

**UNITED STATES NAVY–MARINE CORPS
COURT OF CRIMINAL APPEALS**

No. 201700087

UNITED STATES OF AMERICA

Appellee

v.

XAVIER S. FOSTER

Seaman (E-3), U.S. Navy
Appellant

Appeal from the United States Navy-Marine Corps Trial Judiciary

Military Judge: Commander Arthur L. Gaston III, JAGC, USN.
Convening Authority: Commanding Officer, Naval Submarine Support
Command, Pearl Harbor, HI.

Staff Judge Advocate's Recommendation: Lieutenant Matthew J.
Budow, JAGC, USN.

For Appellant: Captain Kimberly D. Hinson, JAGC, USN.

For Appellee: Brian K. Keller, Esq.

Decided 5 October 2017

Before MARKS, JONES, and PETTIT, *Appellate Military Judges*

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

