

CERTIFIED RECORD OF TRIAL

(and accompanying papers)

of

Boyd

Alexander

C

E-3/LCpl

(Last Name)

(First Name)

MI

(DoD ID No.)

(Rank)

2d Combat Engineer Bn. 2d Marine Division

USMC

Camp Lejeune, NC

(Unit/Command Name)

(Branch of Service)

(Location)

By

Special Court-Martial (SPCM)

COURT-MARTIAL

(GCM, SPCM, or SCM)

Convened by

Commanding General

(Title of Convening Authority)

2d Marine Division

(Unit/Command of Convening Authority)

Tried at

Camp Lejeune, NC

On

19 August 2021

(Place or Places of Trial)

(Date or Dates of Trial)

Companion and other cases

None

(Rank, Name, DOD ID No., (if applicable), or enter "None")

CONVENING ORDER



UNITED STATES MARINE CORPS

2D MARINE DIVISION
FLEET MARINE FORCE
PSC BOX 20080
CAMP LEJEUNE, NC 28542-0003

IN REPLY REFER TO:

5800

SPCMCO 1-21

JAN 11 2021

SPECIAL COURT-MARTIAL CONVENING ORDER 1-21

1. Pursuant to the authority contained in Article 23, Uniform Code of Military Justice, Rules for Courts-Martial 504, and section 0120, Manual of the Judge Advocate General, a Special Court-Martial is hereby convened with the following members. It may proceed at Marine Corps Base Camp Lejeune, North Carolina, or any such place as directed. The court will be constituted as follows:

MEMBERS

Major [REDACTED], U.S. Marine Corps
Major [REDACTED] U.S. Marine Corps
Major [REDACTED] U.S. Marine Corps
Captain [REDACTED] U.S. Marine Corps
Captain [REDACTED] U.S. Marine Corps
Captain [REDACTED] U.S. Marine Corps
First Lieutenant [REDACTED] U.S. Marine Corps
First Lieutenant [REDACTED] U.S. Marine Corps

[REDACTED]
F. L. DONOVAN

ORIGINAL

CHARGE SHEET

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) BOYD, Alexander C.		2. ED/PI [REDACTED]	3. RANK/RATE LCpl	4. PAY GRADE E-3
5. UNIT OR ORGANIZATION 2d Combat Engineer Battalion, 2d Marine Division, Camp Lejeune, North Carolina		6. CURRENT SERVICE		
		a. INITIAL DATE 28 Aug 17		b. TERM 4 Yrs
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		
a. BASIC \$2,371.80	b. SEA/FOREIGN DUTY \$0.00	c. TOTAL \$2,371.80		
		Pretrial Confinement		
		9. DATE(S) IMPOSED 5 May 21 - Present		

II. CHARGES AND SPECIFICATIONS

10. Charge I: Violation of the UCMJ, Article 92

Specification 1 (Violation of Other Lawful Written Order) In that Lance Corporal Alexander C. BOYD, U.S. Marine Corps, having knowledge of a lawful order issued by Lieutenant Colonel [REDACTED] U.S. Marine Corps, to wit: Military Protective Order dated 20201211, an order which it was his duty to obey, did, while on active duty, at or near Marine Corps Base Camp Lejeune, North Carolina, on or about 1 January 2021, fail to obey the same by committing an assault upon [REDACTED] the subject of the Military Protective Order.

Specification 2 (Violation of Other Lawful Written Order) In that Lance Corporal Alexander C. BOYD, U.S. Marine Corps, having knowledge of a lawful order issued by Lieutenant Colonel [REDACTED] U.S. Marine Corps, to wit: Military Protective Order dated 20201211, an order which it was his duty to obey, did, while on active duty, at or near Marine Corps Base Camp Lejeune, North Carolina, on or about 4 May 2021, fail to obey the same by wrongfully communicating to [REDACTED] the subject of the Military Protective Order, through cellular text message, a threat to kill [REDACTED] to wit: I'm going [to] kill you, or words to that effect.

