

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

**Before
J.K. CARBERRY, B.L. PAYTON-O'BRIEN, M. MCALEVY
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**JOSHUA A. MATHIS
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201100369
GENERAL COURT-MARTIAL**

Sentence Adjudged: 24 March 2011.

Military Judge: LtCol Robert Q. Ward, USMC.

Convening Authority: Commanding General, 2d Marine Division,
Camp Lejeune, NC.

Staff Judge Advocate's Recommendation: Capt R.J. Lee, USMC
(16 Jun 2011); Capt M.A. Lowe, USMC (28 Jun 2011).

For Appellant: LT Toren G. Mushovic, JAGC, USN.

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

13 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).