

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

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

UNITED STATES OF AMERICA

v.

**MARC W. MONCURE
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 201100321
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 10 March 2010.

Military Judge: LtCol Robert Ward, USMC.

Convening Authority: Commanding Officer, 1st Battalion, 9th
Marines, 2d Marine Division, Camp Lejeune, NC.

Staff Judge Advocate's Recommendation: Maj C.S. Ruwe, USMC.

For Appellant: CAPT Stephen White, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

8 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
Clerk of Court

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)