

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

United States Navy - Marine Corps  
Court of Criminal Appeals

Before  
GROSS, GERRITY, and de GROOT  
Appellate Military Judges

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**UNITED STATES**  
*Appellee*

v.

**Kodi G. SIMON**  
Staff Sergeant (E-6), U.S. Marine Corps  
*Appellant*

**No. 202400241**

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Decided: 16 May 2025

Appeal from the United States Navy-Marine Corps Trial Judiciary

Military Judge:  
Adam K. Workman

Sentence adjudged 23 February 2024 by a special court-martial convened at Camp Lejeune, North Carolina, consisting of a military judge sitting alone. Sentence in the Entry of Judgment: reduction to E-3, confinement for twelve months, and a bad-conduct discharge.

For Appellant:  
*Lieutenant Benjamin M. Cook, JAGC, USN*

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

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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>

However, we note that the Entry of Judgment does not correctly reflect the convening authority's 25 April 2024 clemency action to suspend confinement in excess of nine months for a period of six months pursuant to the recommendation of the military judge. Although we find no prejudice, Appellant is entitled to have court-martial records that correctly reflect the content of his proceeding.<sup>2</sup> In accordance with Rule for Courts-Martial 1111(c)(2), we modify the Entry of Judgment and direct that it be included in the record.

The findings and sentence are **AFFIRMED**.



FOR THE COURT:

*Mark K. Jamison*  
MARK K. JAMISON  
Clerk of Court

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

<sup>2</sup> *United States v. Crumpley*, 49 M.J. 538, 539 (N-M. Ct. Crim. App. 1998).

United States Navy - Marine Corps  
Court of Criminal Appeals

UNITED STATES

v.

**Kodi G. SIMON**  
Staff Sergeant (E-6)  
U.S. Marine Corps

*Accused*

NMCCA NO. 202400241

**ENTRY  
OF  
JUDGMENT**

*As Modified on Appeal*

**16 May 2025**

On 23 February 2024, the Accused was tried at Naval Station Norfolk, Virginia, by a special court-martial, consisting of a military judge sitting alone. Military Judge Adam K. Workman presided.

**FINDINGS**

The following are the Accused's pleas and the Court's findings to all offenses the convening authority referred to trial:

**Charge I: Violation of Article 119b, Uniform Code of Military Justice, 10 U.S.C. § 919b.**

*Plea:* Guilty.

*Finding:* Guilty.

**Specification: Child Endangerment by Culpable Negligence Resulting in Grievous Bodily Harm on or about 27 November 2022.**

*Plea:* Guilty.

*Finding:* Guilty.

**Charge II: Violation of Article 134, Uniform Code of Military Justice, 10 U.S.C. § 934.**

*Plea:* Not Guilty.

*Finding:* Withdrawn and dismissed without prejudice to ripen into prejudice upon completion of appellate review.

**Specification: Negligent Homicide on or about 27 November 2022.**

*Plea:* Not Guilty.

*Finding:* Withdrawn and dismissed without prejudice to ripen into prejudice upon completion of appellate review.

**Additional Charge: Violation of Article 119, Uniform Code of Military Justice, 10 U.S.C. § 919.**

*Plea:* Not Guilty.

*Finding:* Withdrawn and dismissed without prejudice to ripen into prejudice upon completion of appellate review.

**Specification: Involuntary Manslaughter of a Child Under the Age of 16 on or About 27 November 2022.**

*Plea:* Not Guilty

*Finding:* Withdrawn and dismissed without prejudice to ripen into prejudice upon completion of appellate review.

## SENTENCE

On 23 February 2024, a military judge sentenced Staff Sergeant Simon to the following:

**Reduction to pay grade E-3.**

**Confinement for a total of 12 months.**

**A bad-conduct discharge.**

On 25 April 2024, pursuant to the plea agreement, the convening authority approved Staff Sergeant Simon's request to defer and waive automatic forfeitures pursuant to Articles 57 and 58b, UCMJ. The period of the deferment will run from the date on which automatic forfeiture of pay and allowances become effective until Entry of Judgment, and the period of waiver will run for six (6) months from the date of the Entry of Judgment.

*United States v. Simon*, NMCCA No. 202400241  
Modified Entry of Judgment

In accordance with Rule for Courts-Martial 1110, pursuant to the recommendation of the military judge, the convening authority suspended all confinement in excess of nine (9) months for a period of six (6) months.

The convening authority took no further action on the sentence.



FOR THE COURT:

*Mark K. Jamison*  
MARK K. JAMISON  
Clerk of Court