

**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.

**RICHARD A. PEREZ, JR.
PRIVATE FIRST CLASS (E-3), U.S. MARINE CORPS**

**NMCCA 201100429
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 27 April 2011.

Military Judge: LtCol Peter Rubin, USMC.

Convening Authority: Commanding Officer, 3d Battalion, 11th Marines,
1st Marine Division (REIN), FMF, MCAGCC, Twentynine Palms, CA.

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

For Appellant: LtCol Richard Belliss, USMCR.

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).