

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

**Before  
J.K. CARBERRY, B.L. PAYTON-O'BRIEN, D.O. VOLLENWEIDER  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**ALEXANDER F. STEWART  
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 201100542  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 10 June 2011.

**Military Judge:** LtCol David Jones, USMC.

**Convening Authority:** Commanding Officer, 5th Air Naval Gunfire Liaison Company, III MEF Headquarters Group, III MEF, Okinawa, Japan.

**Staff Judge Advocate's Recommendation:** Col J.R. Woodworth, 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 court-martial order will reflect that, pursuant to a pretrial agreement, the period of suspension for adjudged confinement in excess of four months will run

for the period of confinement served plus six months thereafter. See *United States v. Cox*, 46 C.M.R. 69 (C.M.A. 1972).

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<sup>1</sup> 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).

For the Court

R.H. TROIDL  
Clerk of Court