



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY LEGAL SERVICES AGENCY  
UNITED STATES ARMY JUDICIARY  
901 NORTH STUART STREET  
ARLINGTON, VA 22203-1837

December 9, 2010

REPLY TO  
ATTENTION OF

Office of the Clerk of Court

Mr. Troy Newman  
P.O. Box 782888  
Wichita, Kansas 67278

Dear Mr. Newman:


Enclosed is the certified conviction packet you requested on October 21, 2010 pertaining to First Lieutenant Nicola I. Riley (ARMY 9102525).

Because the original record of trial does not always contain administrative actions taken by the Army Review Boards Agency [i.e., upgrade of discharge, remission of the unexecuted portion of confinement, etc.], you should also contact the following agency to determine if any administrative action has been taken:

Army Review Boards Agency  
ATTN: Client Information and Quality Assurance Office  
1941 Jefferson Davis Highway, 2<sup>nd</sup> Floor  
Arlington, Virginia 22202-4508  
(703) 607-1600

If you have any questions or need additional information, my telephone numbers are area code 703-588-7928 (ofc); 696-8777 (fax), or at Jeffrey.Todd@us.army.mil.

Sincerely,

  
Jeffrey A. Todd  
Paralegal Specialist

Enclosure

DEPARTMENT OF THE ARMY  
UNITED STATES ARMY JUDICIARY  
901 North Stuart Street  
Arlington, VA 22203-1837

**CERTIFICATION OF TRUE COPY**

I **HEREBY CERTIFY** that the attached is a true and complete copy of the Stipulation of Fact (8 Jun 91); Recommendation of the Staff Judge Advocate (6 Aug 91); General Court-Martial Order Number 28 (22 Aug 91); Opinion of the Court of the United States Army Court of Criminal Appeals (30 Jun 92); Order Denying Petition of the United States Court of Military Appeals (13 Jan 93); and, General Court-Martial Order Number 5 (1 Mar 93), in the case of United States v First Lieutenant Nicola I. Riley, U.S. Army (ARMY 9101525), sentence adjudged on 10 July 2991, which record is in my custody as Deputy Clerk of Court, United States Army Judiciary, 901 North Stuart Street, Arlington, Virginia 22203-1821.

**Witness my hand and seal** this 9<sup>th</sup> day of December, 2010.



A handwritten signature in blue ink, appearing to read "Joanne P. Tetreault Eldridge".

JOANNE P. TETREAU LT ELDRIDGE  
Deputy Clerk of Court

UNITED STATES )

vs. )

1LT Nicola I. Riley )  
(b) (6) U.S. Army )  
Headquarters and Headquarters Company )  
United States Army Garrison, Fort Carson )  
Fort Carson, Colorado 80913-5000 )

STIPULATION OF FACT  
Fort Carson, Colorado

Date: 8 Jul 1991

It is hereby stipulated by and between the trial counsel and defense counsel, with the express consent of the accused, that the following facts are true and susceptible of proof:

On or about 1 July, 1990, the accused, while on active duty, conspired with Specialist (b) (6) (co-accused) and Private (b) (6) (co-accused), to commit forgery, larceny of personal property of a value of more than \$100.00, and criminal impersonation. The object of this conspiracy was to steal personal property from local jewelry stores.

In furtherance of the conspiracy, on or about 1 July, 1990, the accused, SPC (b) (6) and PVT (b) (6) discussed the scheme to steal private property from local jewelry stores. The accused and the two co-accused had access to names and social security numbers from working at the 50th Ordnance Company. The accused and the two co-accused agreed that all they had to do was to either make up a name and social security number or use ones obtained from their work place, go to a jewelry store, fill out instant credit applications and obtain items from jewelry stores. The accused agreed to participate in the illegal conspiracy to steal jewelry from merchants in the Colorado Springs area.

