

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

**Before
J.A. MAKSYM, R.Q. WARD, M. MCALEVY
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**SHON D. DEMSYN
PARACHUTE RIGGER AIRMAN APPRENTICE (E-2), U.S. NAVY**

**NMCCA 201100319
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 24 February 2011.

Military Judge: CDR Kevin O'Neil, JAGC, USN.

Convening Authority: Commanding Officer, Naval Air Station,
Lemoore, CA.

Staff Judge Advocate's Recommendation: LT Liam A. Connel,
JAGC, USN.

For Appellant: CAPT Stephen White, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

22 September 2011

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.¹ Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c).

For the Court

R.H. TROIDL

¹ To the extent that the convening authority's action purports to order the punitive discharge executed upon completion of appellate review it is a nullity. See *United States v. Tarniewicz*, __ M.J. __, 2011 CCA LEXIS 150 (N.M.Ct.Crim.App. 30 Aug 2011)

Clerk of Court