

This opinion is subject to administrative correction before final disposition.

United States Navy - Marine Corps
Court of Criminal Appeals

Before
GASTON, BAKER, and HOUTZ
Appellate Military Judges

UNITED STATES
Appellee

v.

JustinKhang P. NGUYEN
Lance Corporal (E-3), U.S. Marine Corps
Appellant

No. 201900085

Decided: 28 April 2021

Appeal from the United States Navy-Marine Corps Trial Judiciary

Military Judge:
Jeffrey V. Munoz

Sentence adjudged 19 December 2018 by a special court-martial convened at Marine Corps Air Ground Combat Center Twentynine Palms, California, consisting of a military judge sitting alone. Sentence approved by the convening authority: reduction to E-1, confinement for 11 months, and a bad-conduct discharge.

For Appellant:
Lieutenant Commander Christopher K. Riedel, JAGC, USN

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:


This case is before us a second time. On 21 November 2019, we found error in the convening authority's approval of an adjudged \$5,000 fine in light of the automatic forfeitures imposed under Article 58b, UCMJ, for the approved term of confinement, which we found violated Rule for Courts-Martial 1107(d)(5). After we set aside the convening authority's action and remanded the case for new post-trial processing, the convening authority took action disapproving the fine, which corrected the matter.

After careful consideration of the record, submitted without assignment of error, and in light of the new convening authority's action, we have determined that the findings and sentence are now correct in law and fact and that no error materially prejudicial to Appellant's substantial rights occurred. Uniform Code of Military Justice arts. 59, 66, 10 U.S.C. §§ 859, 866.

The findings and sentence are **AFFIRMED**.



FOR THE COURT:


RODGER A. DREW, JR.
Clerk of Court