

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

**Before  
B.L. PAYTON-O'BRIEN, J. MCFARLANE, J.S. SMITH  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**MICHAEL K. ELLIOTT  
CORPORAL (E-4), U.S. MARINE CORPS**

**NMCCA 201200196  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 4 April 2012.  
**Military Judge:** LtCol Stephen Keane, USMC.  
**Convening Authority:** Commanding Officer, Headquarters and  
Support Battalion, Marine Corps Base, Camp Pendleton, CA.  
**Staff Judge Advocate's Recommendation:** Col P.J. Uetz, Jr., USMC.  
**For Appellant:** Maj Rolando Sanchez, USMCR.  
**For Appellee:** Mr. Brian Keller, Esq.

**28 September 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).<sup>1</sup>

For the Court

R.H. TROIDL  
Clerk of Court

---

<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).