

**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.

**JACOB A. JORDISON
ELECTRONICS TECHNICIAN SECOND CLASS (E-5), U.S. NAVY**

**NMCCA 200900602
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 07 August 2006.

Military Judge: CAPT Bruce MacKenzie, JAGC, USN.

Convening Authority: Commanding Officer, Naval Submarine
Base New London, Groton, CT.

Staff Judge Advocate's Recommendation: LT David K.
Loveless, JAGC, USN.

For Appellant: Capt Peter Griesch, USMC.

For Appellee: Mr. Brian Keller, Esq.

25 February 2010

OPINION OF THE COURT

AS AN UNPUBLISHED DECISION, THIS OPINION DOES NOT SERVE AS PRECEDENT.

PER CURIAM:

The appellant was convicted, before a military judge sitting as a special court martial, in accordance with his pleas of conspiracy to distribute psilocin, a controlled substance, one specification of wrongful use of cocaine, and one specification of distribution of psilocin, in violation of Articles 81 and 112a, Uniform Code of Military Justice, 10 U.S.C. §§ 881 and 912a. The appellant was sentenced to confinement for 6 months, reduction to pay grade E-1, forfeiture of \$800.00 pay per month for 6 months, a fine of \$4,000.00, and a bad-conduct discharge. The convening authority in effect approved the sentence as adjudged and, except for the bad-conduct discharge, ordered it executed.

After careful consideration of the 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). We note, however, that the convening authority mistakenly failed to suspend all confinement in excess of 90 days, as he was required to do by the terms of the pretrial agreement. The appellant has not complained that he was confined in excess of the time agreed to in the pretrial agreement. The period of suspension in this case has long since expired. Moreover, the remainder of the adjudged confinement has run since the convening authority took his action. As a result, there is no confinement left to suspend in this case. RULE FOR COURTS-MARTIAL 1113(d)(2)(A), MANUAL FOR COURTS-MARTIAL, UNITED STATES (2005 ed.) The appellant has not been prejudiced and there is no need for corrective action.

For the Court

R.H. TROIDL
Clerk of Court