On or about 14 July 1990, shortly after the conversation which occurred on or about 1 July 1990, SPC (b) (6) PVT (b) (6) and the accused went to jewelry stores at the Citadel Mall and the Chapel Hills Mall. Both malls are located in the City of Colorado Springs, Colorado. Fort Carson is located immediately adjacent to the City of Colorado Springs. While at the malls the accused and the two co-accused filled out credit applications and obtained jewelry by forging credit receipts.

On or about 14 July, 1990 the accused violated section 18-5-113(1)(e) of the Colorado Revised Statutes, by knowingly assuming the false or fictitious identity as (b) (6) United States Army, (b) (6) Company B, 108th Signal Battalion, Fort Carson, Colorado. In further violation of section 18-5-113(1)(e), the accused used this assumed false or fictitious identity to provide false information to Gordon's Jewelers. This false information was used by the accused to obtain credit in the name of (b) (6) in order to purchase items of value at Gordon's Jewelers. The accused acts on or about 14 July 1990 at Gordon's Jewelers were done by her with the intent to unlawfully gain a personal benefit and to defraud Gordon's Jewelers.

On or about 14 July 1990, approximately 30 - 50 minutes after filling out the credit application the accused went to Gordon's Jewelers in Citadel Mall, located at or near the City of Colorado Springs, Colorado. While at Gordon's Jewelers, the accused, with the intent to defraud, falsely made the signature

Prosecution Exhibit 1  
For Identification

of (b) (6) to a credit purchase receipt on a credit account in the name of (b) (6). If genuine, this signature would apparently operate to the legal harm of another. By falsely signing the signature of (b) (6) the accused was able to steal one set of pearl earrings of a value of about \$17.49, one ladies Austin watch of a value of about \$93.75, one 18 inch gold chain of a value of about \$300.00, one money clip of a value of about \$16.47, and one tie clip of a value of about \$13.97. The total value of this stolen property was about \$441.68, and all of this property was the property of Gordon's Jewelers. The accused knew at the time of her actions that falsely making the signature of (b) (6) and thereby stealing the items was unlawful.

On or about 25 August, 1990 the accused and PVT (b) (6) traveled to Bailey, Banks, and Biddle Jewelers, of Citadel Mall in Colorado Springs. The accused violated section 18-5-113(1)(e) of the Colorado Revised Statutes, by knowingly assuming the false or fictitious identity as (b) (6) (b) (6) 4th Aviation Battalion, United States Army, Fort Carson, Colorado. In further violation of section 18-5-113(1)(e) the accused used this assumed false or fictitious identity to provide false information to Bailey, Banks and Biddle Jewelers. This false and fictitious information was used by the accused to obtain credit in the name of (b) (6) in order to purchase items of value at Bailey, Banks, and Biddle Jewelers. The accused acts on or about 25 August 1990 at Bailey, Banks, and Biddle were done by her with the intent to unlawfully gain a personal benefit and to defraud Bailey, Banks and Biddle Jewelers.

Approximately 30-40 minutes after filling out the credit application on or about 25 August, 1990, PVT (b) (6) and the accused returned together to Bailey, Banks, and Biddle Jewelers, in Colorado Springs. The accused picked out nine different items and had some of them gift wrapped by the sales clerk, (b) (6). The credit purchase receipts were filled out and the items were to be given to the accused upon her providing a picture ID. The accused could not produce an ID and the sales clerk would not allow the items to leave the store until an ID was produced.

