

**CERTIFIED RECORD OF TRIAL**

(and accompanying papers)

of

KERLEY                      JEREMY                      T                      [REDACTED]                      E-5  
*(Last Name)*                      *(First Name)*                      *MI*                      *(DoD ID)*                      *(Rank)*

Southeast Regional Maintenance Center                      USN                      Mayport, Florida  
*(Unit/Command Name)*                      *(Branch of Service)*                      *(Location)*

By

General                      COURT-MARTIAL  
*(GCM or SPCM)*

Convened by                      Commander  
*(Title of Convening Authority)*  
Navy Region Southeast Jacksonville, FL  
*(Unit/Command of Convening Authority)*

Tried at

Region Legal Service Office Southeast Detachment Mayport, Florida                      On                      14 and 19 January 2021  
*(Place or Places of Trial)*                      *(Date or Dates of Trial)*

Companion and other cases                      \_\_\_\_\_  
*(Rank, Name, DoD ID, (if applicable), or enter "None")*



# CONVENING ORDER



**DEPARTMENT OF THE NAVY**  
COMMANDER NAVY REGION SOUTHEAST  
BOX 102, NAVAL AIR STATION  
JACKSONVILLE FLORIDA 32212-0102

5817  
N00J  
21 Jan 20

**GENERAL COURT-MARTIAL  
CONVENING ORDER 1-20**

A general court-martial is hereby convened. It may try such persons as may properly be brought before it and shall meet at Naval Air Station Jacksonville, Florida, unless otherwise directed. The court will be constituted as follows:

**MEMBERS**

- Captain [REDACTED] U.S. Navy;
- Commander [REDACTED] U.S. Navy;
- Commander [REDACTED] U.S. Navy;
- Lieutenant Commander [REDACTED] U.S. Navy;
- Lieutenant Commander [REDACTED] U.S. Navy;
- Lieutenant [REDACTED] U.S. Navy;
- Lieutenant [REDACTED] U.S. Navy; and
- Lieutenant [REDACTED] U.S. Navy.

[REDACTED]

**G. A. MAYES**  
Rear Admiral, U.S. Navy  
Commander, Navy Region Southeast

[REDACTED]

# CHARGE SHEET

## CHARGE SHEET

### I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First MI) <b>KERLEY, Jeremy, T.</b>		2. SSN [REDACTED]	3. RANK/RATE <b>MM2</b>	4. PAY GRADE <b>E-5</b>
5. UNIT OR ORGANIZATION <b>Southeast Regional Maintenance Center</b>		DATE OF BIRTH [REDACTED]	6. CURRENT SERVICE	
			a INITIAL DATE <b>26 May 17</b>	b TERM <b>4 yrs</b>
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a BASIC	b SEA/FOREIGN DUTY	c TOTAL	9. DATE(S) IMPOSED	
<del>\$3,091.50</del> <b>187.20</b>	<del>1437/M21</del> <b>N/A</b>	<del>\$3,091.50</del> <b>187.20</b>	<b>PR. H/T/M21</b> None	
			None	

### II. CHARGES AND SPECIFICATIONS

10

#### Charge I: Violation of the UCMJ, Article 117a

**Specification (Wrongful Broadcast of Intimate Visual Images):** In that Machinist's Mate Second Class Petty Officer Jeremy T. Kerley, U.S. Navy, Southeast Regional Maintenance Center, on active duty, did, onboard [REDACTED] on or about 4 February 2019, knowingly and wrongfully, without the explicit consent Machinist's Mate Third Class Petty Officer [REDACTED] U.S. Navy, broadcast intimate visual images of Machinist's Mate Third Class Petty Officer [REDACTED] U.S. Navy, who was at least 18 years of age when the visual images were created and is identifiable from the visual images, when he knew or reasonably should have known that the visual images were made under circumstances in which Machinist's Mate Third Class Petty Officer [REDACTED] U.S. Navy, retained a reasonable expectation of privacy regarding any broadcast of the visual images, and when he knew or reasonably should have known that the broadcast of the visual images was likely to cause harm, harassment, intimidation, or emotional distress, for Machinist's Mate Third Class Petty Officer [REDACTED] U.S. Navy, or to harm substantially Machinist's Mate Third Class Petty Officer [REDACTED] U.S. Navy, with respect to her calling, career, reputation, or personal relationships, which conduct, under the circumstances, had a reasonably direct and palpable connection to a military mission or military environment.

\*\*\* SEE CONTINUATION SHEET \*\*\*

### III. PREFERRAL

11a NAME OF ACCUSER (Last, First MI) [REDACTED]	b GRADE <b>LN2/E-5</b>	c ORGANIZATION OF ACCUSER <b>Region Legal Service Office Southeast</b>
d SIGNATURE OF ACCUSER [REDACTED]	e DATE <b>22 July 2020</b>	

**AFFIDAVIT** Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 22nd day of July, 2020 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.

Patrick R. Rigney  
*Typed Name of Officer*

Region Legal Service Office Southeast  
*Organization of Officer*

LT, JAGC, USN  
*Grade and Service*

Judge Advocate  
*Official Capacity to Administer Oaths*  
*(See R.C.M. 307(b)—must be commissioned officer)*

12 On 24 July 20 20 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]

RLSO SE Det Mayport  
Organization

LT/O-3

[Redacted]

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13 The sworn charges were received at 0935 hours, 24 July 20 20 at SERMC  
Designation of Command or

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

[Redacted]

FOR THE:

COMMANDING OFFICER  
Official Capacity of Officer Signing

Typed Name of Officer

CAPT/O-6

[Redacted]

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY b. PLACE c. DATE  
Commander, Navy Region Southeast Jacksonville, FL 22 October 2020

Referred for trial to the general court-martial convened by my General Court-Martial  
Convening Order 1-20

of 21 January 2020 subject to the following instructions: None

By \_\_\_\_\_ of \_\_\_\_\_  
Command or Order

G. A. MAYES

Commander, Navy Region Southeast

Typed Name of Officer

Official Capacity of Officer Signing

Rear Admiral, U.S. Navy

[Redacted]

