

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

**Before  
M.D. MODZELEWSKI, E.C. PRICE, M. MCALEVY  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**RICHMOND A. ADDISON  
LANCE CORPORAL (E-3), U.S. MARINE CORPS RESERVE**

**NMCCA 201200296  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 8 March 2012.

**Military Judge:** Col Deborah McConnell, USMC.

**Convening Authority:** Commander, 4th Marine Logistics Group,  
Marine Forces Reserve, New Orleans, LA.

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

**For Appellant:** LtCol Richard D. Belliss, USMCR.

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

**28 November 2012**

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**OPINION OF THE COURT**  
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**THIS OPINION DOES NOT SERVE AS BINDING PRECEDENT, BUT MAY BE CITED AS  
PERSUASIVE AUTHORITY UNDER NMCCA RULE OF PRACTICE AND PROCEDURE 18.2.**

**PER CURIAM:**

The appellant was convicted, pursuant to his pleas, of conspiracy, larceny, and wrongful appropriation, in violation of Articles 81 and 121, Uniform Code of Military Justice, 10 U.S.C. §§ 881 and 921. The military judge, sitting as a special court-martial, sentenced him to confinement for nine months, reduction to pay grade E-1, forfeiture of \$1,320.00 pay per month for nine months, and a bad-conduct discharge. Pursuant to a pretrial

agreement, the convening authority disapproved all confinement, and approved the remaining sentence as adjudged.

The case was submitted without assignment of error. Following our review of the record, the court finds that the military judge awarded and the convening authority approved a sentence of forfeiture of pay that exceeded the maximum allowed by law at this special court-martial. The maximum forfeitures that may be adjudged by special court-martial may not exceed two-thirds pay per month for one year. Art. 19, UCMJ. If the sentence includes a reduction in pay grade, the maximum forfeiture is based on the pay grade to which he was reduced. RULE FOR COURTS-MARTIAL 1003(b)(2), MANUAL FOR COURTS-MARTIAL, UNITED STATES (2008 ed). Accordingly, the appellant's forfeitures should have been computed based on the pay grade of E-1 to which he was reduced. The maximum amount of forfeitures that could have been adjudged and approved was \$994.00 pay per month for 12 months. We will correct this error in our decretal paragraph.

After taking corrective action, we conclude that the findings and sentence are correct in law and fact, and that no error materially prejudicial to the substantial rights of the appellant remains. Arts. 59a and 66(c), UCMJ

Accordingly, the findings of guilty, and only so much of the sentence as provides for reduction to pay-grade E-1, forfeiture of \$994.00 pay per month for nine months, and a bad-conduct discharge are affirmed.

For the Court

R.H. TROIDL  
Clerk of Court