

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

**Before  
J.A. MAKSYM, R.Q. WARD, T.R. ZIMMERMANN  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**CODY A. KEEFE  
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 201100327  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 22 March 2011.

**Military Judge:** LtCol Michael Mori, USMC.

**Convening Authority:** Commanding General, 3d Marine Division  
(-)(REIN), Okinawa, Japan.

**Staff Judge Advocate's Recommendation:** LtCol K.J. Estes,  
USMC.

**For Appellant:** CAPT Paul Jones, JAGC, USN.

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

**15 March 2012**

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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). To the extent that the convening authority's action purports to order the punitive discharge upon completion of appellate review, it is a nullity and does not require corrective action. See *United States v. Tarniewicz*, 70 M.J. 543 (N.M.Ct.Crim.App. Aug 2011).

For the Court

R.H. TROIDL  
Clerk of Court