

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

**Before  
J.R. MCFARLANE, K.J. BRUBAKER, J.P. LISIECKI  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**MARCELINO C. OLIVAREZ  
AVIATION BOATSWAIN'S MATE (EQUIPMENT) (E-6), U.S. NAVY**

**NMCCA 201400223  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 28 February 2014.

**Military Judge:** CAPT Bethany Payton-O'Brien, JAGC, USN.

**Convening Authority:** Commander, Navy Region Northwest,  
Silverdale, WA.

**Staff Judge Advocate's Recommendation:** LCDR D.E. Reike,  
JAGC, USN.

**For Appellant:** LT Ryan W. Aikin, JAGC, USN.

**For Appellee:** Mr. Brian K. Keller, JAGC, USN.

**26 August 2014**

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**OPINION OF THE COURT**  
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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). The supplemental court-martial order will reflect that as to Specification 5 under Charge III the appellant was found guilty of the lesser included offense of assault and battery under Article 128, UCMJ, excepting the words "on divers occasions."

For the Court

R.H. TROIDL  
Clerk of Court