

**UNITED STATES NAVY–MARINE CORPS  
COURT OF CRIMINAL APPEALS**

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**No. 201600319**

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**UNITED STATES OF AMERICA**

Appellee

v.

**JESSE R. FOSHEE**

Private First Class (E-2), United States Marine Corps  
Appellant

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Appeal from the United States Navy-Marine Corps Trial Judiciary

Military Judge: Colonel James K. Carberry, USMC.

For Appellant: Major Lee C. Kindlon, USMCR.

For Appellee: Brian K. Keller, Esq.

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Decided 27 October 2016

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*Before* CAMPBELL, RUGH, and HUTCHISON, *Appellate Military Judges*

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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 promulgating order will reflect that Charge V was merged with Charge II for sentencing and that service of all confinement in excess of four months to be suspended pursuant to the terms of the pretrial agreement was deferred, the period of deferral terminating on 7 September 2016. *United States v. Crumpley*, 49 M.J. 538,539 (N.M.Ct.Crim.App. 1998).

For the Court

R.H. TROIDL  
Clerk of Court