15 On 26 October 20 20, I (caused to be) served a copy hereof on (each of) the above named accused

Patrick Rigney

Typed Name of Trial Counsel

LT, JAGC, USN

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

**Charge II: Violation of the UCMJ, Article 134**

**Specification 1 (Possession of Child Pornography):** In that Machinist's Mate Second Class Petty Officer Jeremy T. Kerley, U.S. Navy, Southeast Regional Maintenance Center, on active duty, did, at or near Jacksonville, Florida, on or about 31 July 2019, knowingly and wrongfully possess, on a Samsung Galaxy S9 cell phone, IMEI: [REDACTED] child pornography, to wit: digital images of minors engaging in sexually explicit conduct, and that the conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

**Specification 2 (Crimes and Offenses Not Capital – Violations of Federal Law, 18 U.S.C. 1466A(b)(1)):** In that Machinist's Mate Second Class Petty Officer Jeremy T. Kerley, U.S. Navy, Southeast Regional Maintenance Center, on active duty, did, at or near Jacksonville, Florida, on or about 31 July 2019, knowingly and wrongfully possess, on a Samsung Galaxy S9 cell phone, IMEI: [REDACTED] visual depictions, to wit: digital images, drawings, and cartoons, that had been transported in interstate or foreign commerce, of minors engaging in sexually explicit conduct that are obscene, in violation of 18 U.S. Code Section 1466A, an offense not capital.

**Specification 3 (General Article):** In that Machinist's Mate Second Class Petty Officer Jeremy T. Kerley, U.S. Navy, Southeast Regional Maintenance Center, on active duty, did, onboard [REDACTED] on or about 4 February 2019, unlawfully transfer intimate photos of [REDACTED] Machinist's Mate Third Class Petty Officer [REDACTED] U.S. Navy, without her consent, from her cell phone to his own cell phone without her knowledge, and that said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces. *Photogram* *using*

**\*\* AND NO OTHERS \*\***

# **TRIAL COURT MOTIONS & RESPONSES**



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

# REQUESTS

**THERE ARE NO REQUESTS**

# NOTICES

**UNITED STATES NAVY  
SOUTHERN JUDICIAL CIRCUIT  
NAVY-MARINE CORPS TRIAL JUDICIARY  
GENERAL COURT-MARTIAL**

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UNITED STATES

v.

KERLEY, JEREMY T.  
MM2/E-5, USN

VICTIM'S LEGAL COUNSEL  
NOTICE OF APPEARANCE  
ON BEHALF OF  
MM3 [REDACTED] USN

30 October 2020

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1. I, LT Elizabeth Retter, JAGC, USN, Navy Victim's Legal Counsel Program, Naval Base San Diego, California, admitted to practice law and currently in good standing in New York and California, and, although not appearing as a defense counsel or trial counsel, certified in accordance with Article 27(b), UCMJ, hereby enter my appearance in the above captioned court-martial on behalf of MM3 [REDACTED] USN, the named victim in Charge I of the charge sheet.
2. On 3 July 2019, MM3 [REDACTED] retained me, and we have entered into an attorney-client relationship. I have not acted in any manner which might disqualify me in the above captioned court-martial.
3. I have reviewed the Navy-Marine Corps Trial Judiciary Uniform Rules of Practice, dated 1 January 2019.
4. My client reserves the right to be present throughout the court-martial in accordance with Military Rule of Evidence 615, with the exception of closed proceedings that do not involve her.
5. To permit a meaningful exercise of my client's rights and privileges, I respectfully request that this Court direct the defense and government to provide me with informational copies of motions and accompanying papers filed with the Court that implicate Military Rules of Evidence 404(b), 412, 513, 514, and 615 and/or any motion in which my client's rights and privileges are addressed.
6. MM3 [REDACTED] has limited standing in this court-martial, and reserves the right to make factual statements and legal arguments herself or through counsel in accordance with her rights under Military Rules of Evidence 412, 513, 514 and 615, as well as Article 6b, UCMJ.
7. I respectfully request a copy of any trial management orders and pretrial information reports and to be notified of all proceedings throughout the duration of this court-martial.

8. I respectfully request that this Court direct the government to provide me notice and copies of, prior to execution, any official requests, subpoenas, search authorizations, or search warrants issued by government agents to any third party custodian for documents or records in which my client maintains a privacy interest. This would include, for example, a request for my client's medical records from a military treatment facility or a subpoena issued to a telecommunications carrier for my client's mobile phone records.

9. MM3 [REDACTED] by and through counsel, formally asserts all of her rights and privileges as a victim and patient under the UCMJ, Military Rules of Evidence, and other applicable law.

10. My contact information is as follows:

[REDACTED]

Respectfully submitted this 30<sup>th</sup> day of October 2020.

[REDACTED]

E. RETTER

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CERTIFICATE OF SERVICE

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I certify that a copy of this Notice of Appearance was served upon the Court, Trial Counsel, and Defense Counsel on the 30<sup>th</sup> day of October 2020.

[REDACTED]

E. RETTER

# **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) KERLEY, JEREMY T.		2. BRANCH Navy	3. PAYGRADE E-5	4. DoD ID NUMBER [REDACTED]
5. CONVENING COMMAND CNRSE		6. TYPE OF COURT-MARTIAL General	7. COMPOSITION Judge Alone - MJA16	8. DATE SENTENCE ADJUDGED Jan 14, 2021

**SECTION B - FINDINGS**

SEE FINDINGS PAGE

**SECTION C - TOTAL ADJUDGED SENTENCE**

9. DISCHARGE OR DISMISSAL Bad conduct discharge	10. CONFINEMENT See below	11. FORFEITURES N/A	12. FINES N/A	13. FINE PENALTY N/A	
14. REDUCTION E-3	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 0	22. DAYS OF JUDICIALLY ORDERED CREDIT 0	23. TOTAL DAYS OF CREDIT
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**SECTION E - PLEA AGREEMENT OR PRE-TRIAL AGREEMENT**

24. LIMITATIONS ON PUNISHMENT CONTAINED IN THE PLEA AGREEMENT OR PRE-TRIAL AGREEMENT

Any adjudged or automatic forfeitures will be deferred and disapproved provided that I establish and maintain a dependant's allotment in the total amount of the deferred and waived forfeiture amount during the entire period of deferment. Confinement limited to 34-38 months.

