

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

**Before  
J.A. MAKSYM, B.L. PAYTON-O'BRIEN, D.O. HARRIS  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**SAMUAL L. DOUTHITT  
CORPORAL (E-4), U.S. MARINE CORPS**

**NMCCA 201100540  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 24 June 2011.  
**Military Judge:** Col Michael Richardson, USMC.  
**Convening Authority:** Commanding General, 1st Marine Division  
(REIN), Camp Pendleton, CA.  
**Staff Judge Advocate's Recommendation:** Col D.K. Margolin, USMC.  
**For Appellant:** CDR Luis P. Leme, JAGC, USN.  
**For Appellee:** Mr. Brian Keller, Esq.

**10 January 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. Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c).<sup>1</sup>

For the Court

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<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). For the reasons set forth in *United States v. Hackler*, \_\_ M.J. \_\_, No 201100323, 2011 CCA LEXIS 371 (N.M.Ct.Crim.App. 22 Dec 2011), we hold that the specification under Charge IV did state an offense.

R.H. TROIDL  
Clerk of Court