

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

**Before
J.A. MAKSYM, J.R. PERLAK, R.E. BEAL
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**CHRISTOPHER M. HARRIS
CHIEF WARRANT OFFICER 2 (W-2), U.S. MARINE CORPS**

**NMCCA 201000341
GENERAL COURT-MARTIAL**

Sentence Adjudged: 27 January 2010.

Military Judge: CAPT D. Jacques Smith, JAGC, USN.

Convening Authority: Commanding General, Training and
Education Command, Marine Corps Base, Quantico, VA.

Staff Judge Advocate's Recommendation: LtCol C.M. Greer,
USMC.

For Appellant: Maj Jeffrey Liebenguth, USMC.

For Appellee: CDR Paul D. Bunge, JAGC, USN.

19 January 2012

OPINION OF THE COURT

**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:

By decision dated 31 March 2011, this court affirmed the findings and sentence in the appellant's court-martial, awarding no relief as to any of the errors assigned by the appellant. The appellant subsequently petitioned the Court of Appeals for the Armed Forces (CAAF) for review and on 23 September 2011 CAAF vacated this court's decision and returned the record of trial to the Judge Advocate General for remand to this Court "for

consideration of the granted issue in light of *United States v. Fosler*, 70 M.J. 225 (C.A.A.F. 2011)."

Regarding the remanded question, we again affirm the findings of guilty, pursuant to the appellant's pleas, for the reasons set forth in *United States v. Hackler*, ___ M.J. ___, No. 201100323, 2011 CCA LEXIS 371 (N.M.Ct.Crim.App. 22 Dec 2011). As to all other matters in the appellant's case, for the reasons stated in our prior opinion, we again 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 was committed. Arts. 59(a) and 66(c), UCMJ. Accordingly, we affirm the findings and the sentence as approved by the convening authority.

For the Court

R.H. TROIDL
Clerk of Court