

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

**Before  
J.R. PERLAK, J.K. CARBERRY, M.D. MODZELEWSKI  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**MARCUS S. BELL  
GUNNERY SERGEANT (E-7), U.S. MARINE CORPS**

**NMCCA 201100416  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 20 April 2011.

**Military Judge:** LtCol Stephen F. Keane, USMC.

**Convening Authority:** Commanding Officer, Marine Corps Air  
Station Miramar, San Diego, CA.

**Staff Judge Advocate's Recommendation:** Maj K.D. Smith,  
USMC; **Addendum:** Maj B.C. Parsons, USMC.

**For Appellant:** LCDR Michael R. Torrasi, JAGC, USN.

**For Appellee:** Capt Samuel C. Moore, USMC.

**8 March 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:

A military judge sitting as a general court-martial convicted the appellant, pursuant to his pleas, of one specification of raping a child under the age of twelve, one specification of aggravated sexual contact with a child under the age of twelve, two specifications of sodomy with a child under the age of twelve, four specifications of disobeying a superior officer, and one specification of obstructing justice

in violation of Articles 90, 120, 125, and 134, UCMJ, 10 U.S.C. §§ 890, 920, 925, and 934. The military judge sentenced the appellant to thirty-three years of confinement, total forfeitures, reduction to the rank of E-1, and a dishonorable discharge. Except for the forfeitures, which were disapproved, the convening authority (CA) approved the sentence as adjudged. In accordance with a pretrial agreement, the CA suspended confinement in excess of twenty-seven years.

Pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), the appellant submitted the following summary assignments of error: (1) that he was denied meaningful input into his clemency request because his record of trial was not delivered to him; and, (2) that his due process rights were violated by Government agents who threatened his wife with removal of her children if she did not cooperate in the investigation into his misconduct. After carefully reviewing the record of trial, the assigned errors, and the Government's response, we find that the matters raised by the appellant do not merit relief.

The findings and the sentence are correct in law and fact, and no error materially prejudicial to the substantial rights of the appellant exists. Arts. 59(a) and 66(c), UCMJ. The findings and the sentence, as approved by the CA, are affirmed.

For the Court

R.H. TROIDL  
Clerk of Court