

*This opinion is subject to administrative correction before final disposition.*

United States Navy - Marine Corps  
Court of Criminal Appeals

Before  
FULTON,<sup>1</sup> HITESMAN, and KOVAC,  
Appellate Military Judges

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**UNITED STATES**  
Appellee

v.

**Nicholas J. McELROY**  
Cryptologic Technician Interpretive Petty Officer Second Class  
(E-5), U.S. Navy  
Appellant

**No. 201900106**

Decided: 29 August 2019.

Appeal from the United States Navy-Marine Corps Trial Judiciary. Military Judge: Lieutenant Colonel Wilbur Lee, USMC. Sentence adjudged 28 February 2019 by a general court-martial convened at Joint Base Pearl Harbor-Hickam, Hawaii, consisting of a military judge sitting alone. Sentence approved by the convening authority: reduction to E-1, confinement for 75 days,<sup>2</sup> and a bad-conduct discharge.

For Appellant: Captain Scott F. Hallauer, 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> Except for administrative processing, this decision was finalized before Senior Judge Fulton detached from the Court.

<sup>2</sup> The Convening Authority suspended confinement in excess of 56 days 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 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