

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

**Before
R.Q. WARD, J.R. MCFARLANE, D.R. LUTZ
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**JOSE L. RODRIGUEZAGUILAR
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201300121
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 17 December 2012.

Military Judge: LtCol M.G. Geffroy, USMCR.

Convening Authority: Commanding Officer, Marine Aviation Logistics Squadron 31, Marine Aircraft Group 31, 2d MAW, Beaufort, SC.

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

For Appellant: CAPT Bree Ermentrout, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

30 May 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).