Charge II: Violation of the UCMJ, Article 109

Specification (Destroying Personal Property): In that Lance Corporal Alexander C. BOYD, U.S. Marine Corps, did, at or near Marine Corps Base Camp Lejeune, North Carolina, while on active duty, on or about 1 January 2021, willfully and wrongfully damage a beach house, the property of Marine Corps Community Services, by breaking a window of the beach house with his hand, the amount of said damage being a sum less than \$1000.

(See Supplemental Page)

III. PREFERRAL; SERVICE OF CHARGES

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]	b. GRADE Cpl	c. ORGANIZATION OF ACCUSER HqSptBn, MCI-East, MCB, Camp Lejeune, NC
d. SIGNATURE OF ACCUSER [REDACTED]	e. DATE 6 May 2021	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 6th day of May, 2021, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

G. W. ROWLAND
Typed Name of Officer
Captain, U.S. Marine Corps
Grade and Service
ROWLAND GARLAND WAYNE JR
AYNE JR [REDACTED]
Date: 2021.05.06 14:59:47 -0400
Signature

HqSptBn, MCI-East, MCB, Camp Lejeune, NC
Organization of Officer
Judge Advocate
Official Capacity to Administer Oaths
(See R.C.M. 307(b)--must be commissioned officer)

ORIGINAL

12 On 10 May, 2021, 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(a)). (See R.C.M. 308 if notification cannot be made.)

[Redacted]
Typed Name of Immediate Commander

2dCEBn, 2dMarDiv, Camp Lejeune, NC
Organization of Immediate Commander

First Lieutenant, U.S. Marine Corps
Grade

[Redacted]
Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13 The sworn charges were received at 1015 hours, 10 May 2021 at 2dCEBn, 2dMarDiv,
Camp Lejeune, NC
Designation of Command or

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

[Redacted]
Typed Name of Officer

First Lieutenant, U.S. Marine Corps
Grade

[Redacted]
Signature

FOR THE¹ COMMANDING OFFICER
Legal Officer
Official Capacity of Officer Signing

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY <u>2d Marine Division</u>	b. PLACE <u>Camp Lejeune, North Carolina</u>	c. DATE AUG 06 2021
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Referred for trial to the Special court-martial convened by courts-martial convening order # 1-21

dated 11 January 21, subject to the following instructions:² To be tried in conjunction with the charges preferred on 1 July 2021. Prior to referral, I consulted with a Judge Advocate pursuant to R.C.M. 406A.

By XXXXXXXXXXXXXXXXXX of
Command or Order

F. L. DONOVAN
Typed Name of Officer

COMMANDING GENERAL
Official Capacity of Officer Signing

Major General, U.S. Marine Corps
[Redacted]

15. On 11 Aug, 2021, I caused a copy hereof to be served on the above named accused.

G. W. ROWLAND
Typed Name of Trial Counsel

Captain, U.S. Marine Corps
Grade or Rank of Trial Counsel

[Redacted]

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.

ORIGINAL

Charge III:

Violation of the UCMJ, Article 113

Specification 1 (Drunken Operation of a Vehicle): In that Lance Corporal Alexander C. BOYD, U.S. Marine Corps, did, at or near the intersection of Gonzalez Blvd and Snead's Ferry Rd, in North Carolina, while on active duty, on or about 1 January 2021, physically control a vehicle, to wit: a passenger car, while drunk.

Specification 2 (Operation of a Vehicle with an Elevated BAC): In that Lance Corporal Alexander C. BOYD, U.S. Marine Corps, did, at or near the intersection of Gonzalez Blvd and Snead's Ferry Rd, in North Carolina, while on active duty, on or about 1 January 2021, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in his breath equaled or exceeded the applicable limit under the subsection (b) of the text of the statute in paragraph 51 as shown by chemical analysis.

