

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

**Before
J.K. CARBERRY, M.D. MODZELEWSKI, M. MCALEVY
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**JEFFREY W. YOUSCHAK
SERGEANT (E-5), U.S. MARINE CORPS**

**NMCCA 201100341
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 1 March 2011.

Military Judge: Col Daniel J. Daugherty, USMC.

Convening Authority: Inspector-Instructor, 1st Battalion,
25th Marine Regiment, 4th Marine Division, Fort Devins, MA.

Staff Judge Advocate's Recommendation: Col R.G. Kelly,
USMC.

For Appellant: CDR Howard A. Liberman, JAGC, USN.

For Appellee: Mr. Brian K. Keller, Esq.

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

For the Court

R.H. TROIDL
Clerk of Court

¹ To the extent that the convening authority's action purports to direct that the punitive discharge will be executed after final judgment it is a legal nullity. See *United States v. Tarniewicz*, __ M.J. __, No. 201100158, 2011 CCA LEXIS 150 (N.M.Ct.Crim.App. 30 Aug 2011).