

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

**Before  
J.K. CARBERRY, M.D. MODZELEWSKI, G.G. GERDING  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**JOSHUA JAIMES  
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 201100295  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 29 March 2011.

**Military Judge:** LtCol Stephen F. Keane, USMC.

**Convening Authority:** Commanding Officer, Headquarters and Support Battalion, Marine Corps Base, Camp Pendleton, CA.

**Staff Judge Advocate's Recommendation:** LtCol A.M. Ray, USMC.

**For Appellant:** Capt Peter Griesch, USMCR.

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

**6 September 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:

A military judge, sitting as a special court-martial, convicted the appellant, pursuant to his pleas, of unauthorized absence, in violation of Article 86, Uniform Code of Military Justice, 10 U.S.C. § 886. On 29 March 2011, the military judge sentenced the appellant to confinement for 110 days, forfeiture of \$900.00 pay per month for three months, and a bad-conduct discharge. On 24 May 2011, the convening authority (CA)

approved the sentence as adjudged and suspended all confinement in excess of time served (32 days) for a period of twelve months from the date of his action.

Although not assigned as error, we note the CA's action suspends confinement from the date of the action rather than from the date of trial, as required by the pretrial agreement. We will order corrective action in our decretal paragraph. Following the corrective action, no error materially prejudicial to the appellant's substantial rights remains. Arts. 59(a) and 66(c), UCMJ.

Therefore we affirm the findings and the sentence as approved below. The supplemental promulgating order will indicate confinement in excess of time served is suspended from the date of trial for a period of twelve months.

For the Court

R.H. TROIDL  
Clerk of Court