

**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.

**JASON M. BALLIETT
UTILITIESMAN SECOND CLASS (E-5), U.S. NAVY**

**NMCCA 200900416
GENERAL COURT-MARTIAL**

Sentence Adjudged: 28 April 2009.

Military Judge: CDR Mario DeOliveira, JAGC, USN.

Convening Authority: Commander, Navy Recruiting Command,
Millington, TN.

Staff Judge Advocate's Recommendation: LT Thomas Wilson,
JAGC, USN.

For Appellant: LCDR Luis Leme, JAGC, USN.

For Appellee: LT Duke Kim, JAGC, USN.

10 December 2009

OPINION OF THE COURT

AS AN UNPUBLISHED DECISION, THIS OPINION DOES NOT SERVE AS PRECEDENT.

PER CURIAM:

A military judge sitting as a general court-martial convicted the appellant, in accordance with his pleas, of attempted wrongful distribution of Hydrocodone, unauthorized absence, violation of a lawful general order, two specifications of wrongful distribution of controlled substances, and wrongful use of marijuana, in violation of Articles 80, 86, 92, and 112a, Uniform Code of Military Justice, 10 U.S.C. §§ 880, 886, 892, and 912a. The appellant was sentenced to confinement for 24 months, reduction to pay grade E-1, and a bad-conduct discharge. The convening authority approved the sentence as adjudged and, except for the bad-conduct discharge, ordered it executed.

Although not assigned as error, we note that the record of trial does not contain the Article 34, Uniform Code of Military Justice, Pretrial Advice of the Staff Judge Advocate, required for trial by general court-martial. The appellant did not assert error or prejudice, however, and our review of the record indicates no prejudice to appellant. See *United States v. Blane*, 50 M.J. 854, 856 (N.M.Ct.Crim.App. 1999). Accordingly, we affirm the findings and sentence as approved by the convening authority.

For the Court

R.H. TROIDL
Clerk of Court