

**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.

**SIDNEY T. RICHARDSON IV
SERGEANT (E-5), U.S. MARINE CORPS RESERVE**

**NMCCA 200800316
GENERAL COURT-MARTIAL**

Sentence Adjudged: 11 January 2008.
Military Judge: LtCol Jeffrey Meeks, USMC.
Convening Authority: Commanding General, 4th Marine
Division, New Orleans, LA.
Staff Judge Advocate's Recommendation: Col J.M. Sessoms,
USMC.
For Appellant: CAPT Martin Grover, JAGC, USN
For Appellee: Maj Elizabeth Harvey, USMC.

28 January 2010

OPINION OF THE COURT

AS AN UNPUBLISHED DECISION, THIS OPINION DOES NOT SERVE AS PRECEDENT.

PER CURIAM:

This case is before this court for a second time, having been remanded to us by the Court of Appeals for the Armed Forces (CAAF) following their action affirming our holding as to findings but setting aside our determination as to the affirmed sentence due to a lack of clarity in our original opinion. *United States v. Kosek*, 41 M.J. 60, 65 (C.M.A. 1994). In short, this court failed to specify that, pursuant to the pretrial agreement, the convening authority was free to approve that portion of the sentence that included total forfeiture of pay and allowances. We referenced every other aspect of the pretrial agreement as it impacted the adjudged sentence but did not mention the forfeitures provision. We have reviewed our original opinion

along with the mandate from CAAF and have considered the propriety of the sentence adjudged at trial anew.

The appellant was sentenced to confinement for one year, total forfeiture of pay and allowances, reduction to pay grade E-1 and a dishonorable discharge. Pursuant to the pretrial agreement, the convening authority approved only so much of the sentence as provides for reduction to pay grade E-1, confinement for eight months, total forfeiture of pay and allowances, and a bad-conduct discharge, and except for the bad-conduct discharge, ordered the sentence executed. Having examined the record yet again, we affirm the sentence as approved by the convening authority. Arts. 66(c) and 59(a), UCMJ.

For the Court

R.H. TROIDL
Clerk of Court