Charge IV:

Violation of the UCMJ, Article 115

Specification (Communicating a Threat) In that Lance Corporal Alexander C. BOYD, U.S. Marine Corps, did, at or near Marine Corps Base Camp Lejeune, North Carolina, while on active duty, on or about 4 May 2021, wrongfully communicate to [REDACTED] through cellular text message, a threat to kill [REDACTED] to wit: I'm going [to] kill you, or words to that effect.

Charge V:

Violation of the UCMJ, Article 128

Specification (Assault Consummated by Battery upon a Spouse): In that Lance Corporal Alexander C. BOYD, U.S. Marine Corps, did, at or near Marine Corps Base Camp Lejeune, North Carolina, while on active duty, on or about 1 January 2021, unlawfully commit an assault upon [REDACTED] to wit: grabbing the arms of [REDACTED] with his hands and holding her down on a couch.

Charge VI:

Violation of the UCMJ, Article 128b

Specification (Domestic Violence- Intimidation): In that Lance Corporal Alexander C. BOYD, U.S. Marine Corps, at or near Marine Corps Base Camp Lejeune, North Carolina, while on active duty, on or about 1 January 2021, with intent to threaten or intimidate [REDACTED] did, in violation of Article 109, UCMJ, willfully and wrongfully damage a beach house, the property of Marine Corps Community Services, by breaking a window of the said beach house with his hand.

ORIGINAL

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) BOYD, Alexander C.		2. EDIPI [REDACTED]	3. RANK/RATE LCpl	4. PAY GRADE E-3
5. UNIT OR ORGANIZATION 2d Combat Engineer Battalion, 2d Marine Division, Camp Lejeune, North Carolina		6. CURRENT SERVICE a. INITIAL DATE 28 Aug 17		b. TERM 4 Yrs
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED Pretrial Confinement		9. DATE(S) IMPOSED 5 May 21 - Present
a. BASIC \$2,371.80	b. SEA/FOREIGN DUTY \$0.00	c. TOTAL \$2,371.80		

II. CHARGES AND SPECIFICATIONS

10.

Additional Charge:

Violation of the UCMJ, Article 128b

Specification (Domestic Violence- Violation of a Protective Order): In that Lance Corporal Alexander C. BOYD, U.S. Marine Corps, at or near Marine Corps Base Camp Lejeune, North Carolina, did, on active duty, on or about 4 May 2021, with intent to threaten [REDACTED] violate a protective order, to wit: Military Protective Order dated 20201211.

III PREFERRAL; SERVICE OF CHARGES

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]	b. GRADE LCpl	c. ORGANIZATION OF ACCUSER HqSptBn, MCI-East, MCB, Camp Lejeune, NC
d. SIGNATURE OF ACCUSER [REDACTED]	e. DATE 1 July 2021	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 1st day of July, 2021, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

G. W. ROWLAND
Typed Name of Officer
Captain, U.S. Marine Corps
Grade and Service
ROWLAND, GARLAND, WAYNE JR. [REDACTED]
Digitally signed by ROWLAND, GARLAND, WAYNE JR.
Date: 2021.07.01 14:11:40 -04'00'
Signature

HqSptBn, MCI-East, MCB, Camp Lejeune, NC
Organization of Officer
Judge Advocate
Official Capacity to Administer Oaths
(See R.C.M. 307(b)—must be commissioned officer)

ORIGINAL

12. On _____, 2021, 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(a)). (See R.C.M. 308 if notification cannot be made.)

Typed Name of Immediate Commander

2dCEBn, 2dMarDiv, Camp Lejeune, NC

Organization of Immediate Commander

First Lieutenant, U.S. Marine Corps

Grade

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at _____ hours, _____ 2021 at _____ 2dCEBn, 2dMarDiv,
Camp Lejeune, NC Designation of Command or

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

FOR THE¹ _____ COMMANDING OFFICER

Legal Officer

Official Capacity of Officer Signing

Typed Name of Officer

First Lieutenant, U.S. Marine Corps

Grade

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

2d Marine Division

Camp Lejeune, North Carolina

AUG 06 2021

Referred for trial to the _____ Special _____ court-martial convened by courts-martial convening order # _____ 1-21

dated _____, 11 January _____ 21, subject to the following instructions:² To be tried in conjunction
with the charges preferred on 6 May 2021. Prior to referral, I consulted with a Judge Advocate pursuant to R.C.M. 406A.

