

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

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

UNITED STATES OF AMERICA

v.

**ANDREW J. DURANT
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 201200159
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 24 January 2012.

Military Judge: LtCol Kevin Harris, USMC.

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

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

For Appellant: LCDR Shannon Llenza, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

22 August 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 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).