

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

**Before  
C.L. REISMEIER, F.D. MITCHELL, D.O. VOLLENWEIDER  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**JOSHUA M. SHIVELY  
CORPORAL (E-4), U.S. MARINE CORPS**

**NMCCA 201100049  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 14 October 2010.

**Military Judge:** Maj Clay Plummer, USMC.

**Convening Authority:** Commanding Officer, Headquarters  
Battalion, 2d Marine Division, Camp Lejeune, NC.

**Staff Judge Advocate's Recommendation:** LtCol J.W. Hitesman,  
USMC.

**For Appellant:** CAPT Stephen White, JAGC, USN.

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

**10 May 2011**

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**OPINION OF THE COURT**  
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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