By _____ XXXXXXXXXXXXXXXX of _____
Command or Order

F. L. DONOVAN

Typed Name of Officer

COMMANDING GENERAL

Official Capacity of Officer Signing

Major General, U.S. Marine Corps

15. On _____ 11 Aug _____, 2021, I caused a copy hereof to be served on the above named accused.

G. W. ROWLAND

Typed Name of Trial Counsel

Captain, U.S. Marine Corps

Grade or Rank of Trial Counsel

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.

ORIGINAL

TRIAL COURT MOTIONS & RESPONSES

**THERE ARE NO TRIAL COURT MOTIONS
AND RESPONSES**

REQUESTS

THERE ARE NO REQUESTS

NOTICES

**NAVY-MARINE CORPS TRIAL JUDICIARY
EASTERN JUDICIAL CIRCUIT**

UNITED STATES

v.

Alexander C. Boyd
Lance Corporal
U.S. MARINE CORPS

GENERAL COURT-MARTIAL

VICTIMS' LEGAL COUNSEL
NOTICE OF APPEARANCE

13 Aug 21

1. Pursuant to Rule 36.1 of the Uniform Rules of Practice for the Navy-Marine Corps Trial Judiciary, I, Captain [REDACTED] USMC, hereby provide notice to the Court of my appearance on behalf of

[REDACTED] My office address, phone number, and e-mail address are: [REDACTED]
[REDACTED]

2. I have been detailed as the Victims' Legal Counsel for the above named victim in this case by Major [REDACTED] Regional Victims' Legal Counsel, Eastern Region. I am qualified and certified under Article 27(b) and sworn under Article 42(a) of the Uniform Code of Military Justice. I have not acted in any disqualifying manner.

3. I am aware of the standards of professional conduct required of counsel practicing in Navy-Marine Corps court-martials as contained in JAG Instruction 5803.1E. I certify that I am not now, nor have I ever been, de-certified or suspended from practice in Navy-Marine Corps courts-martial by the Judge Advocate General of the Navy.

4. I have reviewed and am familiar with the Uniform Rules of Practice for the Navy-Marine Corps Trial Judiciary and the Eastern Judicial Circuit Rules of Practice.

5. My client has limited standing as a named victim in this court-martial, and she reserves the right to exercise those rights through counsel as needed.

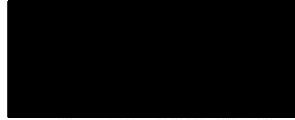
[REDACTED]

Captain, U.S. Marine Corps
Victims' Legal Counsel

AE 111
Pg 1 of 6

Certificate of Service

I hereby attest that a copy of the foregoing notice of appearance was served on the court and opposing counsel via email on 13 August 2021.



