

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

**Before
F.D. MITCHELL, J.A. MAKSYM, R.E. BEAL
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**WILLIAM C. BRAGG
STAFF SERGEANT (E-6), U.S. MARINE CORPS**

**NMCCA 200600228
GENERAL COURT-MARTIAL**

Sentence Adjudged: 10 June 2009.

Military Judge: CDR K.R. O'Neil, JAGC, USN.

Convening Authority: Commanding General, Marine Corps
Recruit Depot/Western Recruiting Region, San Diego, CA .

Staff Judge Advocate's Recommendation: Col M.B. Richardson,
USMC.

For Appellant: Capt Sean Patton, USMC.

For Appellee: Capt Mark Balfantz, USMC.

25 February 2010

OPINION OF THE COURT

AS AN UNPUBLISHED DECISION, THIS OPINION DOES NOT SERVE AS PRECEDENT.

PER CURIAM:

A military judge sitting as a general court-martial convicted the appellant, consistent with his pleas, of two specifications of violating of a lawful general order, two specifications of assault consummated by battery, and communication of indecent language, in violation of Articles 92, 128, and 134, Uniform Code of Military Justice, 10 U.S.C. §§ 892, 928, and 934. The approved sentence was confinement for forty-four months, forfeiture of all pay and allowances, reduction to pay grade E-1, and a bad-conduct discharge.

As a sole assignment of error the appellant alleges the convening authority's action and promulgating order do not

correctly reflect the results of trial.¹ We agree and will order the appropriate relief in our decretal paragraph. Otherwise, we have examined the record of trial and the parties' pleadings and we have determined that the findings and the sentence are correct in law and fact, and that no error materially prejudicial to the substantial rights of the appellant was committed. Arts. 59(a) and 66(c), UCMJ. The findings and sentence as approved by the convening authority are affirmed.

The court-martial promulgating order incorrectly states the findings to Specifications 3 and 4 to Charge III. Specifically, the order records a "Guilty" finding to both Specifications. In fact, the appellant pled "Not Guilty" to Specifications 3 and 4 to Charge III and the convening authority dismissed those specifications with prejudice as required by the pretrial agreement. The appellant is entitled to accurate records regarding his court-martial. *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim.App. 1998). We therefore direct that the supplemental court-martial order accurately reflect the disposition of Specifications 3 and 4 to Charge III.

For the Court

R.H. TROIDL
Clerk of Court

¹ The appellant originally submitted a second assignment of error alleging a deficiency in the staff judge advocate's recommendation. This assignment of error was later withdrawn by the appellant.