

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

United States Navy - Marine Corps  
Court of Criminal Appeals

Before  
GASTON, STEWART, and HOUTZ  
Appellate Military Judges

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**UNITED STATES**  
*Appellee*

v.

**Donte C. MESTUZZI**  
Culinary Specialist (Subsurface) Seaman (E-3), U.S. Navy  
*Appellant*

**No. 202000004**

Decided: 21 April 2021

Appeal from the United States Navy-Marine Corps Trial Judiciary

Military Judge:  
Ann K. Minami (arraignment)  
Kimberly J. Kelly (trial)

Sentence adjudged 6 September 2019 by a general court-martial convened at Naval Base Kitsap-Bremerton, Washington, consisting of a military judge sitting alone. Sentence in the Entry of Judgment: reduction to E-1, confinement for four years,<sup>1</sup> and a bad-conduct discharge.

For Appellant:  
*Captain Thomas P. Belsky, JAGC, USN*

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<sup>1</sup> The convening authority suspended confinement in excess of 42 months pursuant to a plea agreement.

*United States v. Mestuzzi*, NMCCA No. 202000004  
Opinion of the Court

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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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, 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