

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

**Before
L.T. BOOKER, E.C. PRICE, B.E. DELURY
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**KYLE R.. PORTER
CORPORAL (E-4), U.S. MARINE CORPS**

**NMCCA 201000270
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 09 February 2010.

Military Judge: Col John Ewers, USMC.

Convening Authority: Commanding Officer, 5th Marine Regiment, 1st Marine Division (REIN), FMF, Camp Pendleton, CA.

Staff Judge Advocate's Recommendation: Capt K.T. Lyster, USMC.

For Appellant: CAPT Paul Jones, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

07 December 2010

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

Judge DeLury participated in the decision of this case prior to detaching from the court.