

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

**Before  
E.E. GEISER, L.T. BOOKER, M.W. PEDERSEN  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**DARRYL L. IEN, JR.  
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 200900498  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 17 June 2009.

**Military Judge:** LtCol Robert Q. Ward, USMC.

**Convening Authority:** Commanding Officer, 2d Marine  
Regiment, 2d Marine Division, Camp Lejeune, NC.

**Staff Judge Advocate's Recommendation:** Col W.G. Perez,  
USMC.

**For Appellant:** Maj Rolando Sanchez, USMCR.

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

**28 January 2010**

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**OPINION OF THE COURT**  
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**AS AN UNPUBLISHED DECISION, THIS OPINION DOES NOT SERVE AS PRECEDENT.**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 conspiracy to distribute a controlled substance and distribution of a controlled substance, in violation of Articles 81 and 112a, Uniform Code of Military Justice, 10 U.S.C. §§ 881 and 912a. The approved sentence was confinement for twelve months, forfeiture of \$933.00 pay per month for twelve months, reduction to pay grade E-1, and a bad-conduct discharge.

We have examined the record of trial, submitted without assignment of error. 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. Accordingly, we affirm the findings and the sentence as approved by the convening authority.

We note that the court-martial promulgating order incorrectly states the plea and findings for Charge III. Specifically, the order records a "Guilty" plea and finding with respect to the charge, but a "Not Guilty" plea and a "Dismissed with prejudice" finding to the Specification. The appellant in fact pleaded "Not Guilty" to Charge III and its specification, as contemplated by the pretrial agreement, and the convening authority dismissed that charge and its specification with prejudice as required by the 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 plea and disposition of Charge III and its specification.

For the Court

R.H. TROIDL  
Clerk of Court