

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

**Before
F.D. MITCHELL, J.A. MAKSYM, R.E. BEAL
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**DANIEL AVILA, JR.
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 200900505
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 21 May 2009.

Military Judge: CDR Kevin O'Neil, JAGC, USN.

Convening Authority: Commanding Officer, 7th Marines, 1st
Marine Division (REIN), 1 Marine Expeditionary Force,
Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

Staff Judge Advocate's Recommendation: Maj R.J. Ashbacher,
USMC.

For Appellant: LCDR Donald Pashayan, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

15 December 2009

OPINION OF THE COURT

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