

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

**Before
J.A. MAKSYM, J.R. PERLAK, B.L. PAYTON-O'BRIEN
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**JOSE E. MONTOYA
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 201000380
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 12 April 2010.

Military Judge: LtCol Peter S. Rubin, USMC.

Convening Authority: Commanding Officer, Headquarters
Battalion, 1st Marine Division (Rein), Camp Pendleton, CA.

Staff Judge Advocate's Recommendation: LtCol H.D. Russell,
USMCR.

For Appellant: LCDR Anthony Yim, JAGC, USN.

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

23 September 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