

**UNITED STATES NAVY-MARINE CORPS  
COURT OF CRIMINAL APPEALS  
WASHINGTON, D.C.**

**Before  
F.D. MITCHELL, J.A. MAKSYM, R.E. BEAL  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**RICHARD K. BLACK  
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 200900462  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 21 May 2009.

**Military Judge:** LtCol Robert Ward, USMC.

**Convening Authority:** Commanding Officer, Marine Corps  
Engineer School, Camp Lejeune, NC.

**Staff Judge Advocate's Recommendation:** LtCol J.L. Gruter,  
USMC.

**For Appellant:** CAPT Michael Detzky, JAGC, USN.

**For Appellee:** Mr. Brian Keller, Esq.

**10 November 2009**

-----  
**OPINION OF THE COURT**  
-----

After careful consideration of the record, submitted without assignment of error, we affirm the findings and sentence as approved by the convening authority. Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c).<sup>1</sup>

For the Court

R.H. TROIDL  
Clerk of Court

---

<sup>1</sup> We note that the convening authority's action purports to execute the bad-conduct discharge. This is a nullity. See *United States v. Caver*, 41 M.J. 556, 565 (N.M.Ct.Crim. App. 1994).