Captain, U.S. Marine Corps
Victims' Legal Counsel

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) Boyd, Alexander C.	2. BRANCH Marine Corps	3. PAYGRADE E-3	4. DoD ID NUMBER [REDACTED]	
5. CONVENING COMMAND 2d Marine Division	6. TYPE OF COURT-MARTIAL Special	7. COMPOSITION Judge Alone - MJA16	8. DATE SENTENCE ADJUDGED Aug 19, 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 107	22. DAYS OF JUDICIALLY ORDERED CREDIT [REDACTED]		23. TOTAL DAYS OF CREDIT 107 days	
SECTION E - PLEA AGREEMENT OR PRE-TRIAL AGREEMENT				
24. LIMITATIONS ON PUNISHMENT CONTAINED IN THE PLEA AGREEMENT OR PRE-TRIAL AGREEMENT A bad conduct discharge shall be adjudged. No fine will be adjudged. A reduction to the rank of E-1 will be adjudged. No other lawful punishments will be adjudged.				
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 checked="" type="radio"/> No <input 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) Henry, Nicholas S.	34. BRANCH Marine Corps	35. PAYGRADE O-5	36. DATE SIGNED [REDACTED]	38. JUDGE'S SIGNATURE HENRY.NIC HOLAS.SEA N. [REDACTED]
37. NOTES Corrected SOTR to reflect change to Section G, #30				Digitally signed by HENRY.NICHOLAS .SEAN. [REDACTED] Date: 2021.10.08 13:15:59 -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 Plea: Guilty Finding: Guilty	92	Specification: Offense description	Guilty	Guilty	MPO dtd 2020121		092-B-
Charge II Plea: Guilty Finding: Guilty	115	Specification: Offense description	Guilty	Guilty			134-X2
Charge III Plea: Not Guilty Finding: W/D	128	Specification: Offense description Withdrawn and Dismissed	Not Guilty	W/D			Empty
Charge IV Plea: Guilty Finding: Guilty	128b	Specification: Offense description	Guilty	Guilty			128B1B
Additional Charge Plea: Not Guilty Finding: W/D	128b	Specification: Offense description Withdrawn and Dismissed	Not Guilty	W/D			none

MILITARY JUDGE ALONE SEGMENTED SENTENCE

SECTION J - SENTENCING

CHARGE	SPECIFICATION	CONFINEMENT	CONCURRENT WITH	CONSECUTIVE WITH	FINE
Charge I Plea: Guilty Finding: Guilty	Specification:	107 days	II and IV	N/A	N/A
Charge II Plea: Guilty Finding: Guilty	Specification:	107 days	I and IV	N/A	N/A
Charge III Plea: Not Guilty Finding: W/D	Specification:	N/A	N/A	N/A	N/A
Charge IV Plea: Guilty Finding: Guilty	Specification:	107 days	I and II	N/A	N/A
Additional Charge Plea: Not Guilty Finding: W/D	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) Boyd, Alexander C.		2. PAYGRADE/RANK E3	3. DoD ID NUMBER [REDACTED]
4. UNIT OR ORGANIZATION 2dCEB, 2dMarDiv		5. CURRENT ENLISTMENT 28 August 2017	6. TERM 4 yrs
7. CONVENING AUTHORITY (UNIT/ORGANIZATION) 2dMarDiv	8. COURT- MARTIAL TYPE Special	9. COMPOSITION Judge Alone - MJA16	10. DATE SENTENCE ADJUDGED 19 August 2021

Post-Trial Matters to Consider

11. Has the accused made a request for deferment of reduction in grade?	<input type="radio"/> Yes	<input checked="" 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 type="radio"/> Yes	<input checked="" 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.

I have advised the Convening Authority of clemency authority based on the earliest findings of guilty for an offense committed on or after 1 January 2019 pursuant to R.C.M. 1109, MCM (2019 Ed.)

24. Convening Authority Name/Title F. L. DONOVAN / Commanding General	25. SJA Name [REDACTED]
26. SJA signature [REDACTED]	27. Date 2021.10.18

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.]

Special Court-Martial Order No. D21-44

Action.

In the Special Court-Martial case of United States v. Lance Corporal Alexander C. Boyd, U.S. Marine Corps, the sentence is approved and, except for the part of the sentence extending to a Bad-Conduct Discharge, will be executed. The Marine Corps Installations East Regional Brig, Camp Lejeune, North Carolina, is designated as the initial place of confinement.

Confinement Credit.

The accused will be credited with having served 107 days of confinement.

Disposition.

Pursuant to Article 66, Uniform Code of Military Justice, the record of trial will be forwarded to the Navy-Marine Corps Appellate Review Activity (Code 40), Office of the Judge Advocate General, Washington Navy Yard, Washington, D.C. 20374 for appellate review.

