

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

**Before
R.E. VINCENT, E.C. PRICE, J.R. PERLAK
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**JASON M. DECOSTA
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 200900520
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 15 July 2009.

Military Judge: CDR T.F. Fichter, JAGC, USN.

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 Diane Karr, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

24 November 2009

OPINION OF THE COURT

AS AN UNPUBLISHED DECISION, THIS OPINION DOES NOT SERVE AS PRECEDENT.

PER CURIAM:

After carefully considering the record of trial, submitted without assignment of error, we conclude that, except as noted below, the findings and sentence are correct in law and fact and that no error materially prejudicial to the substantial rights of the appellant was committed. Articles 59(a) and 66(c), Uniform Code of Military Justice, 10 U.S.C. §§ 859(a) and 866(c).

The convening authority's approved sentence included forfeiture of \$1,045.00 pay per month for three months. However, this exceeds the maximum sentence of two-thirds pay per month,

which is \$933.00 for an E-1 at a special court-martial. Consequently, we affirm the findings and approved sentence, except we only affirm forfeitures in the amount of \$933.00 pay per month for three months.

For the Court

R.H. TROIDL
Clerk of Court