

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

**Before  
J.K. CARBERRY, J.R. PERLAK, R.Q. WARD  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**JED NIELSEN  
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 201100509  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 28 June 2011.

**Military Judge:** LtCol Stephen Keane, USMC.

**Convening Authority:** Commanding Officer, Headquarters and Support Battalion, Marine Corps Base, Camp Pendleton, CA.

**Staff Judge Advocate's Recommendation:** Capt Andrew Wallace, USMC.

**For Appellant:** CAPT Stephen White, JAGC, USN.

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

**30 November 2011**

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**OPINION OF THE COURT**  
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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).<sup>1</sup> The supplemental promulgating order shall indicate that confinement in excess of time-served is suspended beginning 28 June 2011 and continuing

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<sup>1</sup> 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).

for twelve (12) months thereafter, as required by the pretrial agreement.

For the Court

R.H. TROIDL  
Clerk of Court