

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

**Before
M.D. MODZELEWSKI, R.G. KELLY, C.K. JOYCE
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**CHARLES E. ABORAIA
CORPORAL (E-4), U.S. MARINE CORPS**

**NMCCA 201200510
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 23 August 2012.

Military Judge: LtCol C.A. Miracle, USMC.

Convening Authority: Commanding Officer, MALS-31, MAG-31,
2d Marine Aircraft Wing, Beaufort, SC.

Staff Judge Advocate's Recommendation: LtCol J.J. Murphy,
USMC.

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

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

14 March 2013

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).