

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

**Before  
L.T. BOOKER, J.K. CARBERRY, M. MCALEVY  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**IGNACIO LUERA, JR.  
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201000679  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 18 August 2010.

**Military Judge:** LtCol Steven P. Logan, USMCR.

**Convening Authority:** Commanding Officer, 3d Battalion, 11th Marines, 1st Marine Division (Rein), FMF, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

**Staff Judge Advocate's Recommendation:** Col D.K. Margolin, USMC.

**For Appellant:** CAPT Paul Jones, JAGC, USN.

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

**15 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:

A military judge sitting as a special court-martial convicted the appellant, pursuant to his pleas, of an unauthorized absence in violation of Article 86, Uniform Code of Military Justice, 10 U.S.C. § 886, and imposed a sentence of confinement for 4 months, forfeiture of \$500.00 pay per month for 4 months, reduction to pay grade E-1, and a bad-conduct discharge from the U.S. Marine Corps. The convening authority (CA) approved the adjudged sentence.

Although not assigned as an error, we note that the CA agreed to disapprove all confinement as part of a pretrial agreement with the appellant. While the CA did provide in his action that "the execution of all adjudged confinement will be disapproved," the parties had agreed that all confinement would be disapproved, and not that execution of confinement would be disapproved. Although the appellant has not asserted that he was required to serve any post-trial confinement, we will correct the error in our decretal paragraph.

The findings and only so much of the sentence as extends to forfeiture of \$500.00 pay per month for 4 months, reduction to pay grade E-1, and a bad-conduct discharge are affirmed.

For the Court

R.H. TROIDL  
Clerk of Court