

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

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

**UNITED STATES OF AMERICA**

**v.**

**GUSTAVO A. TORRES, JR.  
CORPORAL (E-4), U.S. MARINE CORPS RESERVE**

**NMCCA 201200365  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 10 April 2012.

**Military Judge:** LtCol Gregory Simmons, USMC.

**Convening Authority:** Commanding Officer, 3d Air Naval  
Gunfire Liaison Company, Marine Forces Reserve, Bell, CA.

**Staff Judge Advocate's Recommendation:** Col R.G. Kelly,  
USMC.

**For Appellant:** LCDR Shannon Llenza, JAGC, USN.

**For Appellee:** Mr. Brian Keller, Esq.

**13 November 2012**

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**OPINION OF THE COURT**  
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After careful consideration of the record, submitted without assignment of error, we affirm the findings and sentence as approved by the convening authority.<sup>1</sup> Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c).

For the Court

R.H. TROIDL

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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).

Clerk of Court