

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

**Before
J.K. CARBERRY, M.D. MODZELEWSKI, T.R. ZIMMERMANN
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**ROLANDO PADILLA
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 201100506
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 4 August 2011.

Military Judge: CDR John S. Han, JAGC, USN.

Convening Authority: Commanding Officer, 2d Battalion, 10th
Marine Regiment, 2d Marine Division, Camp Lejeune, NC.

Staff Judge Advocate's Recommendation: Col T.M. Dunn, USMCR.

For Appellant: LCDR Shannon A. Llenza, JAGC, USN.

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

29 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).