

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

**Before  
J.A. MAKSYM, J.R. PERLAK, P.H. MCCONNELL  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**JAMES K. HALBIG, JR.  
FIRST SERGEANT (E-8), U.S. MARINE CORPS**

**NMCCA 201100525  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 7 June 2011.

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

**Convening Authority:** Commanding General, I Marine Expeditionary Force, Camp Pendleton, CA.

**Staff Judge Advocate's Recommendation:** Col C.W. Miner, USMC.

**For Appellant:** Maj Jeffrey Liebenguth, USMC.

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

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

For the Court

R.H. TROIDL  
Clerk of Court

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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).