

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

**Before
L.T. BOOKER, E.C. PRICE, M. FLYNN
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**DAVID T. PENDERGAST
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 201000372
GENERAL COURT-MARTIAL**

Sentence Adjudged: 26 March 2010.

Military Judge: Maj Clay Plummer, USMC.

Convening Authority: Commanding General, 2d Marine
Aircraft Wing, II Marine Expeditionary Force, Cherry Point,
NC.

Staff Judge Advocate's Recommendation: Col D.J. Lecce,
USMC.

For Appellant: LT Ryan Santicola, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

26 October 2010

OPINION OF THE COURT

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