

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

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

UNITED STATES OF AMERICA

v.

**BRANDON B. SMITH
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201100397
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 21 April 2011.

Military Judge: LtCol Stephen Keane, USMC.

Convening Authority: Commanding Officer, 5th Marine Regiment,
1st Marine Division (REIN), MarForPac, Camp Pendleton, CA.

Staff Judge Advocate's Recommendation: Col D.K. Margolin, USMC.

For Appellant: CAPT Diane L. Karr, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

28 December 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 purported to execute the bad-conduct discharge, it was a nullity. *United States v. Bailey*, 68 M.J. 409 (C.A.A.F. 2009).