

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

**Before
J.A. MAKSYM, R.Q. WARD, J.E. STOLASZ
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**PHILIP A. KAHOE
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201100674
GENERAL COURT-MARTIAL**

Sentence Adjudged: 20 September 2011.

Military Judge: Maj Clay Plummer, USMC.

Convening Authority: Commanding General, 2d Marine Division,
Camp Lejeune, NC.

Staff Judge Advocate's Recommendation: Maj J.T. Leggett, USMC.

For Appellant: LCDR Brandon Boutelle, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

27 March 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
Clerk of Court

¹ 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).