

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

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

UNITED STATES OF AMERICA

v.

**JOHN M. FLOYD-GARCIA
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201200142
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 12 December 2011.
Military Judge: LtCol Stephen Keane, USMC.
Convening Authority: Commanding Officer, 5th Marine Regiment
(REAR), 1st Marine Division (REIN), FMF, Camp Pendleton, CA.
Staff Judge Advocate's Recommendation: Maj V.G. Laratta, USMC.
For Appellant: CDR Howard Liberman, JAGC, USN.
For Appellee: Mr. Brian Keller, Esq.

31 July 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).