

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

**Before
J.A. MAKSYM, J.R. PERLAK, T.R. ZIMMERMANN
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**JOSHUA C. BENFORD
SERGEANT (E-5), U.S. MARINE CORPS**

**NMCCA 201100379
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 17 April 2011.

Military Judge: Maj Robert Palmer, USMC.

Convening Authority: Commanding Officer, 6th Marine Corps
District, Marine Corps Recruit Depot/Eastern Recruiting Region,
Parris Island, SC.

Staff Judge Advocate's Recommendation: LtCol E.R. Kleis, USMC.

For Appellant: CAPT Diane Karr, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

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