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

OCT 27 2021

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

08 NOV 2021

ENTRY OF JUDGMENT

ENTRY OF JUDGMENT

SECTION A - ADMINISTRATIVE

1. NAME OF ACCUSED (LAST, FIRST, MI) Boyd, Alexander C.		2. PAYGRADE/RANK E3	3. DoD ID NUMBER [REDACTED]
4. UNIT OR ORGANIZATION 2dCEB, 2dMarDiv		5. CURRENT ENLISTMENT 28 August 2017	6. TERM 4 yrs
7. CONVENING AUTHORITY (UNIT/ORGANIZATION) 2dMarDiv	8. COURT-MARTIAL TYPE Special	9. COMPOSITION Judge Alone - MJA16	10. DATE COURT-MARTIAL ADJOURNED 19 August 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 Article 92, UCMJ.
Plea: Guilty. Finding: Guilty.

Specification 1: Having knowledge of a lawful order issued by LtCol [REDACTED] USMC, to wit: MPO dated 20201211, an order which it was his duty to obey, did, on or about 4 May 2021, fail to obey the same by wrongfully communicating to [REDACTED] the subject of the MPO, through cellular text message, a threat to kill [REDACTED] to wit: I'm going [to] kill you, or words to that effect. Plea: Guilty. Finding: Guilty.

Charge II: Violation of Article 115, UCMJ.
Plea: Guilty. Finding: Guilty.

Specification: Did, on or about 4 May 2021, wrongfully communicate to [REDACTED] through cellular text message, a threat to kill [REDACTED] to wit: I'm going [to] kill you, or words to that effect. Plea: Guilty. Finding: Guilty.

Charge III: Violation of Article 128, UCMJ.

Plea: Not Guilty. Finding: Dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Specification: Did, on or about 1 January 2021, unlawfully commit an assault upon [REDACTED] to wit: grabbing the arms of [REDACTED] with his hands and holding her down on a couch. Plea: Not Guilty. Finding: Dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Charge IV: Violation of Article 128b, UCMJ.
Plea: Guilty. Finding: Guilty.

Specification: On or about 1 January 2021, with intent to threaten or intimidate [REDACTED] did, in violation of Article 109, UCMJ, willfully and wrongfully damage a beach house, the property of MCCS, by breaking a window of the said beach house with his hand. Plea: Guilty. Finding: Guilty.

Additional Charge: Violation of Article 128b, UCMJ.

Plea: Not Guilty. Finding: Dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Specification: Did, on or about 4 May 2021, with intent to threaten [REDACTED] violate a protective order, to wit: MPO dated 20201211. Plea: Not Guilty. Finding: Dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

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.

Military Judge: Bad-Conduct Discharge, reduction to pay grade E-1 and;

Charge I: Violation of Article 92, UCMJ.

Specification: 107 days confinement.

Charge II: Violation of Article 115, UCMJ.

Specification: 107 days confinement.

Charge IV: Violation of Article 128b, UCMJ.

Specification: 107 days confinement.

All confinement is to be served concurrently for a total 107 days.

The accused is credited with having served 107 days of confinement.

On 27 October 2021, the Convening Authority approved and, except for the part of the sentence extending to the Bad-Conduct Discharge, ordered it executed.

Of note, the sentence adjudged included 107 days for each of the specifications to which the Accused plead guilty. The amended SOTR correctly stated the pleas, findings, and sentence, except for inadvertently forgetting the confinement in block 10, when correcting block 30. The sentence was correctly noted on the record and there in no need for an additional amended SOTR.

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)

N/A.

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

N/A.

15. Judge's signature:

HENRY.NICHOLAS.
SEAN.

Digitally signed by
HENRY.NICHOLAS.SEAN

Date: 2021.11.28 20:53:07 -05'00'

16. Date judgment entered:

Nov 28, 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 THE UNITED STATES NAVY-MARINE CORPS
COURT OF CRIMINAL APPEALS**

Before Panel No. 2

UNITED STATES

Appellee

v.

