

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

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

UNITED STATES OF AMERICA

v.

**TRAVIS C. WATSON
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 201100137
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 3 November 2010.

Military Judge: Maj Eric L. Emerich, USMC.

Convening Authority: Commanding Officer, Combat Logistics
Regiment 27, 2d Marine Logistics Group, Camp Lejeune, NC.

Staff Judge Advocate's Recommendation: Maj J.R. Cherry,
USMC.

For Appellant: CDR Howard A. Liberman, JAGC, USN.

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

17 May 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:

Pursuant to his pleas, a special court-martial composed of a military judge alone convicted the appellant of two specifications of violating a lawful general order and receiving stolen property in violation of Articles 92 and 134 of the Uniform Code of Military Justice, 10 U.S.C. §§ 892 and 934. The military judge sentenced the appellant to confinement for 7 months, forfeiture of \$1070.00 pay per month for 7 months¹,

¹ The military judge initially awarded a sentence not in whole dollar amounts, but this error was noted by the trial counsel and ostensibly corrected. Unfortunately, the military judge incorrectly computed that dollar amount. Record at 62-63; Appellate Exhibit VI.

reduction to pay grade E-1, and a bad-conduct discharge. At a post-trial session of court before a different military judge, the successor military judge stated that "the convening authority in this case, in his action, may take appropriate steps to ensure that the accused is not awarded more than the maximum allowed which would be \$964 per month for a period of 7 months," as the original amount exceeded the maximum authorized at a special court-martial. Record at 67-68; see RULE FOR COURT-MARTIAL 201(f)(2)(B)(i), MANUAL FOR COURTS-MARTIAL, UNITED STATES (2008 ed.). In the action, however, the convening authority (CA) approved the *original* sentence as adjudged, which included the erroneous forfeiture amount. Special Court-Martial Order No. G11-03 of 25 Feb 2011.

The case was submitted to the court on its merits. Because the CA's action erroneously approves a forfeiture amount in excess of the maximum authorized at a special court-martial, and although the appellant has not asserted that excessive forfeitures were taken from him, we will take remedial action in our decretal paragraph.

Accordingly, the findings are affirmed. A sentence of a bad-conduct discharge, confinement for 7 months, reduction to pay grade E-1, and forfeiture of \$964.00 pay per month for 7 months is affirmed.

For the Court

R.H. TROIDL
Clerk of Court