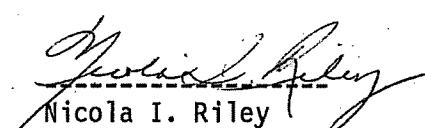
The accused left the store and returned on or about 27 August 1990. The sales clerk, (b) (6) was not working on that day and (b) (6) another sales clerk, waited on the accused. The accused showed the sales clerk a drivers license with (b) (6) name on it and the accused's picture. The accused then, with intent to defraud, falsely made the signature of (b) (6) (b) (6) to a credit purchase receipt on a credit account in the name of (b) (6) with Bailey, Banks, and Biddle Jewelers. If genuine, this signature would apparently operate to the legal harm of another. By falsely signing the signature of Nancy Davis, the accused was able to, and did thereby, steal a ladies Seiko watch, of a value of about \$279.00, a ladies Seiko watch of a value of about \$179.00, a signet ring of a value of about \$300.00, a Seiko clock of a value of about \$175.00, a jewelry chest of a value of about \$110.00, a Seiko musical clock of a value of about \$95.00, a ladies ring of a value of about \$1,875.00, a set of black pearl earrings of a value of about \$50.00, and a jewelry box of a value of about \$22.50, of a total value of about \$3,085, which was the property of Bailey, Banks, and Biddle Jewelers.

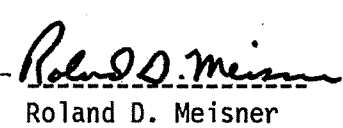
The accused knew at the time of her actions that falsely making the signature of (b) (6) and thereby stealing the items listed above was unlawful.


As a direct result of the conspiratorial and fraudulent actions of the accused, SPC (b) (6) and Private (b) (6) Sergeant (b) (6) Specialist (b) (6) Specialist (b) (6) and Captain (b) (6) (b) (6) all soldiers stationed at Fort Carson, Colorado, in the recent past, received bills for merchandise which they had not purchased. They were in fact billed for merchandise stolen by the accused and the two coconspirators in the above referenced and described conspiracy.

The accused admits that she was commissioned in the United States Army on 27 May 1987, and that she has been continuously on active duty since that date.

The unlawful actions of the accused in criminally impersonating other persons, including soldiers of the United States army, fraudulently obtaining credit, and stealing from jewelry stores in the City of Colorado Springs was conduct unbecoming an officer.

  
\_\_\_\_\_  
Nicola I. Riley  
1LT, U.S. Army  
Accused

  
\_\_\_\_\_  
Roland D. Meisner  
CPT, JA  
Defense Counsel

  
\_\_\_\_\_  
Bruce A. Romanick  
CPT, JA  
Trial Counsel



DEPARTMENT OF THE ARMY  
HEADQUARTERS, FORT CARSON  
AND  
HEADQUARTERS, 4TH INFANTRY DIVISION (MECHANIZED)  
FORT CARSON, COLORADO 80913-5000

REPLY TO  
ATTENTION OF

AFZC-JA-CL (27-10e)

6 August 1991

MEMORANDUM FOR Commander, Fort Carson and 4th Infantry Division (Mechanized),  
Fort Carson, Colorado 80913-5001

SUBJECT: Recommendation of the Staff Judge Advocate - 1LT Nicola I. Riley,  
(b) (6)

1. The record of trial by general court-martial in the case of the accused named below has been referred to me for my recommendation prior to your action. This is my recommendation, as required by Rule for Courts-Martial 1106, Manual for Courts-Martial, United States, 1984, and Article 60(d), Uniform Code of Military Justice.

2. PERSONAL DATA:

a. ACCUSED. 1LT Riley, Nicola I., (b) (6) HHC, USAG, 43d Spt Gp, Ft Carson, CO.

b. PERSONAL HISTORY. DOB: (b) (6) Marital Status/Dependents: Single/O; Education: Grad-USMA; Prior Convictions: None.

c. MILITARY SERVICE. Current Term: 27 May 87 - Indefinite; Prior Svc: None; Total Creditable Svc: Approx 4 yrs, 1 mo.

d. MILITARY BACKGROUND. Awards: AAM; GT Score: N/A; Prior Art 15s: None; Prior Convictions: None.

e. DAYS IN CONFINEMENT: None.

