

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

**Before  
B.L. PAYTON-O'BRIEN, R.G. KELLY, D.R. LUTZ  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**DANIEL R. MILLER  
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 201300062  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 11 October 2012.

**Military Judge:** Maj Nicholas Martz, USMC.

**Convening Authority:** Commanding Officer, 3d Battalion, 2d  
Marines, 2d Marine Division, Camp Lejune, NC.

**Staff Judge Advocate's Recommendation:** Maj J.N. Nelson, USMC.

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

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

**9 April 2013**

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**OPINION OF THE COURT**  
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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).<sup>1</sup>

For the Court

R.H. TROIDL  
Clerk of Court

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<sup>1</sup> To the extent that the convening authority's action purported to execute the bad-conduct discharge, it was a nullity. *United States v. Bailey*, 68 M.J. 409 (C.A.A.F. 2009).