

**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.

**MARLON D. GARDNER
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 200900528
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 21 August 2009.

Military Judge: LtCol Eugene Robinson, USMC.

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

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

For Appellant: CAPT Norman Aranda, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

30 November 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