**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	27. RECOMMENDED DURATION
28. FACTS SUPPORTING THE SUSPENSION OR CLEMENCY RECOMMENDATION		

**SECTION G - NOTIFICATIONS**

29. Is sex offender registration required in accordance with appendix 4 to enclosure 2 of DoDI 1325.077	Yes <input checked="" type="radio"/> No <input 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 type="radio"/> No <input checked="" 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) BUTLER, DEREK D.	34. BRANCH Navy	35. PAYGRADE O-5	36. DATE SIGNED Jan 14, 2021	37. JUDGE'S SIGNATURE BUTLER.D Digitally signed by BUTLER,DEREK EREK [REDACTED] Date: 2021.01.14 17:27:05 -05'00'
37. NOTES				

**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	117a	Specification:	Not Guilty	W/D			117A--
		Offense description	Wrongful Broadcast of Intimate Visual Images.				
		Withdrawn and Dismissed	without prejudice to ripen into prejudice upon completion of appellate review in which the finding and sentence have been upheld.				
Charge II	134	Specification 1:	Guilty	Guilty by E&S			134-CA
		Offense description	Child pornography: possessing or receiving or viewing				
		Exceptions and Substitutions	GUILTY, except for the words "31" and "was to the prejudice of good order and discipline in the armed forces." Of the excepted words, NOT GUILTY. Of the specification as excepted, GUILTY.				
		Specification 2:	Not Guilty	W/D			134-Y1
		Offense description	Crimes and Offense Not Capital - Violations of Federal Law 18 U.S.C. 1466A(b)(1))				
		Withdrawn and Dismissed	without prejudice to ripen into prejudice upon completion of appellate review in which the finding and sentence have been upheld.				
		Specification 3:	Guilty	Guilty			134-Z-
		Offense description	General Article				

**MILITARY JUDGE ALONE SEGMENTED SENTENCE**

**SECTION J - SENTENCING**

<b>CHARGE</b>	<b>SPECIFICATION</b>	<b>CONFINEMENT</b>	<b>CONCURRENT WITH</b>	<b>CONSECUTIVE WITH</b>	<b>FINE</b>
Charge I	Specification	N/A	N/A	N/A	N/A
Charge II	Specification 1	34 months	Specification 3 of Charge II		N/A
	Specification 2	N/A	N/A	N/A	N/A
	Specification 3	4 month	Specification 1 of Charge II		N/A

# CONVENING AUTHORITY'S ACTIONS

## POST-TRIAL ACTION

### SECTION A - STAFF JUDGE ADVOCATE REVIEW

1. NAME OF ACCUSED (LAST, FIRST, MI) KERLEY, JEREMY T.		2. PAYGRADE/RANK E5	3. DoD ID NUMBER [REDACTED]
4. UNIT OR ORGANIZATION SOUTHEAST REGIONAL MAINTENANCE CENTER		5. CURRENT ENLISTMENT 26 May 2017	6. TERM 4 Years
7. CONVENING AUTHORITY (UNIT/ORGANIZATION) Commander, Navy Region Southeast	8. COURT-MARTIAL TYPE General	9. COMPOSITION Judge Alone - MJA16	10. DATE SENTENCE ADJUDGED 14 January 2021

#### Post-Trial Matters to Consider

11. Has the accused made a request for deferment of reduction in grade?	<input checked="" type="radio"/> Yes	<input 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 checked="" type="radio"/> Yes	<input type="radio"/> No
14. Has the accused made a request for deferment of automatic forfeitures?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
15. Has the accused made a request for waiver of automatic forfeitures?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
16. Has the accused submitted necessary information for transferring forfeitures for benefit of dependents?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
17. Has the accused submitted matters for convening authority's review?	<input checked="" type="radio"/> Yes	<input 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.

On 24 January 2021, the accused, through the defense counsel, submitted a clemency request. In the request, the accused requests that his reduction to E-3 be deferred until the Entry of Judgment and then suspended for 6 months from the Entry of Judgment. In the alternative, the accused requests his automatic reduction to E-3 be deferred until the Entry of Judgment and then disapprove any reduction beyond paygrade E-4, approving reduction to E-4. On 25 February 2021, the clemency request was denied by the convening authority. The crime victim did not submit any matters to the convening authority.

24. Convening Authority Name/Title G. A. MAYES, RDML, U.S. NAVY COMMANDER, NAVY REGION SOUTHEAST	25. SJA Name [REDACTED] CDR, U.S. NAVY
26. SJA Signature [REDACTED]	27. Date 15 MAR 2021

KERLEY, JEREMY T.

**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.]

Prior to taking Action on this case, I consulted with my Staff Judge Advocate.

The sentence is approved and, except for that part of the sentence extending to a bad-conduct discharge, will be executed at the Entry of Judgment.

In accordance with the terms of the Plea Agreement, automatic forfeitures of all pay and allowances were deferred from the date that automatic forfeitures would otherwise become effective until the date of the Entry of Judgment. The designated place of confinement is Charleston, SC.

In accordance with the terms of the Plea Agreement, at the Entry of Judgment, automatic forfeiture of all pay and allowances are waived for the period of 6 months and will be paid to Mrs. [REDACTED] for the benefit of the accused's lawful dependents.

At the date of the Entry of Judgment, the deferral of automatic forfeiture is rescinded.

The Record of Trial is forwarded to the Navy-Marine Corps Appellate Review Activity, (Code 40), 1254 Charles Morris Street SE, Suite B01, Washington Navy Yard, DC, 20374-5124 for review by the Navy-Marine Corps Court of Criminal Appeals under Article 66, UCMJ.

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:

[Empty box for written explanation]

30. Signature of Convening Authority  
[REDACTED]

31. Date  
*15 MAR 21*

32. Date convening authority action was forwarded to PTPD or Review Shop. [Empty box]

CONTINUATION SHEET - CA'S ACTION AND ENTRY OF JUDGMENT

28. CA's Action - Continued

[Empty box for text entry]

Convening Authority's Action -

KERLEY, JEREMY T.



