

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

**Before
J.R. PERLAK, B.L. PAYTON-O'BRIEN, J. MCFARLANE
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**SEAN C. DANLEY
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201000677
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 31 August 2010.

Military Judge: Col Michael Richardson, USMC.

Convening Authority: Commanding Officer, 3d Light Armored
Reconnaissance Battalion, 1st Marine Division, Twentynine Palms,
CA.

Staff Judge Advocate's Recommendation: Col D.K. Margolin, USMC
(29 Nov 2010); Maj V.G. Laratta, USMC (21 Dec 2011); Maj A.L.
Daly, USMC (31 May 2012).

For Appellant: CDR Don Evans, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

12 September 2012

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

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).

Clerk of Court