

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

**Before
J.A. MAKSYM, B.L. PAYTON-O'BRIEN, M. MCALEVY
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**DERWIN D. KYLE
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 201000534
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 17 August 2010.

Military Judge: CDR Douglas P. Barber, Jr., JAGC, USN.

Convening Authority: Commanding Officer, Headquarters and Service Battalion, Marine Corps Base, Quantico, VA.

Staff Judge Advocate's Recommendation: LtCol C.M. Greer, USMC.

For Appellant: LtCol Brian Shinkle, USMCR.

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

9 December 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