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

Before
F.D. MITCHELL, J.A. FISCHER, M.G. MILLER
Appellate Military Judges

UNITED STATES OF AMERICA

v.

NICHOLAS A. ELEFTHERATOS
LOGISTICS SPECIALIST THIRD CLASS (E-4), U.S. NAVY

NMCCA 201400142
SPECIAL COURT-MARTIAL

Sentence Adjudged: 27 January 2014.
Military Judge: CAPT Bethany Payton-O'Brien, JAGC, USN.
Convening Authority: Commanding Officer, USS JOHN C. STENNIS (CVN 74).
Staff Judge Advocate's Recommendation: LCDR C.H. Hutchinson II, JAGC, USN.
For Appellant: CAPT Stephen White, JAGC, USN.
For Appellee: Mr. Brian K. Keller, Esq.

27 May 2014

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:

A military judge sitting as a special court-martial convicted the appellant, pursuant to his pleas, of making a false official statement and two specifications of stealing property of the United States Government valued at more than $500.00, in violation of Articles 107 and 121, Uniform Code of Military Justice, 10 U.S.C. §§ 907 and 921. The appellant was sentenced to confinement for 90 days, a $400.00 fine, and bad-conduct discharge. Pursuant to the

pretrial agreement, the convening authority (CA) suspended the bad-conduct discharge until the administrative separation process was completed and the DD-214 was issued, at which time, unless sooner vacated, the suspended punitive discharge would be remitted without further action.

After carefully reviewing the record, submitted without assignment of error, we note that the CA did not disapprove the adjudged fine as required by the pretrial agreement. We will take corrective action in our decretal paragraph.

We affirm the findings and the sentence, except for that portion of the sentence which provides for a fine of $400.00. Arts. 59(a) and 66(c), UCMJ; *United States v. Cox*, 46 C.M.R. 69 (C.M.A. 1972).

For the Court

R.H. TROIDL
Clerk of Court