

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

**Before
J.M. MAKSYM, J.R. PERLAK, R.E. BEAL
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**LEWIS M. LATHROP
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201100124
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 22 November 2010.

Military Judge: Col D.J. Daugherty, USMC.

Convening Authority: Commanding Officer, Marine Light
Attack Helicopter Squadron 167, Marine Aircraft Group 29,
2d Marine Aircraft Wing, U.S. Marine Corps Forces Command,
MCAS New River, Jacksonville, NC.

Staff Judge Advocate's Recommendation: Col S.C. Newman,
USMC.

For Appellant: CAPT Salvador A. Dominguez, JAGC, USN.

For Appellee: CAPT Martin A. Grover, JAGC, USN; Capt Mark
V. Balfantz, USMC.

29 September 2011

OPINION OF THE COURT

After careful consideration of the record and the pleadings of the parties, 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). To the extent that the convening authority's action purported to execute the bad-conduct discharge, as asserted by the appellant in his sole

assignment of error, it was a nullity. *United States v. Bailey*,
68 M.J. 409 (C.A.A.F. 2009).

For the Court

R.H. TROIDL
Clerk of Court