

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

**Before
L.T. BOOKER, J.K. CARBERRY, E.C. PRICE
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**JEREL D. CHILDS
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 201000129
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 14 September 2009.

Military Judge: Maj Stephen Keane, USMC.

Convening Authority: Commanding Officer, 7th Marines, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

Staff Judge Advocate's Recommendation: Maj M.J. Kent, USMC.

For Appellant: LCDR Donald Pashayan, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

27 May 2010

OPINION OF THE COURT

**IN ACCORDANCE WITH RULE 18.2, NMCCA RULES OF PRACTICE AND PROCEDURE, THIS
OPINION DOES NOT SERVE AS PRECEDENT.**

PER CURIAM:

A military judge sitting as a special court-martial convicted the appellant, consistent with his pleas, of one specification of using marijuana in violation of Article 112a, Uniform Code of Military Justice, 10 U.S.C. § 912a. The appellant was sentenced to confinement for 45 days, forfeiture of 2/3 pay per month for 2 months, and a bad-conduct discharge. The convening authority approved the sentence as adjudged.

Although this case is before us without an assignment of error, we note that the military judge erred in announcing the sentence as RULE FOR COURTS-MARTIAL 1003(b)(2), MANUAL FOR COURTS-

MARTIAL, UNITED STATES (2008 ed.), requires that, unless total forfeiture is adjudged, the amount of forfeitures adjudged be stated in whole dollars. This error is replicated, without comment or correction, throughout the post-trial processing and again in the convening authority's action. We will take corrective action in our decretal paragraph

We have examined the record of trial and, with the exception of the aforementioned error, conclude that the findings and the sentence are otherwise 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.

We affirm the findings and a sentence of confinement for a period of 45 days, forfeiture of \$933.00 pay per month for 2 months and a bad-conduct discharge.

For the Court

R.H. TROIDL
Clerk of Court