

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

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

**UNITED STATES OF AMERICA**

**v.**

**BRADLEY A. MORALES  
SEGEANT (E-5), U.S. MARINE CORPS**

**NMCCA 201000057  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 2 October 2009.

**Military Judge:** Maj Robert G. Palmer, USMC.

**Convening Authority:** Commanding General, Marine Corps  
Recruit Depot, Eastern Recruiting Region, Parris Island,  
SC.

**Staff Judge Advocate's Recommendation:** LtCol E.R. Kleis,  
USMC.

**For Appellant:** LT Ryan Santicola, JAGC, USN.

**For Appellee:** Capt Mark V. Balfantz, USMC.

**28 December 2011**

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**OPINION OF THE COURT**  
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**THIS OPINION DOES NOT SERVE AS BINDING PRECEDENT, BUT MAY BE CITED AS  
PERSUASIVE AUTHORITY UNDER NMCCA RULE OF PRACTICE AND PROCEDURE 18.2.**

PER CURIAM:

By decision dated 21 April 2011, this court affirmed the findings and sentence in the appellant's court-martial, awarding no relief as to the residual error assigned by the appellant which remained before us following new post-trial processing ordered during our initial Article 66, UCMJ, review. The appellant subsequently petitioned the Court of Appeals for the Armed Forces (CAAF) for review and on 21 September 2011 CAAF

vacated this court's decision and returned the record of trial to the Judge Advocate General for remand to this court "for consideration of the granted issue in light of *United States v. Fosler*, 70 M.J. 225 (C.A.A.F. 2011)."

Regarding the remanded question, we again affirm the findings of guilty, pursuant to the appellant's pleas, for the reasons set for in *United States v. Hackler*, \_\_\_ M.J. \_\_\_ (N.M.Ct.Crim.App. 22 Dec 2011). As to all other matters in the appellant's case, for the reasons stated in our prior opinion, we again conclude that the findings and sentence are correct in law and fact and that no error materially prejudicial to the substantial rights of the appellant was committed. Arts. 59(a) and 66(c), UCMJ. Accordingly, we affirm the findings and the sentence as approved by the convening authority.

For the Court

R.H. TROIDL  
Clerk of Court