

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

**Before  
J.A. MAKSYM, J.R. PERLAK, G.G. GERDING  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

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

**NMCCA 201100607  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 19 August 2011.

**Military Judge:** Col Deborah McConnell, USMC.

**Convening Authority:** Commanding Officer, 5th Battalion, 10th Marines, 2d marine Division, Camp Lejeune, NC.

**Staff Judge Advocate's Recommendation:** Col T.M. Dunn, USMCR.

**For Appellant:** CAPT Diane Karr, JAGC, USN.

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

**5 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

R.H. TROIDL  
Clerk of Court

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<sup>1</sup>To the extent that the convening authority's action purported to execute the bad-conduct discharge, as asserted by the appellant in his sole assignment of error, it was a nullity. *United States v. Bailey*, 68 M.J. 409 (C.A.A.F. 2009).