

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

**Before
L.T. BOOKER, J.K. CARBERRY, D.O. VOLLENWEIDER
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**NICHOLAS M. BOICE
SERGEANT (E-5), U.S. MARINE CORPS**

**NMCCA 201000585
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 1 July 2010.

Military Judge: CDR Douglas Barber, JAGC, USN.

Convening Authority: Commanding Officer, 25th Marine Regiment, 4th Marine Division, Devens, MA.

Staff Judge Advocate's Recommendation: Col Robert G. Kelly, USMC.

For Appellant: CAPT Diane L. Karr, JAGC, USN.

For Appellee: Capt Paul Ervasti, USMC.

19 April 2011

OPINION OF THE COURT

**IN ACCORDANCE WITH RULE 18.2, NMCCA RULES OF PRACTICE AND PROCEDURE, THIS
OPINION DOES NOT SERVE AS PRECEDENT.**

PER CURIAM:

A military judge sitting as a special court-martial convicted the appellant, pursuant to his pleas, of three specifications of dereliction in the performance of duty and one specification of larceny, respectively violations of Articles 92 and 121, Uniform Code of Military Justice, 10 U.S.C. §§ 892 and 921. In his action dated 15 October 2010, the convening authority (CA) approved the adjudged sentence of confinement for one month, reduction to pay grade E-1, and a bad-conduct discharge from the United States Marine Corps. Acting in accordance with the term of a pretrial agreement, the CA suspended the bad-conduct discharge and remitted it when the

appellant received an administrative discharge certificate on 2 December 2010.

Consistent with *United States v. Watson*, 69 M.J. 415 (C.A.A.F. 2011), we affirm the findings and only so much of the sentence as extends to confinement for one month and reduction to pay grade E-1. Arts. 59(a) and 66(c), UCMJ.

For the Court

R.H. TROIDL
Clerk of Court