3. SENTENCE DATA:

a. Date Sentence Adjudged: 10 July 1991.

b. Maximum Sentence Based on Correct Findings: Dismissal, Conf x 15 yrs, and TF and a fine.

c. Sentence Adjudged by Military Judge: Dismissal, Conf x 30 mos, and TF.

d. Pretrial Agreement: To suspend for a period of 12 mos from the date of action any confinement in excess of 42 mos.

e. Recommendation of SJA: Dismissal, Conf x 30 mos, and TF.

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AFZC-JA-CL

SUBJECT: Recommendation of the Staff Judge Advocate - 1LT Nicola I. Riley,  
(b) (6)

4. CHARGE:

a. The Charge, Art 133, Spec 1: Conspire with two other soldiers to commit forgery; larceny of personal property, of a value of more than \$100.00, and criminal impersonation under Colorado Revised Statute 18-5-113, on or about 1 July 90, such conduct being unbecoming an officer. Plea: G, except for the words, "the said First Lieutenant Riley obtained the names of soldiers assigned to Fort Carson and their social security numbers from a personnel roster, the said First Lieutenant Riley provided the aforementioned names and social security numbers to the said Specialist (b) (6) and Private (b) (6) To the excepted words, NG. Finding: G, except the words, "the said First Lieutenant Riley obtained the names of soldiers assigned to Fort Carson and their social security numbers from a personnel roster, the said First Lieutenant Riley provided the aforementioned names and social security numbers to the said Specialist (b) (6) and Private (b) (6) Of the excepted words, NG. Correct: Yes.

b. The Charge, Art 133, Spec 2: With intent to obtain something of value or an advantage, convinced another soldier to complete false credit applications, by communicating a threat to the soldier, between on or about 1 Jun 90 and 1 Jul 90, such conduct being unbecoming an officer. Plea; NG. Finding: NG. Correct: Yes.

c. The Charge, Art 133, Spec 3: Violate Section 18-5-113 of the Colorado Revised Statutes, by knowingly assuming a false or fictitious identity, with intent to unlawfully gain a personal benefit and to defraud Gordon's Jewelers, on or about 14 Jul 90, such conduct being unbecoming an officer. Plea: G. Finding: G. Correct: Yes.

d. The Charge, Art 133, Spec 4: With intent to defraud, falsely make the signature of another person to two credit purchase receipts, and did thereby steal one pair of pearl earrings of a value of about \$17.49, a ladies watch of a value of about \$93.75, a 14-kt chain of a value of about \$300.00, a money-clip of a value of about \$16.47, and a tie clip of a value of about \$13.97, of a total value of about \$441.68, the property of Gordon's Jewelers, on or about 14 Jul 90, such conduct being unbecoming an officer. Plea: G. Finding: G. Correct: Yes.

e. The Charge, Art 133, Spec 5: Violate Section 18-5-113 of the Colorado Revised Statutes, by knowingly assuming a false or fictitious identity, with intent to unlawfully gain a personal benefit and to defraud Gordon's Jewelers, on or about 15 Jul 90, such conduct being unbecoming an officer. Plea: NG. Finding: NG. Correct: Yes.

f. The Charge, Art 133, Spec 6: Violate Section 18-5-113 of the Colorado Revised Statutes, by knowingly assuming a false or fictitious identity of

AFZC-JA-CL

SUBJECT: Recommendation of the Staff Judge Advocate - 1LT Nicola I. Riley,

(b) (6)

another soldier, with intent to unlawfully gain a personal benefit and to defraud Bailey, Banks and Biddle Jewelers, on or about 25 Aug 90, such conduct being unbecoming an officer. Plea: G. Finding: G. Correct: Yes.

g. The Charge, Art 133, Spec 7. With intent to defraud falsely make the signature of another person to three credit purchase receipts, and did thereby steal a ladies Seiko watch of a value of about \$279.00, a ladies Seiko watch of a value of about \$179.00, a signet ring of a value of about \$300.00, a Seiko clock of a value of about \$175.00, a jewelry chest of a value of about \$110.00, a Seiko musical clock of a value of about \$95.00, a ladies ring of a value of about \$1,875.00, a set of black pearl earrings of a value of about \$50.00, and a jewelry box of a value of about \$22.50, of a total value of about \$3,085.00, on or about 27 Aug 90, such conduct being unbecoming an officer. Plea: G. Finding: G. Correct: Yes.