# ENTRY OF JUDGMENT

## ENTRY OF JUDGMENT

### SECTION A - ADMINISTRATIVE

1. NAME OF ACCUSED (LAST, FIRST, MI) KERLEY, JEROME T.		2. PAYGRADE/RANK E4	3. DoD ID NUMBER [REDACTED]
4. UNIT OR ORGANIZATION SOUTHEAST REGIONAL MAINTENANCE CENTER		5. CURRENT ENLISTMENT 26 May 2017	6. TERM 4 Years
7. CONVENING AUTHORITY (UNIT/ORGANIZATION) Commander, Navy Region Southeast	8. COURT-MARTIAL TYPE General	9. COMPOSITION Judge Alone - MJA16	10. DATE COURT-MARTIAL ADJOURNED 14 January 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 the UCMJ, Article 117a):  
 Plea: Not Guilty      Finding: Withdrawn and dismissed. (NOTE 1)  
 Spec 1 (Wrongful Broadcast of Intimate Visual Images): Did on or about 4 February 2019, knowingly and wrongfully, without the explicit consent of Machinist's Mate Third Class Petty Officer [REDACTED] U.S. Navy, broadcast intimate visual images of MM3 [REDACTED] U.S. Navy, who was at least 18 years of age when the visual images were created and is identifiable from the visual images, when the accused knew or reasonably should have known that the visual images were made under circumstances in which MM3 [REDACTED] U.S. Navy, retained a reasonable expectation of privacy.  
 Plea: Not Guilty      Finding: Withdrawn and dismissed (NOTE 1)

Charge II (Violation of the UCMJ, Article 134):  
 Plea: Guilty      Finding: Guilty  
 Spec 1 (Possession of Child Pornography): Did on or about 31 July 2019, knowingly and wrongfully possess, on a Samsung Galaxy S9 cell phone, IMEI: [REDACTED] child pornography, to wit: digital images, of minors engaging in sexually explicit conduct and that conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.  
 Plea: Plea: Guilty, except the words "31" and "was to the prejudice of good order and discipline in the armed forces." Of the excepted words, Not Guilty. Of the Specification as excepted, Guilty.      Finding: Guilty, as excepted.  
 Spec 2 (Crimes and Offense Not Capital - Violation of Federal Law 18 U.S.C. 466A(b)(1)): Did on or about 31 July 2019, knowingly and wrongfully possess, on a Samsung Galaxy S9 cell phone, IMEI: [REDACTED] visual depictions, to wit: digital images, drawings, and cartoons, that had been transported in interstate or foreign commerce, of minors engaging in sexually explicit conduct that are obscene, in violation of 18 U.S. Code Section 1466A, an offense not capital.  
 Plea: Not Guilty.      Finding: Withdrawn and Dismissed (NOTE 1)  
 Spec 3 (General Article): Did on or about 4 February 2019, unlawfully photograph intimate photos of MM3 [REDACTED] U.S. Navy, without her consent, using his own cell phone without her knowledge, and that said conduct was to the prejudice of punishments, good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.  
 Plea: Guilty      Finding: Guilty

NOTE 1: Following the Military Judge's acceptance of the accused's pleas, the convening authority withdrew the language, Charge and Specifications to which the accused pled not guilty. After the announcement of the sentence by the Military Judge, the withdrawn language, Charge and Specifications, were dismissed by the convening authority without prejudice to ripen into prejudice upon completion of appellate review where the findings and sentence have been upheld.

**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.

The Military Judge sentenced the accused as follows:

For Specification 1 of Charge II, to be confined for 34 months  
For Specification 3 of Charge II, to be confined for 4 months  
To be reduced to the paygrade of E-3, and  
To be discharged from the Naval Service with a Bad-Conduct Discharge  
All sentences to confinement are to be served concurrently.

Following the Military Judge's acceptance of the accused's pleas, the convening authority withdrew the language, Charge and Specifications to which the accused pled not guilty. After the announcement of the sentence by the Military Judge, the withdrawn language, Charge and Specifications, were dismissed by the convening authority without prejudice to ripen into prejudice upon completion of appellate review where the findings and sentence have been upheld.

Confinement Credit: 0 days.

The sentence was approved by the convening authority and, except for that part of the sentence extending to a bad-conduct discharge, is executed at the Entry of Judgment.

Automatic forfeitures of all pay and allowances were previously deferred from the date that automatic forfeitures would otherwise become effective until the date of the Entry of Judgment. The deferral is rescinded, effective at the Entry of Judgment.

At the Entry of Judgment, automatic forfeiture of all pay and allowances are waived for the period of 6 months and will be paid to Mrs. [REDACTED] for the benefit of the accused's lawful dependents.

The Record of Trial is forwarded to the Navy-Marine Corps Appellate Review Activity, (Code 40), 1254 Charles Morris Street. S.E. Suite B01, Washington Navy Yard, DC 20372-5124 for review by the Navy-Marine Corps Court of Criminal Appeals as per Article 66 UCMJ.

**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)

In accordance with the terms of the Memorandum of Plea Agreement, automatic forfeitures of all pay and allowances were previously deferred from the date that automatic forfeitures would otherwise become effective until the date of the Entry of Judgment. At the Entry of Judgment, automatic forfeiture of all pay and allowances are waived for the period of 6 months and will be paid to Mrs. Letricia Rae Kerley for the benefit of the accused's lawful dependents.

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

NA

15. Judge's signature:



16. Date judgment entered:

22 Apr. 1 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.

Empty rectangular box for modifications to the judgment.

18. Judge's signature:

Empty rectangular box for the signature.

19. Date judgment entered:

Empty rectangular box for the date.

CONTINUATION SHEET - ENTRY OF JUDGMENT

12. Sentence (Continued)

# APPELLATE INFORMATION

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

Before Panel No. 3

**UNITED STATES**

*Appellee*

v.

**Kerley, Jeremy T.**  
Machinist's Mate Second Class Petty  
Officer (E-5)  
U.S. Navy

*Appellant*

**APPELLANT'S MOTION TO  
EXAMINE SEALED  
MATERIALS IN THE RECORD  
OF TRIAL**

NMCCA Case No. 202100125

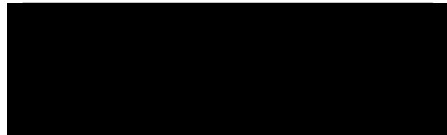
Tried at Region Legal Service Office  
SE Detachment Mayport, Florida on  
January 14 and 19, 2021 before a  
General Court-Martial convened by  
the Commander, Navy Region SE  
Jacksonville, Florida, CDR D.D.  
Butler, U.S. Navy, JAGC, Military  
Judge, presiding

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

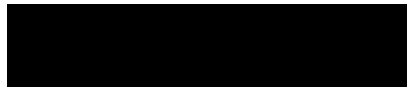
Pursuant to this Court's Rule of Appellate Procedure 6.2(c), counsel moves to examine sealed Prosecution Exhibits 3-5 by a member of the Appellate Defense Division.

1. Specifically, counsel requests a member of the defense team to examine:
  - a. Prosecution Exhibits 3 and 5, images of the victim.
  - b. Prosecution Exhibit 4, images of child pornography.

