

This opinion is subject to administrative correction before final disposition.

United States Navy - Marine Corps
Court of Criminal Appeals

Before
STEPHENS, LAWRENCE, and COGLEY
Appellate Military Judges

UNITED STATES
Appellee

v.

Joshua J. SMITH
Captain (O-3), U.S. Marine Corps
Appellant

No. 201900300

Decided: 20 July 2020

Appeal from the United States Navy-Marine Corps Trial Judiciary

Military Judges:
Emily A. Jackson Hall (arraignment)
Glen R. Hines (trial)
K. Scott Woodard (Entry of Judgment)¹

Sentence adjudged 23 July 2019 by a general court-martial convened at Marine Corps Base Camp Lejeune, North Carolina, consisting of a military judge sitting alone. Sentence in the Entry of Judgment: confinement for 35 years² and a dismissal.

¹ Due to the departure of the presiding trial judge from active service, Circuit Judge Woodard was detailed for the purpose of the Entry of Judgment by the Chief Trial Judge, Navy-Marine Corps Trial Judiciary.

² The convening authority suspended confinement in excess of 25 years pursuant to a pretrial agreement.

United States v. Smith, NMCCA No. 201900300
Opinion of the Court

For Appellant:
Lieutenant Colonel Michael D. Berry, USMCR

For Appellee:
Brian K. Keller, Esq.

**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 findings and sentence are correct in law and fact and that no error materially prejudicial to Appellant's substantial rights occurred. Articles 59, 66, Uniform Code of Military Justice, 10 U.S.C. §§ 859, 866.

The findings and sentence are **AFFIRMED**.



FOR THE COURT:


RODGER A. DREW, JR.
Clerk of Court