

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

**Before  
J.K. CARBERRY, B.L. PAYTON-O'BRIEN, M. FLYNN  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**BRYANT J. KENNEDY  
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201100304  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 23 February 2011.

**Military Judge:** LtCol Gregory L. Simmons, USMC.

**Convening Authority:** Commanding Officer, 7th Marine Regiment, 1st Marine Division (Rein), I Marine Expeditionary Force, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

**Staff Judge Advocate's Recommendation:** Col D.K. Margolin, USMC.

**For Appellant:** LCDR Ronald Hocevar, JAGC, USN.

**For Appellee:** CDR Kimberly D. Hinson, JAGC, USN; Maj William C. Kirby, 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