amount of the forfeiture.

The Naval Consolidated Brig Miramar, California, is the current place of confinement.

The accused's defense counsel submitted clemency matters on 20 January 2009 on behalf of the accused in accordance with R.C.M. 1105, MCM (2008 Edition). The accused's defense counsel requested in that clemency request that I reduce the accused's confinement to twenty-four (24) months and disapprove the bad conduct discharge in favor of an Other than Honorable discharge.

After careful consideration of the clemency matters submitted by the defense counsel on 20 January 2009, the request for clemency is hereby denied.

In taking this action, I have specifically considered the results of trial, the recommendations of my Staff Judge Advocate, the clemency matters submitted on behalf of the accused by his defense counsel, the record of trial, and the personnel records of the accused.

Action on the record of trial has been taken in compliance with Article 60, Uniform Code of Military Justice, and R.C.M. 1107, MCM (2008 Edition).

Absent waiver of appellate review under R.C.M. 1110, the record of trial shall be forwarded to the Navy-Marine Corps

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Appellate Review Activity (Code 40), 716 Sicard Street, SE Suite 1000, Washington Navy Yard DC, 20374-5047, for review pursuant to Article 66, UCMJ.



D. R. SMITH  
Rear Admiral, U.S. Navy  
Commander, Navy Region Hawaii

Distribution:

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