2. Prosecution Exhibits 3-5 were released to trial and trial defense counsel.
3. Counsel only requests to visually review the exhibits in the Court's chambers.
4. Per Rule 6.2(c)(1), this Court should permit review. The Military Judge's sealing order specifically identifies appellate counsel as authorized to review the requested exhibits. Review is reasonably necessary to a proper fulfillment of appellate counsel's responsibilities since Prosecution Exhibits 3-5 contain images that are the basis of MM2 Kerley's guilty pleas to possession of child pornography and the novel Article 134 offense.



B. L. FARRELL  
Major, U.S. Marine Corps Reserve  
Appellate Defense Counsel  
Navy-Marine Corps Appellate Review  
Activity  
1254 Charles Morris Street, SE  
Building 58, Suite 100  
Washington, DC 20374

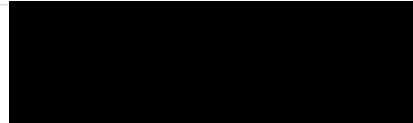


**CERTIFICATE OF FILING AND SERVICE**

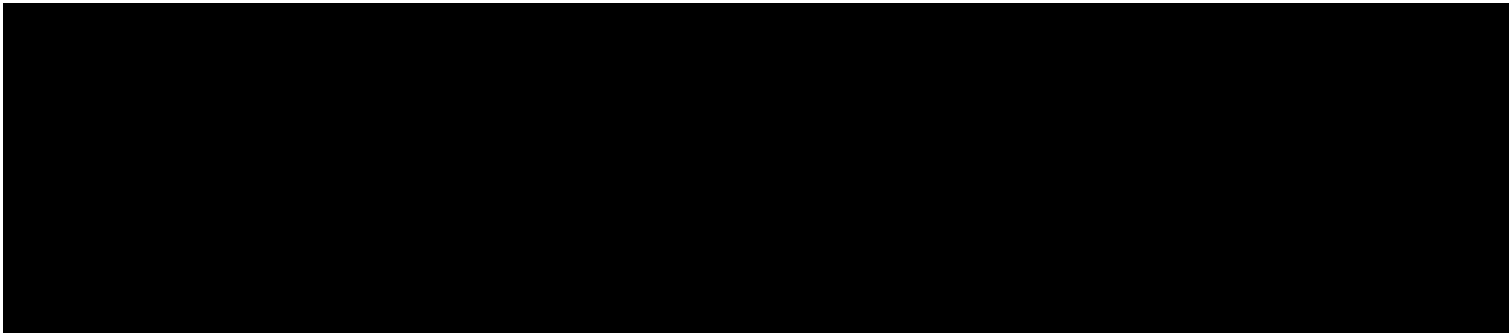
I certify that the original and three copies of the foregoing were electronically delivered to the Court on July 23, 2021, that a copy was uploaded into the Court's case management system on July 23, 2021, and that a copy of the

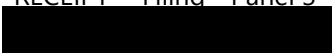


foregoing was electronically delivered to the Appellate Government Division on  
July 23, 2021.

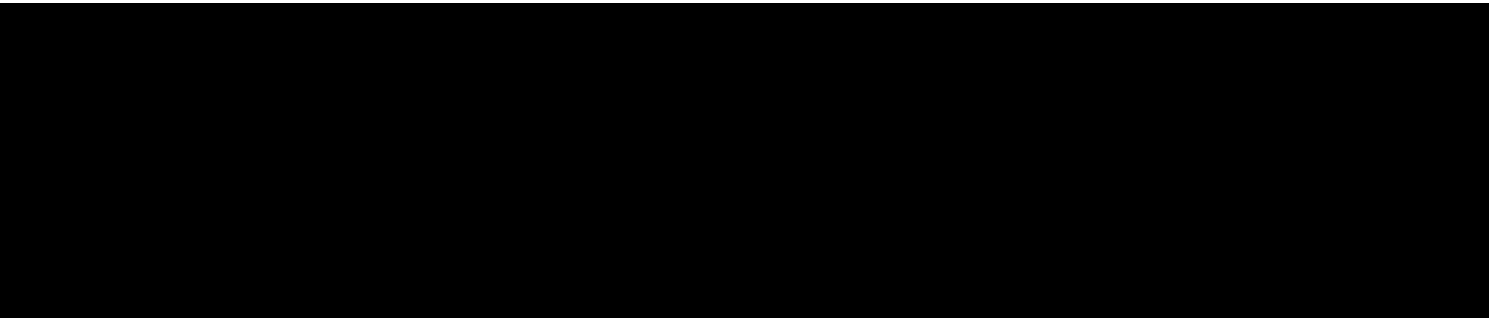


B. L. FARRELL  
Major, U.S. Marine Corps Reserve  
Appellate Defense Counsel




**Subject:** RECEIPT - Filing - Panel 3 - U.S. v. Kerley - 202100125 - D - Motion to Examine  
**Signed By:** 

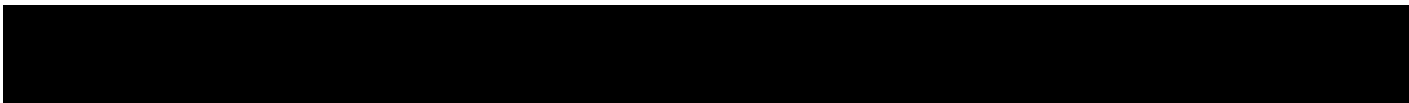
**RECEIVED**  
July 23 2021  
United States Navy-Marine Corps  
Court of Criminal Appeals



**Subject:** Filing - Panel 3 - U.S. v. Kerley - 202100125 - D - Motion to Examine

To this Honorable Court,  
Please see the attached filing.  
VR,

Anthony Grzincic  
Major, U.S. Marine Corps  
Appellate Defense Counsel  
Code 45, Navy and Marine Corps Appellate Review Activity  
Washington Navy Yard  




**Subject:** RULING - Filing - Panel 3 - U.S. v. Kerley - 202100125 - D - Motion to Examine  
**Signed By:** [REDACTED]

**MOTION GRANTED**  
July 29 2021  
United States Navy-Marine Corps  
Court of Criminal Appeals

**Subject:** Filing - Panel 3 - U.S. v. Kerley - 202100125 - D - Motion to Examine

To this Honorable Court,

Please see the attached filing.

