

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

**Before  
L.T. BOOKER, J.R. PERLAK, J.E. STOLASZ  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**DEREK W. MACKEY, JR.  
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 201000283  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 24 February 2010.

**Military Judge:** Maj Stephen F. Keane, USMC.

**Convening Authority:** Commanding Officer, 5th Marine Regiment, 1st Marine Division (Rein), FMF, Camp Pendleton, CA.

**Staff Judge Advocate's Recommendation:** LtCol H.D. Russell, USMCR.

**For Appellant:** CAPT Johnathan W. Bryan, JAGC, USN.

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

**12 August 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