

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

**Before
M. MODZELEWSKI, R.G. KELLY, M.G. MILLER
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**MICHAEL R. RODRIGUEZ, JR.
SERGEANT (E-5), U.S. MARINE CORPS**

**NMCCA 201300063
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 23 October 2012.

Military Judge: Maj Nicholas A. Martz, USMC.

Convening Authority: Commanding Officer, Headquarters Group
(Force Generation Element), II Marine Expeditionary Force,
Camp Lejeune, NC.

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

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

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

16 April 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 purported to execute the bad-conduct discharge, it was a nullity. *United States v. Bailey*, 68 M.J. 409 (C.A.A.F. 2009).