

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

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

UNITED STATES OF AMERICA

v.

**JASON L. MARTIN
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 201100383
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 16 May 2011.

Military Judge: Col Daniel Daugherty, USMC.

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

Staff Judge Advocate's Recommendation: LtCol C.M. Greer, USMC.

For Appellant: CDR Edward Hartman, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

31 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).