

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

**Before  
C.L. REISMEIER, E.E. GEISER, J.K. CARBERRY  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**AUSTIN D. TURNEY  
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 200900676  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 23 June 2009.

**Military Judge:** Maj Stephen Keane, USMC.

**Convening Authority:** Commanding Officer, 1st Tank  
Battalion, 1st Marine Division (Rein), FMF, Marine Corps  
Air Ground Combat Center, Twentynine Palms, CA.

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

**For Appellant:** CAPT Frederic E. Matthews, JAGC, USN.

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

**11 February 2010**

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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