

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

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

**UNITED STATES OF AMERICA**

**v.**

**ANTHONY J. ESCOJEDA  
CORPORAL (E-4), U.S. MARINE CORPS**

**NMCCA 201100281  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 28 January 2011.

**Military Judge:** LtCol D.M. Jones, USMC.

**Convening Authority:** Commanding Officer, 31st Marine Expeditionary Unit, III Marine Expeditionary Force, Okinawa, Japan.

**Staff Judge Advocate's Recommendation:** Maj S.M. Montas, USMC.

**For Appellant:** CAPT D.L. Karr, JAGC, USN.

**For Appellee:** CDR K.D. Hinson, JAGC, USN; Capt M.V. Balfantz, USMC.

**29 September 2011**

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**OPINION OF THE COURT**  
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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 purports to order the punitive discharge executed upon completion of appellate review, as asserted by the appellant in his sole assignment of error, it is a nullity and does not require corrective action. *See United*

*States v. Tarniewicz*, \_\_ M.J. \_\_, 2011 CCA LEXIS 150  
(N.M.Ct.Crim.App. 30 Aug 2011).

For the Court

R.H. TROIDL  
Clerk of Court