

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

**Before  
J.A. MAKSYM, B.L. PAYTON-O'BRIEN, T.R. ZIMMERMANN  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**ELLIOT M. CRUIKSHANK  
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201100360  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 5 April 2011.  
**Military Judge:** Col Michael Richardson, USMC.  
**Convening Authority:** Commanding Officer, 5th Marine Regiment,  
1st Marine Division (REIN), MarForPac, Camp Pendleton, CA.  
**Staff Judge Advocate's Recommendation:** Col D.K. Margolin, USMC.  
**For Appellant:** CDR Luis Leme, JAGC, USN.  
**For Appellee:** Mr. Brian Keller, Esq.

**24 January 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).<sup>1</sup>

For the Court

R.H. TROIDL  
Clerk of Court

---

<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).