

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

**Before
M.D. MODZELEWSKI, C.K. JOYCE, K.M. MCDONALD
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**KEVIN M. CHAMBERS
CORPORAL (E-4), U.S. MARINE CORPS**

**NMCCA 201200407
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 21 June 2012.

Military Judge: LtCol Robert G. Palmer, USMC.

Convening Authority: Commanding Officer, Marine Aviation
Logistics Squadron 31, MAG 31, 2d MAW, Beaufort, SC.

Staff Judge Advocate's Recommendation: Maj H.J. Brezillac,
USMC.

For Appellant: LtCol Rolando R. Sanchez, USMCR.

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

22 August 2013

OPINION OF THE COURT

**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 selling military property without authority and wrongful use of a controlled substance, in violation of Articles 108 and 112a, Uniform Code of Military Justice, 10 U.S.C. §§ 908 and 912a. The military judge sentenced the appellant to confinement for 8 months, forfeiture of \$950.00 pay per month for 8 months, reduction to pay grade E-1, and a bad-conduct discharge. The convening authority (CA) approved the sentence as adjudged,

suspending all confinement and forfeitures pursuant to a pretrial agreement.

On appeal, this court found an appearance of bias on the part of the military judge that would lead a reasonable person to question his impartiality. We affirmed the findings, set aside the sentence, and returned the record to the Judge Advocate General for remand to an appropriate CA for either a rehearing on sentence or approval of a sentence of no punishment. *United States v. Chambers*, No. 201200407, 2013 CCA LEXIS 225, unpublished op. (N.M.Ct.Crim.App. 19 Mar 2013).

In his supplemental action of 17 June 2013, the CA disapproved the sentence. 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 reviewed the entire record, to include the supplemental CA's action, we conclude that no errors materially prejudicial to the substantial rights of the appellant remain. Arts. 59(a) and 66(c), UCMJ. Having earlier affirmed the findings, we now affirm the sentence of no punishment.

For the Court

R.H. TROIDL
Clerk of Court