VR,

Anthony Grzincic  
Major, U.S. Marine Corps  
Appellate Defense Counsel  
Code 45, Navy and Marine Corps Appellate Review Activity  
Washington Navy Yard  
[REDACTED]



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

Before Panel No. 3

**UNITED STATES**

*Appellee*

v.

**KERLEY, Jeremy T.**  
Machinist Mate Second Class (E-5)  
U.S. Navy

*Appellant*

**APPELLANT'S MOTION FOR  
LEAVE TO FILE OUT OF TIME  
FOR A SECOND  
ENLARGEMENT OF TIME**

NMCCA Case No. 202100125

Tried at Region Legal Service Office  
Southeast Detachment, Mayport,  
Florida on January 14 and 19, 2021  
before a General Court-Martial  
convened by Commander, Navy  
Region Southeast, CDR D. Butler,  
JAGC, U.S. Navy

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

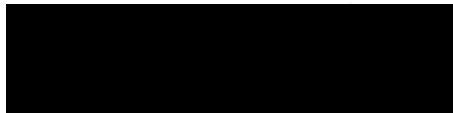
Pursuant to this Court's Rules of Appellate Procedure 23.2 and 23.11,  
undersigned counsel respectfully moves for leave to file out-of-time for a second  
enlargement of time to file a brief and assignments of error. The current due date  
is August 4, 2021. The number of days requested is thirty. The requested due date  
is September 3, 2021.

Status of the case:

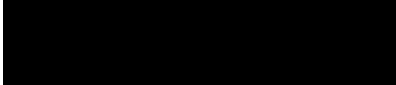
1. The Record of Trial was docketed on May 5, 2021.
2. The Moreno III date is November 5, 2022.
3. MM2 Kerley is confined and his release date is in May 2023.
4. The record consists of 141 transcribed pages and 297 total pages.
5. Undersigned counsel has reviewed the Record, except for the sealed exhibits.

MM2 Kerley consents to and requests this enlargement to ensure Counsel can review the sealed materials in the Record. The Court granted the Motion to Examine the sealed exhibits but does not yet have the decryption password to allow counsel to conduct the review. That is good cause for the enlargement itself and for the enlargement being out-of-time. Counsel believed the review would occur prior to the current due date, which is today.

The United States charged MM2 Kerley with two Charges involving wrongful broadcast of intimate visual images and possession of child pornography in violation of Articles 117a and 134 UCMJ. MM2 Kerley pled guilty the Charge involving child pornography and the Military Judge sentenced him to thirty-four (34) months of confinement, a reduction to E-3, and a bad-conduct discharge.



B. L. FARRELL  
Major, U.S. Marine Corps Reserve  
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 the original and three copies of the foregoing were electronically delivered to the Court on August 4, 2021, that a copy was uploaded into the Court’s case management system on August 4, 2021, and that a copy of the foregoing was electronically delivered to the Appellate Government Division on August 4, 2021.



B. L. FARRELL  
Major, U.S. Marine Corps Reserve  
Appellate Defense Counsel



**Subject:**  
**Signed By:**

RECEIPT - FILING - Panel 3 - U.S. v. KERLEY - NMCCA 202100125 - D2EOT (FARRELL)

[REDACTED]

**RECEIVED**  
Aug 4 2021  
United States Navy-Marine Corps  
Court of Criminal Appeals

**Subject:** FILING - Panel 3 - U.S. v. KERLEY - NMCCA 202100125 - D2EOT (FARRELL)

Good afternoon,

Please see attached filing.

Anthony Grzincic  
Major, U.S. Marine Corps  
Appellate Defense Counsel  
Reserve Division Branch Head  
Code 45, Navy and Marine Corps Appellate Review Activity  
Washington Navy Yard  
[REDACTED]

**Subject:**  
**Signed By:**

RULING - FILING - Panel 3 - U.S. v. KERLEY - NMCCA 202100125 - D2EOT (FARRELL)

**MOTION GRANTED**  
August 4 2021  
United States Navy-Marine Corps  
Court of Criminal Appeals

**Subject:** FILING - Panel 3 - U.S. v. KERLEY - NMCCA 202100125 - D2EOT (FARRELL)

Good afternoon,

Please see attached filing.

Anthony Grzincic  
Major, U.S. Marine Corps  
Appellate Defense Counsel  
Reserve Division Branch Head  
Code 45, Navy and Marine Corps Appellate Review Activity  
Washington Navy Yard  
[REDACTED]

# United States Navy - Marine Corps Court of Criminal Appeals

**UNITED STATES**

*Appellee*

v.

**Jeremy T. KERLEY**  
**Machinist's Mate Second Class**  
**(E-5), U.S. Navy**

*Appellant*

**NMCCA No. 202100125**

**Panel 3**

**ORDER**

*To Produce*  
*Prosecution Exhibits*

Upon consideration of the record of trial, the Court noted that sealed Prosecution Exhibits 3 and 4, each on DVD media, are unreadable. The DVD media shall be recreated from the originals on file with the Naval Criminal Investigative Service or other cognizant law enforcement agency. The Government shall comply with Dep't of the Navy, Judge Advocate General / Cmdr Navy Legal Service Cmd Instr. 5814.1D, *Post-Trial Processing*, para. 5.r. (Sep. 6, 2019), including providing the decryption password to the Clerk of Court. Further the Government shall use standard encryption software and shall *not* affix a physical label to the media (which can affect the rotational dynamics of the media, rendering it unreadable).

Accordingly, it is, by the Court, this 11th day of August 2021,

**ORDERED:**

That the Government produce, on or before 25 August 2021, Prosecution Exhibits 3 and 4 along with any necessary passwords to decrypt any encrypted files.



  
RODGER A. DRÉW, JR.  
Clerk of Court

Copy to:  
NMCCA (51.3); 45 (Maj Farrell); 46; 02

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

Before Panel No. 3

UNITED STATES,	)	APPELLEE’S MOTION FOR FIRST
Appellee	)	ENLARGEMENT OF TIME TO
	)	RESPOND TO ORDER TO
v.	)	PRODUCE
	)	
Jeremy T. KERLEY,	)	Case No. 202100125
Machinist’s Mate Second Class (E-5)	)	
U.S. Navy	)	Tried at Region Legal Service Office
Appellant	)	Southeast, Detachment Mayport,
	)	Florida, on January 14 and 19, 2021,
	)	before a general court-martial
	)	convened by Commander, Navy
	)	Region Southeast, Commander D. D.
	)	Butler, JAGC, U.S. Navy, presiding.

