

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

**Before  
C.L. REISMEIER, F.D. MITCHELL, R.E. BEAL  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**TYRICE L. HAYES  
HOSPITAL CORPSMAN THIRD CLASS (E-4), U.S. NAVY**

**NMCCA 200600910  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 9 February 2005.

**Military Judge:** LtCol Jeffrey Meeks, USMC.

**Convening Authority:** Commanding General, Marine Corps Base,  
Camp Pendleton, CA.

**Staff Judge Advocate's Recommendation:** Col W.D. Durrett,  
USMC.

**For Appellant:** Maj Jeffrey Liebenguth, USMC; LT Dillon  
Ambrose, JAG, USN.

**For Appellee:** Capt Robert Eckert, USMC.

**22 March 2011**

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

PER CURIAM:

This case is before us for a fourth time. The complete history of the review of this case was detailed in our previous opinion of 28 October 2010. *United States v. Hayes*, No. 200600910, 2010 CCA LEXIS 364, unpublished op. (N.M.Ct.Crim.App. 28 Oct 2010). On 28 October 2010, we affirmed the findings of indecent acts with another in violation of Article 134, Uniform Code of Military Justice, 10 U.S.C. § 934, but set aside the sentence and returned the record to the Judge Advocate General. The convening authority was authorized to conduct a sentence rehearing or to approve a sentence of no punishment. Arts. 59(a)

and 66(c), UCMJ. The convening authority approved a sentence of no punishment.

The case is again before us with no additional assignments of error.<sup>1</sup> After careful consideration of the entire record, the court having previously affirmed the findings, we affirm the sentence of no punishment as approved by the convening authority. Arts. 59(a) and 66(c).

For the Court

R.H. TROIDL  
Clerk of Court

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<sup>1</sup> All previous assignments of error were either resolved or rendered moot by our decision of 28 October 2010.