5. PRETRIAL AGREEMENT: In accordance with Rule for Courts-Martial 1106, you are advised that you may only approve a sentence which does not exceed that which is provided for in the pretrial agreement. The sentence adjudged by the court is less than that agreed upon in the pretrial agreement. Therefore, you need not suspend any portion of the adjudged sentence.

6. RECOMMENDATION: a. I recommend that the sentence be approved and, except for that portion of the sentence extending to a dismissal, be ordered executed.

b. A form of action to accomplish the foregoing is attached at SIGNATURE TAB.

2 Encls

1. Record of Trial
2. Proposed Action

  
QUENTIN W. RICHARDSON  
Colonel, JA  
Staff Judge Advocate



DEPARTMENT OF THE ARMY  
HEADQUARTERS, FORT CARSON  
AND  
4TH INFANTRY DIVISION (MECHANIZED)  
Fort Carson, Colorado 80913-5000

GENERAL COURT-MARTIAL ORDER  
NUMBER 38

22 August 1991

First Lieutenant Nicola I. Riley, (b) (6) US Army, Headquarters and Headquarters Company, United States Army Garrison, Fort Carson, Colorado 80913-5804, was arraigned at Fort Carson, Colorado, on the following offenses at a general court-martial convened by Commander, Fort Carson and 4th Infantry Division (Mechanized).

The Charge. Article 133. Plea: Guilty. Finding: Guilty.

Specification 1: Conspire with two other soldiers to commit forgery; larceny of personal property, of a value of more than \$100.00, and criminal impersonation under Colorado Revised Statute 18-5-113, on or about 1 July 1990, such conduct being unbecoming an officer. Plea: Guilty, except for the words, "the said First Lieutenant Riley obtained the names of soldiers assigned to Fort Carson and their social security numbers from a personnel roster, the said First Lieutenant Riley provided the aforementioned names and social security numbers to the said Specialist (b) (6) and Private (b) (6)". To the excepted words, Not Guilty. Finding: Guilty, except the words, "the said First Lieutenant Riley obtained the names of soldiers assigned to Fort Carson and their social security numbers from a personnel roster, the said First Lieutenant Riley provided the aforementioned names and social security numbers to the said Specialist (b) (6) and Private (b) (6)". Of the excepted words, Not Guilty.

Specification 2: With intent to obtain something of value or an advantage, convinced another soldier to complete false credit applications, by communicating a threat to the soldier, between on or about 1 June 1990 and 1 July 1990, such conduct being unbecoming an officer. Plea; Not Guilty. Finding: Not Guilty.

Specification 3: Violate Section 18-5-113 of the Colorado Revised Statutes, by knowingly assuming a false or fictitious identity, with intent to unlawfully gain a personal benefit and to defraud Gordon's Jewelers, on or about 14 July 1990, such conduct being unbecoming an officer. Plea: Guilty. Finding: Guilty.

Specification 4: With intent to defraud, falsely make the signature of another person to two credit purchase receipts, and did thereby steal one pair of pearl earrings of a value of about \$17.49, a ladies watch of a value of about \$93.75, a 14-kt chain of a value of about \$300.00, a money-clip of a value of about \$16.47, and a tie clip of a value of about \$13.97, of a total value of about \$441.68, the property of Gordon's Jewelers, on or about 14 Jul 1990, such conduct being unbecoming an officer. Plea: Guilty. Finding: Guilty.

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GCM No 38, DA, HQ, FT CARSON & 4TH INF DIV (M), FT CARSON, CO dtd 22 Aug 91

Specification 5: Violate Section 18-5-113 of the Colorado Revised Statutes, by knowingly assuming a false or fictitious identity, with intent to unlawfully gain a personal benefit and to defraud Gordon's Jewelers, on or about 15 July 1990, such conduct being unbecoming an officer. Plea: Not Guilty. Finding: Not Guilty.

