

This opinion is subject to administrative correction before final disposition.

United States Navy - Marine Corps
Court of Criminal Appeals

Before
TANG, LAWRENCE, and GEIS,
Appellate Military Judges

UNITED STATES
Appellee

v.

Preston J. BURKE
Private First Class (E-2), U.S. Marine Corps
Appellant

No. 201900146

Decided: 31 October 2019.

Appeal from the United States Navy-Marine Corps Trial Judiciary. Sentence adjudged 12 February 2019 by a special court-martial convened at Marine Corps Base Camp Pendleton, California, consisting of a military judge sitting alone. Military Judge: Lieutenant Colonel Jeffrey Munoz, USMC. Sentence approved by the convening authority: reduction to E-1, confinement for 4 days, and a bad-conduct discharge.¹

For Appellant: Lieutenant Commander Derek C. Hampton, JAGC, USN.

For Appellee: Brian K. Keller, Esq.

¹ The convening authority suspended the bad-conduct discharge pursuant to a pretrial agreement.

**This opinion does not serve as binding precedent, but
may be cited as persuasive authority under
NMCCA Rule of Appellate Procedure 30.2.**

PER CURIAM:

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

The findings and sentence are **AFFIRMED**.



FOR THE COURT:


RODGER A. DREW, JR.
Clerk of Court