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

Under Rule 24 of this Court’s Rules, the United States respectfully moves for a seven-day enlargement of time from August 25, 2021, to September 1, 2021, to respond to this Court’s Order of August 11, 2021, directing the Government to produce Prosecution Exhibits 3 and 4.

Good cause exists for an Enlargement of Time because the United States is waiting on verification of the contents of Prosecution Exhibits 3 and 4 by Trial Counsel. Prosecution Exhibits 3 and 4 have arrived from Region Legal Service Office, Detachment Mayport, and undersigned counsel is coordinating with Trial Counsel to physically review the exhibits on August 27, 2021, to ensure they contain the same material offered at trial. The United States requires additional time for Trial Counsel to review Prosecution Exhibit 3 and 4.

### **Conclusion**

The United States respectfully requests that this Court grant this Motion and extend the time to file its response to September 1, 2021.

Tyler W. Blair Digitally signed  
by Tyler W. Blair

**TYLER W. BLAIR**  
Captain, U.S. Marine Corps  
Appellate Government Counsel  
Navy-Marine Corps Appellate  
Review Activity  
Bldg. 58, Suite B01  
1254 Charles Morris Street SE  
Washington Navy Yard, DC 20374



## **Certificate of Filing and Service**

I certify that the original and required number of copies of the foregoing were delivered to the Court, uploaded to the Court's case management system, and that a copy of the foregoing was delivered to Appellate Defense Counsel, Major Brian L. FARRELL, U.S. Marine Corps Reserve, on August 25, 2021.

Tyler W. Blair

Digitally signed  
by Tyler W. Blair

**TYLER W. BLAIR**  
Captain, U.S. Marine Corps  
Appellate Government Counsel

**Subject:** RECEIPT - FILING - Panel 3 - U.S. v. Kerley - NMCCA 202100125 - G-Mot. 1st Enl to Order Response (Blair)

**Signed By:** [REDACTED]

**RECEIVED**  
Aug 25 2021  
United States Navy-Marine Corps  
Court of Criminal Appeals

**Subject:** FILING - Panel 3 - U.S. v. Kerley - NMCCA 202100125 - G-Mot. 1st Enl to Order Response (Blair)

To This Honorable Court:

Please find attached the Appellee's Request for a First Enlargement of Time to Respond to the Court's Order to Produce for electronic filing in United States v. Kerley, NMCCA 202100125.

Thank you

Very Respectfully,  
Capt Tyler W. Blair

---

Tyler W. Blair  
Captain, USMC  
Appellate Government Counsel | Code 46  
Navy and Marine Corps Appellate Review Activity  
1254 Charles Morris St. SE | Bldg 58, Suite B01

Washington Navy Yard, D.C. 20374-5124





**Subject:** RULING - FILING - Panel 3 - U.S. v. Kerley - NMCCA 202100125 - G-Mot. 1st Enl to Order Response (Blair)

**Signed By:** [REDACTED]

**MOTION GRANTED**  
Aug 25 2021  
United States Navy-Marine Corps  
Court of Criminal Appeals

**Subject:** FILING - Panel 3 - U.S. v. Kerley - NMCCA 202100125 - G-Mot. 1st Enl to Order Response (Blair)

To This Honorable Court:

Please find attached the Appellee's Request for a First Enlargement of Time to Respond to the Court's Order to Produce for electronic filing in United States v. Kerley, NMCCA 202100125.

Thank you

Very Respectfully,  
Capt Tyler W. Blair

---

Tyler W. Blair  
Captain, USMC  
Appellate Government Counsel | Code 46  
Navy and Marine Corps Appellate Review Activity

1254 Charles Morris St. SE | Bldg 58, Suite B01  
Washington Navy Yard, D.C. 20374-5124



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

Before Panel No. 3

UNITED STATES,	)	APPELLEE'S ORDER RESPONSE
Appellee	)	
	)	Case No. 202100125
v.	)	
	)	Tried at Region Legal Service Office
Jeremy T. KERLEY,	)	Southeast, Detachment Mayport,
Machinist's Mate Second Class (E-5)	)	Florida, on January 14 and 19, 2021,
U.S. Navy	)	by a general court-martial convened
Appellant	)	by Commander, Navy Region
	)	Southeast, Commander D. D. Butler,
	)	JAGC, U.S. Navy, presiding.

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

In response to this Court's Order of August 11, 2021, the United States respectfully confirms the production of Prosecution Exhibits 3 and 4. On August 20 and 26, 2021, the United States delivered encrypted and password-protected discs containing the respective Exhibits to the Clerk of Court. The United States separately provided the Court with the passwords for the discs on the respective dates.

## Conclusion

The United States respectfully confirms production of the Exhibits and passwords in response to the Court's Order.

Tyler W. Blair

Digitally signed  
by Tyler W. Blair

**TYLER W. BLAIR**

Captain, U.S. Marine Corps  
Appellate Government Counsel  
Navy-Marine Corps Appellate  
Review Activity  
Bldg. 58, Suite B01  
1254 Charles Morris Street SE  
Washington Navy Yard, DC 20374

## Certificate of Filing and Service

I certify this document was emailed to the Court's filing address, uploaded into the Court's case management system, and emailed to Appellate Defense Counsel, Major Brian L. FARRELL, U.S. Marine Corps, on August 31, 2021.

Tyler W. Blair

Digitally signed  
by Tyler W. Blair

**TYLER W. BLAIR**

Captain, U.S. Marine Corps  
Appellate Government Counsel

**Subject:** RECEIPT - FILING - Panel 3 - U.S. v. Kerley - NMCCA 202100125 - G-Order Response  
(Blair)

**Signed By:** [REDACTED]

**RECEIVED**  
Aug 31 2021  
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:** RE: FILING - Panel 3 - U.S. v. Kerley - NMCCA 202100125 - G-Order Response (Blair)

To This Honorable Court:

Please find attached the Appellee's Response to the Court's Order for electronic filing in United States v. Kerley, NMCCA 202100125.

Thank you

Very Respectfully,  
Capt Tyler W. Blair

---

Tyler W. Blair  
Captain, USMC  
Appellate Government Counsel | Code 46  
Navy and Marine Corps Appellate Review Activity  
1254 Charles Morris St. SE | Bldg 58, Suite B01  
Washington Navy Yard, D.C. 20374-5124

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

Before Panel No. 3

**UNITED STATES**

*Appellee*

v.

