

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

**Before  
C.L. REISMEIER, J.K. CARBERRY, G.G. GERDING  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**ANDREW T. ODELL  
CORPORAL (E-4), U.S. MARINE CORPS**

**NMCCA 201100365  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 1 April 2011.

**Military Judge:** LtCol Peter S. Rubin, USMC.

**Convening Authority:** Commanding Officer, 5th Marine Regiment, 1st Marine Division (Rein), MarForPac, Camp Pendleton, CA.

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

**For Appellant:** CDR Luis Leme, JAGC, USN.

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

**27 October 2011**

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**OPINION OF THE COURT**  
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After careful consideration of the record, submitted without assignment of error, we conclude that the findings and the sentence are correct in law and fact and that no error materially prejudicial to the substantial rights of the appellant was committed. However, we find error in the court-martial order and will order corrective action in our decretal paragraph. Arts. 59(a) and 66(c), Uniform Code of Military Justice, 10 U.S.C. §§ 859(a) and 866(c).

The findings and the sentence as approved by the convening authority are affirmed.<sup>1</sup> Specification 5 under Charge II will reflect that that the appellant also wrongfully used heroin.

For the Court

R.H. TROIDL  
Clerk of Court

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<sup>1</sup> To the extent that the convening authority's action purported to execute the bad-conduct discharge, it was a nullity. *United States v. Bailey*, 68 M.J. 409 (C.A.A.F. 2009).