

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

**Before
J.A. MAKSYM, B.L. PAYTON-O'BRIEN, R.Q. WARD
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**THOMAS C. SUMMERS
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 201100510
GENERAL COURT-MARTIAL**

Sentence Adjudged: 16 June 2011.

Military Judge: LtCol Gregory Simmons, USMC.

Convening Authority: Commanding Officer, 1st Marine Logistics Group, MarForPac, Camp Pendleton, CA.

Staff Judge Advocate's Recommendation: LtCol W.N. Pigott, Jr., USMC.

For Appellant: CAPT Diane Karr, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

30 April 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 The supplemental court-martial order will reflect that the period of suspension of confinement in excess of 15 months began running on the day the appellant was released from confinement and continued for a period of six months thereafter.

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).