

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

**Before
M.D. MODZELEWSKI, F.D. MITCHELL, P.D. LOCHNER
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**JOSEPH Y. FANNING
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 201300225
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 18 March 2013.

Military Judge: Maj Eric L. Emerich, USMC.

Convening Authority: Commanding Officer, 3d Battalion, 8th
Marine Regiment, 2d Marine Division, Camp Lejeune, NC.

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

For Appellant: LCDR Shannon A. Llenza, JAGC, USN.

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

29 August 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.¹ Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c).

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).