

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

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

**UNITED STATES OF AMERICA**

**v.**

**JARED P. ZYWIEC  
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201100373  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 26 April 2011.

**Military Judge:** LtCol James G. Bartolotto, USMCR.

**Convening Authority:** Commanding Officer, Headquarters and  
Service Battalion, Marine Corps Base, Quantico, VA.

**Staff Judge Advocate's Recommendation:** Col D.M. Gambert, USMC.

**For Appellant:** Maj Peter Griesch, USMCR.

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

**15 November 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*, 70 M.J. 543 (N.M.Ct.Crim.App. 2011).