

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

**Before  
J.A. MAKSYM, R.E. BEAL, D.R. LUTZ  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**JOSHUA A. CULBERSON  
SERGEANT (E-5), U.S. MARINE CORPS**

**NMCCA 201100370  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 18 April 2011.

**Military Judge:** LtCol Robert Ward, USMC.

**Convening Authority:** Commanding Officer, 8th Engineer Support Battalion, 2d Marine Logistics Group, Camp Lejeune, NC.

**Staff Judge Advocate's Recommendation:** Maj J.R. Cherry, USMC.

**For Appellant:** LtCol Brian Shinkle, USMCR.

**For Appellee:** Mr. Brian 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 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).<sup>1</sup>

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 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).