

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

**Before  
M.D. MODZELEWSKI, R.G. KELLY, C.K. JOYCE  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**JOSEPH T. CELANO  
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201200388  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 29 June 2012.

**Military Judge:** LtCol Chris Thielemann, USMC.

**Convening Authority:** Commanding Officer, Headquarters and Headquarters Squadron, Marine Corps Air Station Miramar, San Diego, CA.

**Staff Judge Advocate's Recommendation:** Maj B.M. Wilson, USMC (24 Jan 2013); Maj B.C. Parsons, USMC (13 Aug 2012).

**For Appellant:** CDR Edward V. Hartman, JAGC, USN.

**For Appellee:** LT Lindsey P. Geiselman, JAGC, USN.

**2 April 2013**

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**OPINION OF THE COURT**  
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**THIS OPINION DOES NOT SERVE AS BINDING PRECEDENT, BUT MAY BE CITED AS  
PERSUASIVE AUTHORITY UNDER NMCCA RULE OF PRACTICE AND PROCEDURE 18.2.**

PER CURIAM:

A military judge, sitting as a special court-martial, convicted the appellant, pursuant to his pleas, of two specifications of violating a lawful general order and three specifications of wrongfully using controlled substances, in violation of Article 92 and 112a, Uniform Code of Military Justice, 10 U.S.C. §§ 892 and 912a. The military judge sentenced the appellant to confinement for 45 days, reduction to

pay grade E-1, and a bad-conduct discharge. The convening authority (CA) approved the sentence as adjudged and, except for the discharge, ordered it executed. A pretrial agreement had no effect on the sentence.

In his sole assignment of error, the appellant argues that the staff judge advocate erred in failing to note in his recommendation (SJAR) that the military judge strongly recommended that the CA suspend the appellant's bad-conduct discharge. Consequently, the CA took his action on the findings and sentence without being fully informed of all the clemency matters. Appellant's Brief of 23 Oct 2012 at 1.

Upon Appellee's Consent Motion to Remand of 10 December 2012, this court set aside the original CA's Action and returned the record of trial to the Judge Advocate General for remand to an appropriate CA for proper post-trial processing.

This case is now before us for a second time, submitted for review on its merits without any additional assignments of error or brief.

Having now reviewed the entire record, to include the corrected SJAR and CA's Action, we conclude that the findings and the sentence are correct in law and fact and no errors materially prejudicial to the substantial rights of the appellant remain. Arts. 59(a) and 66(c), UCMJ. We affirm the findings and sentence as approved by the CA.

For the Court

R.H. TROIDL  
Clerk of Court