

# United States Navy–Marine Corps Court of Criminal Appeals

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**UNITED STATES**

Appellee

v.

**Melvin S. RUBIO**

Electrician's Mate Third Class (E-4), U.S. Navy

*Appellant*

**No. 201800260**

Appeal from the United States Navy-Marine Corps Trial Judiciary.

Decided: 31 January 2019

Military Judge: Commander Hayes Larsen, JAGC, USN.

Sentence adjudged 16 April 2018 by a general court-martial convened at Naval Station Norfolk, Virginia, consisting of a military judge sitting alone. Sentence approved by convening authority: confinement for 18 months,<sup>1</sup> and a bad-conduct discharge.

For Appellant:

*Captain Bree A. Ermentrout, JAGC, USN.*

For Appellee:

*Brian K. Keller, Esq.*

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**This opinion does not serve as binding precedent under  
NMCCA Rule of Appellate Procedure 30.2(a).**

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Before WOODARD, HUTCHISON, and LAWRENCE

*Appellate Military Judges.*

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<sup>1</sup> The Convening Authority suspended confinement in excess of 8 months pursuant to a pretrial agreement.

PER CURIAM:

After careful consideration of the record, submitted without assignment of error, we have determined that the approved findings and sentence are correct in law and fact and that no error materially prejudicial to Appellant's substantial rights occurred. Articles 59(a) and 66(c), UCMJ, 10 U.S.C. §§ 859(a), 866(c).

The findings and sentence as approved by the convening authority are **AFFIRMED**.



FOR THE COURT:

A handwritten signature in blue ink that reads "Rodger A. Drew, Jr." with a stylized flourish at the end.

RODGER A. DREW, JR.

Clerk of Court