

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

**Before
B.L. PAYTON-O'BRIEN, R.Q. WARD, D.O. HARRIS
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**MICHAEL A. MCTAGGART
UTILITIESMAN THIRD CLASS (E-4), U.S. NAVY**

**NMCCA 201200050
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 16 November 2011.

Military Judge: CAPT Tierney Carlos, JAGC, USN.

Convening Authority: Commander, U.S. Naval Activities Spain,
Rota Spain.

Staff Judge Advocate's Recommendation: LCDR J.R. Edgar, JAGC,
USN.

For Appellant: LT Gregory Morison, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

7 June 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).