Specification 6: Violate Section 18-5-113 of the Colorado Revised Statutes, by knowingly assuming a false or fictitious identity of another soldier, with intent to unlawfully gain a personal benefit and to defraud Bailey, Banks and Biddle Jewelers, on or about 25 August 1990, such conduct being unbecoming an officer. Plea: Guilty. Finding: Guilty.

Specification 7. With intent to defraud falsely make the signature of another person to three credit purchase receipts, and did thereby steal a ladies Seiko watch of a value of about \$279.00, a ladies Seiko watch of a value of about \$179.00, a signet ring of a value of about \$300.00, a Seiko clock of a value of about \$175.00, a jewelry chest of a value of about \$110.00, a Seiko musical clock of a value of about \$95.00, a ladies ring of a value of about \$1,875.00, a set of black pearl earrings of a value of about \$50.00, and a jewelry box of a value of about \$22.50, of a total value of about \$3,085.00, on or about 27 August 1990, such conduct being unbecoming an officer. Plea: Guilty. Finding: Guilty.

#### SENTENCE

Sentence adjudged on 10 July 1991. Dismissal, confinement for 30 months, and forfeiture of all pay and allowances.

#### ACTION

In the case of First Lieutenant Nicola I. Riley, (b) (6) US Army, Headquarters and Headquarters Company, United States Army Garrison, Fort Carson, Colorado, the sentence is approved and, except for that part of the sentence extending to a dismissal, will be executed.

BY COMMAND OF MAJOR GENERAL JACO:



CLIFFORD T. BROOKS  
CW3 USA  
Legal Administrator

GCM No 38, DA, HQ, FT CARSON & 4TH INF DIV (M), FT CARSON, CO dtd 22 Aug 91

DISTRIBUTION:

- 1 Accused
- 1 Mil Judge (COL Yawn)
- 1 Trial Counsel (CPT Romanick)
- 1 Defense Counsel (CPT Meisner)
- 2 F&AO, Mil Pay Sec, Ft Carson, CO
- 2 Cdr, USAG, Ft Carson, CO
- 2 Cdr, HHC, USAG, Ft Carson, CO
- 10 HQDA (JALS-CCR), Nassif Bldg, Falls Church, VA 22041-5013
- 1 HQDA, (DAPC-MSP), 200 Stoval St, Alexandria, VA 22332-0400
- 1 Cdr, FORSCOM, ATTN: FCJA-ML, Ft McPherson, GA 30330-6000
- 4 Cmdt, USDB, ATTN: SJA, Ft Leavenworth, KS 66027-7100
- 1 Cmdt, USDB, ATTN: ATZL-DB-CL, Ft Leavenworth, KS 66027-7100
- 1 Cdr, FC Fld Ofc, 6th Rgn, USACIDC, Ft Carson, CO
- 2 Professor of Law, USMA, West Point, NY 10996
- 10 SJA, Ft Carson, CO

UNITED STATES ARMY COURT OF MILITARY REVIEW

Before  
De GIULIO, HAESSIG, and ARKOW  
Appellate Military Judges

UNITED STATES, Appellee )  
 ) ACMR 9101525  
 )  
 v. ) Fort Carson and 4th Infantry  
 ) Division  
 First Lieutenant NICOLA I. )  
 RILEY, (b) (6) )  
 United States Army, Appellant ) H. C. Eggers,  
 ) M. T. Yawn,  
 ) Military Judge

For Appellant: Captain Emmett G. Wells, JAGC (on brief).

For Appellee: Colonel Dayton M. Cramer, JAGC, Lieutenant Colonel Daniel J. Dell'Orto, JAGC, Major Joseph C. Swetnam, JAGC, Captain Robert J. Walters, JAGC (on brief).

