

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

**Before
J.K. CARBERRY, B.L. PAYTON-O'BRIEN, M. MCALEVY
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**KERRY C. SHANNON
GUNNER'S MATE FIRST CLASS (E-6), U.S. NAVY**

**NMCCA 201100382
GENERAL COURT-MARTIAL**

Sentence Adjudged: 5 May 2011.

Military Judge: LtCol Michael D. Mori, USMC.

Convening Authority: Commander, Navy Region Hawaii, Pearl Harbor, HI.

Staff Judge Advocate's Recommendation: LCDR K.A. Elkins, JAGC, USN.

For Appellant: CDR Edward V. Hartman, JAGC, USN.

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

15 November 2011

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 The court-martial order incorrectly reflects the suspension period for the appellant's confinement. In accordance with the pretrial agreement, the supplemental court-martial order will reflect

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).

that the suspension period is for the period of confinement served plus six months thereafter.

For the Court

R.H. TROIDL
Clerk of Court