Alexander Boyd
Lance Corporal (E-3)
U.S. Marine Corps

Appellant

NMCCA Case No. 202100336

**APPELLANT’S MOTION FOR
FIRST ENLARGEMENT OF TIME**

Tried at Camp Lejeune, North Carolina
on 19 August 2021 before a Special
Court-Martial convened by the
Commanding General, 2nd Marine
Division, Major Nicholas Henry,
USMC, presiding

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

COMES NOW the undersigned and respectfully moves for a first enlargement of time to file a brief and assignments of error. The current due date is February 16th, 2021. The number of days requested is thirty. The requested due date is March 16th, 2021.

Status of the case:

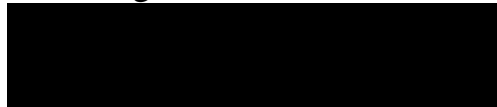
1. The Record of Trial was docketed on December 16th, 2021.
2. The Moreno III date is December 28th, 2021.
3. LCpl Boyd is not confined.
4. The record consists of 93 transcribed pages and 228 total pages.

Appellant has not been consulted concerning the enlargement request.

Respectfully submitted.

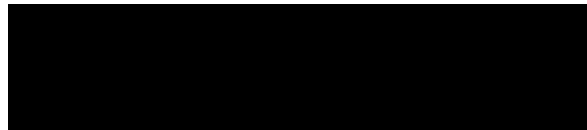


Matthew A. Kozyra
LCDR, JAGC, USN
Appellate Defense Counsel
Navy-Marine Corps Appellate Review Activity
1254 Charles Morris Street, SE
Building 58, Suite 100
Washington, DC 20374



CERTIFICATE OF FILING AND SERVICE

I certify that this document was emailed to the Court's filing address on February 11, 2022, that a copy was uploaded into the Court's case management system on February 11, 2022, *and* that a copy of the foregoing was emailed to Director and Deputy Director, Appellate Government Division, on February 11, 2022.



Matthew A. Kozyra
LCDR, JAGC, USN
Appellate Defense Counsel

RECEIPT - FILING - Panel 2 - U.S. v. Boyd - NMCCA 202100336 - D 1EOT (Kozyra)

RECEIVED

Feb 11 2022

United States Navy-Marine Corps
Court of Criminal Appeals

Panel Paralegal
Navy-Marine Corps Court of Criminal Appeals
1254 Charles Morris St SE, Ste 320
Washington Navy Yard, DC 20374

Subject: FILING - Panel 2 - U.S. v. Boyd - NMCCA 202100336 - D 1EOT (Kozyra)

Good Afternoon,

Please see attached filing.

V/R

Cpl

[REDACTED]

RULING - FILING - Panel 2 - U.S. v. Boyd - NMCCA 202100336 - D 1EOT (Kozyra)

[REDACTED]

MOTION GRANTED

11 FEB 2022

United States Navy-Marine Corps
Court of Criminal Appeals

[REDACTED]

Panel Paralegal
Navy-Marine Corps Court of Criminal Appeals
1254 Charles Morris St SE, Ste 320
Washington Navy Yard, DC 20374

[REDACTED]

Subject: FILING - Panel 2 - U.S. v. Boyd - NMCCA 202100336 - D 1EOT (Kozyra)

Good Afternoon,

Please see attached filing.

V/R

Cpl [REDACTED]

[REDACTED]

**IN THE UNITED STATES NAVY-MARINE CORPS
COURT OF CRIMINAL APPEALS**

Before Panel No. 2

UNITED STATES,

Appellee

v.

Alexander Boyd,
Lance Corporal (E-3)
U.S. Marine Corps

Appellant

NMCCA Case No. 202100336

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

Tried at Camp Lejeune, North Carolina
on 19 August 2021 before a Special
Court-Martial convened by the
Commanding General, 2nd Marine
Division, Major Nicholas Henry,
USMC, presiding

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

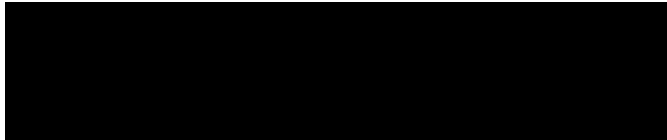
The undersigned states that he has been designated by the Judge Advocate General of the Navy as appellate defense counsel in the above-captioned case pursuant to the accused's request, that he has carefully examined the record of trial in this case, that he does not admit that the findings and sentence are correct in law and fact, and that he submits the case on its merits to this Honorable Court without specific assignment of errors or brief.