3 0 JUN 1992

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OPINION OF THE COURT  
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De GIULIO, Senior Judge:

Appellant was tried by a military judge sitting as a general court-martial. Pursuant to her pleas she was found guilty of five specifications of conduct unbecoming an officer, in violation of Article 133, Uniform Code of Military Justice, 10 U.S.C. § 933 (1982) [hereinafter UCMJ]. She was sentenced to a dismissal, confinement for 30 months, and total forfeitures. The sentence was within the limitations of a pretrial agreement, and the convening authority approved it.

Appellant now alleges that the failure of the military judge to place appellant under oath renders her plea improvident. Although we find error, we find it did not prejudice appellant and affirm.

Appellant, a United States Military Academy graduate, entered into a scheme with two enlisted women of her unit in which they would apply for instant credit at local jewelry stores using the names of departed unit members and obtain jewelry without paying for it. As a consequence of these criminal acts, the service members were billed for the jewelry. At her court-martial, appellant pled guilty as noted in this opinion. The military judge conducted a proper providence inquiry, except that he failed to place appellant under oath when questioning her about the offenses. This failure is the subject of appellant's assertion of error.

JALS-CCR (2)

RILEY - ACRM 9101525

Prior to 1984, providence inquiries were conducted without placing an accused under oath. See United States v. Holt, 27 M.J. 57, 58 (C.M.A. 1988). In 1984, a provision was adopted to require that an accused be placed under oath during the inquiry.<sup>1</sup> The purpose of the change was to ensure compliance with Article 45, UCMJ, and reduce the likelihood of later attacks on the providence of the plea. R.C.M. 910(e) analysis, MCM, 1984, app 21, at A21-53. This procedure is consistent with Federal Rule of Criminal Procedure 11. Id. Federal practice allows but does not require that the accused be sworn. See Holt, 27 M.J. at 59. The change to the rule was not designed to benefit an accused, but to subject an accused to the possibility of a perjury prosecution for false testimony rendered in the providence inquiry.

This Court agrees with appellant that it was error not to question appellant under oath. Considering the basis for the oath requirement, however, we find no prejudice to appellant. The failure merely precludes subsequent prosecution of appellant for any false statement made during the inquiry. Material prejudice to the substantial rights of an accused must be found before a finding or sentence may be held incorrect for as error of law. UCMJ art. 59(a). We find no such prejudice.

The assertion of error personally asserted by appellant pursuant to United States v. Grostefon, 12 M.J. 431 (C.M.A. 1982), is without merit.

The findings of guilty and the sentence are affirmed.

Judge HAESSIG and Judge ARKOW concur.

FOR THE COURT:

*Mary B. Dennis*  
MARY B. DENNIS  
Deputy Clerk of Court

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<sup>1</sup>Manual for Courts-Martial, United States, 1984 [hereinafter MCM, 1984], Rule for Courts-Martial 910(e) [hereinafter R.C.M. provides, "Determining the accuracy of plea. The military judge shall not accept a plea of guilty without making such inquiry of the accused as shall satisfy the military judge that there is a factual basis for the plea. The accused shall be questioned under oath about the offenses."



HEADQUARTERS, DEPARTMENT OF THE ARMY  
Washington, D.C. 20310

GENERAL COURT-MARTIAL ORDER  
NUMBER 5

1 March 1993

In the general court-martial case of First Lieutenant Nicola I. Riley, Ordnance Corps, (b) (6) U.S. Army, Headquarters and Headquarters Company, United States Army Garrison, Fort Carson, Colorado 80913-5804 (presently assigned to the U.S. Disciplinary Barracks, Fort Leavenworth, KS 66027-7100) the proceedings were promulgated in General Court-Martial Order No. 38, Headquarters, Fort Carson and 4th Infantry Division (Mechanized), Fort Carson, Colorado 80913-5000, dated 22 August 1991.

