

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

**Before
J.A. MAKSYM, R.Q. WARD, D.R. LUTZ
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**KEGAN T. MADDEN
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 201100351
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 3 May 2011.

Military Judge: Maj Clay Plummer, USMC.

Convening Authority: Commanding Officer, Headquarters and Support Battalion, Marine Corps Base, Camp Pendleton, CA.

Staff Judge Advocate's Recommendation: LtCol A.M. Ray, USMC.

For Appellant: CAPT Diane Karr, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

27 October 2011

OPINION OF THE COURT

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