

**UNITED STATES NAVY-MARINE CORPS  
COURT OF CRIMINAL APPEALS  
WASHINGTON, D.C.**

**Before  
E.E. GEISER, L.T. BOOKER, J.K. CARBERRY  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**HARLEY D. DIMARTINO  
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 200900446  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 20 February 2009.

**Military Judge:** LtCol Joseph S. Smith, USMC.

**Convening Authority:** Commanding Officer, 3d Assault Amphibian Battalion, 1st Marine Division, FMF, Camp Pendleton, CA.

**Staff Judge Advocate's Recommendation:** Col B.D. Landrum, USMC.

**For Appellant:** LCDR Anthony S. Yim, JAGC, USN.

**For Appellee:** Mr. Brian K. Keller, Esq.

**20 October 2009**

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**OPINION OF THE COURT**  
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After careful consideration of the record, submitted without assignment of error, we affirm the findings and sentence as approved by the convening authority. Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c).

For the Court

R.H. TROIDL  
Clerk of Court