

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

**Before  
J.A. MAKSYM, L.T. BOOKER, J.R. PERLAK  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**SCOTT L. SPERLIK  
CHIEF HOSPITAL CORPSMAN (E-7), U.S. NAVY**

**NMCCA 200900497  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 11 June 2009.

**Military Judge:** CDR Holiday Hanna, JAGC, USN.

**Convening Authority:** Commanding Officer, Naval Ophthalmic Support and Training Activity, Yorktown, VA.

**Staff Judge Advocate's Recommendation:** LCDR G.W. Saybolt, JAGC, USN.

**For Appellant:** Maj Kirk Sripinyo, USMC.

**For Appellee:** LCDR Sergio Sarkany, JAGC, USN.

**29 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 second time. In our initial decision, *United States v. Sperlik*, No. 200900497, 2010 CCA LEXIS 99, unpublished op. (N.M.Ct.Crim.App. 26 Aug 2010), we affirmed the findings of guilty for false official statement and wrongful use of cocaine. We set aside the sentence and authorized a rehearing due to abuses of discretion by the military judge in addressing the members' improper considerations on sentence. The convening authority was at liberty to approve a sentence of no punishment, which he in fact did in his action of 9 March 2011.

The original assignments of error having been resolved and no new errors having been raised, we affirm the approved sentence of no punishment.

For the Court

R.H. TROIDL  
Clerk of Court