

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

**Before  
L.T. BOOKER, J.K. CARBERRY, D.R. LUTZ  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**ERIK B. MCKAY  
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 200900516  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 17 June 2009.

**Military Judge:** LtCol Paul H. McConnell, USMC.

**Convening Authority:** Commanding Officer, Headquarters and  
Service Battalion, Marine Corps Base, Quantico, VA.

**Staff Judge Advocate's Recommendation:** LtCol Stephen C.  
Newman, USMC.

**For Appellant:** LCDR Donald J. Pashayan, JAGC, USN.

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

**22 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