

United States Navy-Marine Corps Court of Criminal Appeals

UNITED STATES

Appellee

v.

Daniel A. NIAMAH

Lance Corporal (E-3), U.S. Marine Corps

Appellant

No. 201800322

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

Decided: 17 April 2019.

Military Judge:

Lieutenant Colonel Brian E. Kasprzyk, USMC.

Sentence adjudged 28 June 2018 by a special court-martial convened at Camp Foster, Okinawa, Japan, consisting of a military judge sitting alone. Sentence approved by convening authority: reduction to E-1, confinement for 12 months,¹ and a bad-conduct discharge.

For Appellant:

Major James S. Kresge, USMCR.

For Appellee:

Lieutenant George R. Lewis, JAGC, USN.

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

¹The Convening Authority suspended confinement in excess of 6 months pursuant to a pretrial agreement.

Before HUTCHINSON, TANG, and GERDING,
Appellate Military Judges.

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 the appellant's substantial rights occurred. Articles 59 and 66, UCMJ, 10 U.S.C. §§ 859, 866.

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



FOR THE COURT:

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

RODGER A. DREW, JR.
Clerk of Court