

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

**Before  
F.D. MITCHELL, R.E. BEAL, D.O. VOLLENWEIDER  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**JEFFREY M. TOLBERT  
AVIATION MACHINIST'S MATE SECOND CLASS (E-5), U.S. NAVY**

**NMCCA 201000056  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 7 October 2009.  
**Military Judge:** CDR David Berger, JAGC, USN.  
**Convening Authority:** Commander, U.S. Naval Forces Japan,  
Yokosuka, Japan.  
**Staff Judge Advocate's Recommendation:** CDR B. Keith, JAGC,  
USN.  
**For Appellant:** CAPT John Bennett, JAGC, USN.  
**For Appellee:** Mr. Brian Keller, Esq.

**29 April 2010**

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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).

For the Court

R.H. TROIDL  
Clerk of Court