**Kerley, Jeremy T.**  
Machinist's Mate Second Class Petty  
Officer (E-5)  
U.S. Navy

*Appellant*

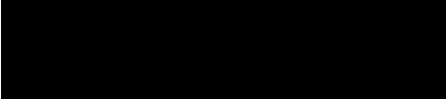
**SUBMISSION OF CASE  
WITHOUT SPECIFIC  
ASSIGNMENTS OF ERROR**

NMCCA Case No. 202100125

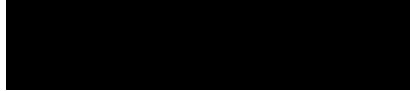
Tried at Region Legal Service Office  
SE Detachment Mayport, Florida on  
January 14 and 19, 2021 before a  
General Court-Martial convened by  
the Commander, Navy Region SE  
Jacksonville, Florida, CDR D.D.  
Butler, U.S. Navy, JAGC, Military  
Judge, presiding

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

COMES NOW Appellant, MM2 Jeremy Kerley, by and through counsel,  
and states that I have carefully examined the record of trial in the case, that I do not  
admit that the findings and sentence are correct in law and fact, and that I submit  
the case on its merits to this Honorable Court without specific assignments of error  
or brief.

  
Major, U.S. Marine Corps Reserve  
Appellate Defense Counsel  
Navy-Marine Corps Appellate Review  
Activity  
1254 Charles Morris Street, SE  
Building 58, Suite 100

Washington, DC 20374

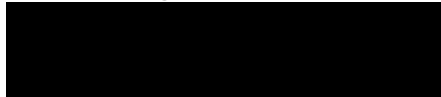


**CERTIFICATE OF FILING AND SERVICE**

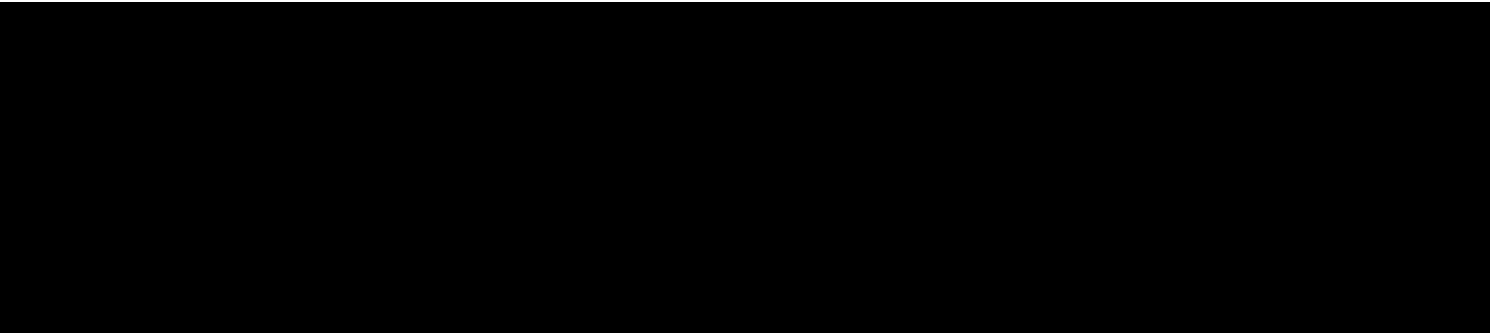
I certify that the original and three copies of the foregoing were electronically delivered to the Court on September 9, 2021, that a copy was uploaded into the Court's case management system on September 9, 2021, and that a copy of the foregoing was electronically delivered to the Appellate Government Division on September 9, 2021.




B. L. FARRELL  
Major, U.S. Marine Corps Reserve  
Appellate Defense Counsel  
Navy-Marine Corps Appellate Review  
Activity  
1254 Charles Morris Street, SE  
Building 58, Suite 100  
Washington, DC 20374







**Subject:** RECEIPT - Filing - Panel 3 - U.S. v. KERLEY - 202100125 - D - MERIT (FARRELL)  
**Signed By:** 


**RECEIVED**  
Sep 09 2021  
United States Navy-Marine Corps  
Court of Criminal Appeals



**Subject:** Filing - Panel 3 - U.S. v. KERLEY - 202100125 - D - MERIT (FARRELL)

To this Honorable Court,  
Please see the attached filing.

VR,

Anthony Grzincic  
Major, U.S. Marine Corps  
Appellate Defense Counsel  
Code 45, Navy and Marine Corps Appellate Review Activity  
Washington Navy Yard  


*This opinion is subject to administrative correction before final disposition.*

United States Navy - Marine Corps  
Court of Criminal Appeals

Before  
GASTON, HOUTZ, and MYERS  
Appellate Military Judges

---

**UNITED STATES**  
*Appellee*

v.

**Jeremy T. KERLEY**  
Machinist's Mate Second Class (E-5), U.S. Navy  
*Appellant*

**No. 202100125**

Decided: 20 September 2021

Appeal from the United States Navy-Marine Corps Trial Judiciary

Military Judge:  
Derek D. Butler

Sentence adjudged 14 January 2021 by a general court-martial convened at Naval Station Mayport, Florida, consisting of a military judge sitting alone. Sentence in the Entry of Judgment: reduction to E-3, confinement for 34 months, and a bad-conduct discharge.

For Appellant:  
*Major Brian Farrell, USMCR*

For Appellee:  
*Brian K. Keller, Esq*

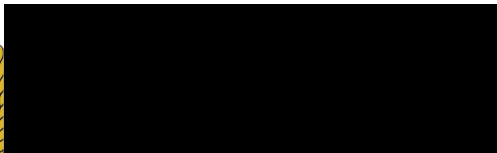
**This opinion does not serve as binding precedent under  
NMCCA Rule of Appellate Procedure 30.2(a).**

---

PER CURIAM:

After careful consideration of the record, submitted without assignment of error, we have determined that the findings and sentence are correct in law and fact and that no error materially prejudicial to Appellant's substantial rights occurred.<sup>1</sup>

The findings and sentence are **AFFIRMED**.



Clerk of Court

---

<sup>1</sup> Articles 59 & 66, Uniform Code of Military Justice, 10 U.S.C. §§ 859, 866.

# REMAND

**THERE WERE NO REMANDS**

**NOTICE OF COMPLETION OF  
APPELLATE REVIEW**