Respectfully submitted,

Matthew A. Kozyra
LCDR, JAGC, USN
Appellate Defense Counsel
Appellate Defense Division (Code 45)
Navy-Marine Corps Appellate Review Activity
1254 Charles Morris Street SE
Bldg. 58, Suite 100

CERTIFICATE OF FILING AND SERVICE

I certify that this document was emailed to the Court's filing address on March 16th, that a copy was uploaded into the Court's case management system on March 16th, *and* that a copy of the foregoing was emailed to Director and Deputy Director, Appellate Government Division, on March 16th, 2022.



Matthew A. Kozyra
LCDR, JAGC, USN
Appellate Defense Counsel

[REDACTED]

Subject: RECEIPT - FILING - Panel 2 - U.S. v. Boyd - NMCCA 202100336 - D Merits (Kozyra)
Date: Wednesday, March 16, 2022 3:21:47 PM

RECEIVED
Mar 16 2022
United States Navy-Marine Corps
Court of Criminal Appeals

[REDACTED]

Panel Paralegal
Navy-Marine Corps Court of Criminal Appeals
1254 Charles Morris St SE, Ste 320
Washington Navy Yard, DC 20374

[REDACTED]

Subject: FILING - Panel 2 - U.S. v. Boyd - NMCCA 202100336 - D Merits (Kozyra)

Good Afternoon,

Please see attached filing.

Very respectfully,

Cpl [REDACTED]

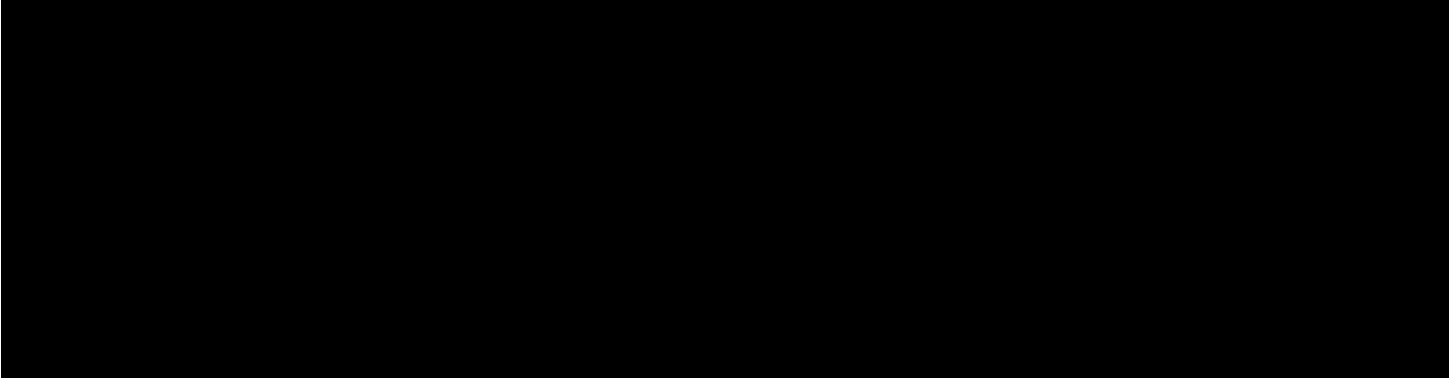
U.S. Marine Corps

Administrative Support

Navy-Marine Corps Appellate Review Activity

Appellate Defense Division (Code 45)

1254 Charles Morris Street SE
Washington Navy Yard, DC 20374



REMAND

THERE WERE NO REMANDS

NOTICE OF COMPLETION OF APPELLATE REVIEW (NOCAR)