

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

**Before
J.A. MAKSYM, B.L. PAYTON-O'BRIEN, T.R. ZIMMERMANN
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**DAVID W. WOODS, JR.
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 201100440
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 21 June 2011.
Military Judge: CAPT David Berger, JAGC, USN.
Convening Authority: Commanding Officer, Marine Wing Support Squadron 172, Marine Wing Support Group 17, 1st Marine Aircraft Wing, Okinawa, Japan.
Staff Judge Advocate's Recommendation: LtCol J.M. Henry, USMC.
For Appellant: CDR Michelle Pettit, JAGC, USN.
For Appellee: Mr. Brian Keller, Esq.

10 January 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).