

# United States Navy–Marine Corps Court of Criminal Appeals

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**UNITED STATES**

Appellee

v.

**Andre A. NELSON**

Sergeant (E-5), U.S. Marine Corps

Appellant

**No. 201800336**

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

Decided: 25 March 2019.

Military Judges:

Lieutenant Colonel Mark Sameit, USMC (arraignment);

Lieutenant Colonel John P. Norman, USMC (trial).

Sentence adjudged 11 September 2018 by a general court-martial convened at Marine Corps Base Camp Pendleton, California, consisting of a military judge sitting alone. Sentence approved by convening authority: reduction to E-1, total forfeiture of pay and allowances, confinement for 12 months,<sup>1</sup> and a dishonorable discharge.

For Appellant:

*Commander Richard E.N. Federico, 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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<sup>1</sup> The Convening Authority suspended confinement in excess of 10 months pursuant to a pretrial agreement.

Before WOODARD, HITESMAN, and ELLINGTON,  
*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 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