

This opinion is subject to administrative correction before final disposition.

United States Navy - Marine Corps
Court of Criminal Appeals

Before
KING, McCONNELL, and FOIL,
Appellate Military Judges

UNITED STATES
Appellee

v.

Jack R. LAUZIER
Lance Corporal (E-3),
U.S. Marine Corps
Appellant

No. 201900113

Decided: 11 December 2019.

Appeal from the United States Navy-Marine Corps Trial Judiciary. Military Judge: Lieutenant Colonel Ray B. Slabbekorn, U.S. Marine Corps. Sentence adjudged 18 January 2019 by a special 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, forfeiture of two-thirds pay¹ per month for twelve months, confinement for ten months, and a bad-conduct discharge.²

For Appellant: Lieutenant Commander W. Scott Stoebner, JAGC, USN.

For Appellee: Brian K. Keller, Esq.

¹ The adjudged and approved sentence to forfeiture of “two-thirds pay” was improper. We take corrective action to convert the forfeiture to a whole dollar amount.

² Pursuant to a pretrial agreement, the convening authority suspended confinement in excess of 60 days.

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

PER CURIAM:

After careful consideration of the record, submitted without assignment of error, we have determined that the approved findings are correct in law and fact. After corrective action by this court, the approved sentence will be likewise correct in law and fact. We find no error materially prejudicial to appellant's substantial rights occurred. Articles 59 and 66, UCMJ, 10 U.S.C. §§ 859, 866.

The military judge incorrectly adjudged forfeitures in the amount of "two-thirds pay per month" for twelve months. A sentence to forfeitures must "state the exact amount in whole dollars to be forfeited each month." RULE FOR COURTS-MARTIAL 1003(a)(2), MANUAL FOR COURTS-MARTIAL, UNITED STATES (2019 ed.); *see also United States v. Rosado*, 68 M.J. 199 (C.A.A.F. 2009).

The findings and only so much of the sentence as provides for a reduction to E-1, forfeiture of \$1,120.00 pay per month for twelve months, confinement for ten months, and a bad-conduct discharge are **AFFIRMED**.



FOR THE COURT:

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

RODGER A. DREW, JR.
Clerk of Court