

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

**Before
B.L. PAYTON-O'BRIEN, R.Q. WARD, M. MCALEVY
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**COREY M. DAVIS
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201200064
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 7 December 2011.

Military Judge: LtCol Chris Thielemann, USMC.

Convening Authority: Commanding Officer, Headquarters and Support Battalion, Camp Pendleton, CA.

Staff Judge Advocate's Recommendation: LtCol P.A. Tafoya, USMC.

For Appellant: CDR Howard Liberman, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

31 May 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