

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

**Before  
F.D. MITCHELL, J.A. MAKSYM, D.O. HARRIS  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**ANDRE J. SMITH  
PRIVATE FIRST CLASS (E-3), U.S. MARINE CORPS**

**NMCCA 200900459  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 18 June 2009.

**Military Judge:** LtCol Thomas Sanzi, USMC.

**Convening Authority:** Commanding Officer, Headquarters and  
Headquarters Squadron, Marine Corps Air Station Miramar,  
San Diego, CA.

**Staff Judge Advocate's Recommendation:** LtCol T.A. Daly,  
USMC.

**For Appellant:** CDR Don Evans, Jr., JAGC, USN.

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

**10 December 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