OFFENSES OF WHICH CONVICTED AT TRIAL

Charge, Violation of Article 133, Uniform Code of Military Justice: Five specifications of conduct unbecoming an officer between 1 July 1990 and 27 August 1990 (one specification of conspiracy to commit forgery; two specifications of making a false signature with intent to defraud; two specifications of larceny). Pleas: Guilty. Findings: Guilty.

SENTENCE

Adjudged 10 July 1991: To be dismissed from the service, to be confined for thirty months, and to forfeit all pay and allowances.

ACTION OF THE CONVENING AUTHORITY ON 22 AUGUST 1991

By command of Major General Neal T. Jaco: The sentence is approved and, except for that part of the sentence extending to a dismissal, will be executed.

APPELLATE ACTIONS

On 30 June 1992, the U.S. Army Court of Military Review affirmed the findings of guilty and the sentence without modification. The U.S. Court of Military Appeals denied the accused's petition for a grant of review on 13 January 1993.

SECRETARIAL ACTION PURSUANT TO ARTICLE 71(b), UCMJ

In the general court-martial case of First Lieutenant Nicola I. Riley, (b) (6) U.S. Army, assigned at the time of trial to Headquarters and Headquarters Company, U.S. Army Garrison, Fort Carson, Colorado, pursuant to Article 71(b), Uniform Code of

GCMO NO. 5, HQ, DA, Washington, D.C. 20310, dtd 1 March 1993

Military Justice, the sentence as affirmed by the U.S. Army Court of Military Review is approved and will be executed.

/s/William D. Clark  
/t/WILLIAM D. CLARK  
Acting Assistant Secretary of the Army  
(Manpower and Reserve Affairs)

Date: 8 February 1993

DISMISSAL

First Lieutenant Nicola I. Riley ceases to be an officer of the United States Army at midnight on 12 March 1993.

Gordon R. Sullivan  
General, United States Army  
Chief of Staff

Official:

*Patricia P. Hickerson*  
PATRICIA P. HICKERSON  
Brigadier General, USA  
The Adjutant General

(ACMR 9101525)

DISTRIBUTION:

- 2 Accused, Drawer A, USDB, Fort Leavenworth, KS 66027-7140
- 1 Professor of Law, United States Military Academy, ATTN: MADN-E, West Point, NY 10996-1794
- 1 Cdr, PERSCOM, Hoffman I, ATTN: TAPC-PDZ-A, 2461 Eisenhower Avenue, Alexandria, VA 22331-0450
- 1 Cdr, PERSCOM, Hoffman II, ATTN: TAPC-PDT-RS, 200 Stovall Street, Alexandria, VA 22331-0400
- 1 Dir, US Army Crime Records Center, ATTN: CICR-ZA, 2301 Chesapeake Avenue, Baltimore, MD 21222-4099
- 1 Cdr, ARPERCEN, ATTN: DARP-ZJA, 9700 Page Boulevard, St. Louis, MO 63132-5200



GCMO NO. 5, HQ, DA, Washington, D.C. 20310, dtd 1 March 1993

- 2 HQDA, US Army Judiciary, ATTN: JALS-CCO, 5611 Columbia Pike,  
Falls Church, VA 22041-5013
- 1 HQDA, OTJAG, ATTN: DAJA-CL, Pentagon, Washington, DC 20310-2200
- 8 Chief, US Army Judiciary, ATTN: JALS-CCR, 5611 Columbia Pike,  
Falls Church, VA 22041-5013
- 1 Cdr, US Army Legal Services Agency, ATTN: JALS-ZXL, 5611 Columbia  
Pike, Falls Church, VA 22041-5013
- 3 Cdr, Fort Carson & 4th Infantry Division (Mechanized), ATTN:  
AFZC-JA, Fort Carson, CO 80913-5003
- 1 Cmdt, U.S. Disciplinary Barracks, ATTN: ATZL-SJA-DB, Fort  
Leavenworth, KS 66027-7140