

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

**Before  
J.R. PERLAK, R.Q. WARD, J.R. MCFARLANE  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**JUSTIN J. HATTON  
MACHINIST'S MATE FIRST CLASS (E-6), U.S. NAVY**

**NMCCA 201300151  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 8 January 2013.

**Military Judge:** CAPT John Waits, JAGC, USN.

**Convening Authority:** Commanding Officer, Naval Nuclear  
Power Training Unit, Goose Creek, SC.

**Staff Judge Advocate's Recommendation:** LT Jessica J.  
Burrell, JAGC, USN.

**For Appellant:** CAPT Ross Leuning, JAGC, USN.

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

**30 July 2013**

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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:

After careful consideration of the record, submitted without assignment of error, we affirm the findings and sentence as approved by the convening authority. Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c). We note that under the terms of a pretrial agreement the convening authority was obligated to suspend all confinement in excess of 55 days "for the period of confinement served plus 6 months thereafter." In his action the convening authority suspended all confinement

in excess of 55 days "for the period of confinement served plus 12 months thereafter." The action also notes that the appellant was released from confinement on 12 January 2013.

This court is authorized to order that which the convening authority was obligated to do under the terms of the pretrial agreement. *United States v. Cox*, 46 C.M.R. 69, 72 (C.M.A. 1972). Accordingly, the supplemental court-martial order will reflect that the period of suspension was for a period of six months commencing on 13 January 2013.

For the Court

R.H. TROIDL  
Clerk of Court

Chief Judge PERLAK participated in the decision of this case prior to detaching from the court.