

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

**Before
J.A. MAKSYM, J.R. PERLAK, B.L. PAYTON-O'BRIEN
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**CHARLES H. MILLER
LIEUTENANT JUNIOR GRADE (O-2), U.S. NAVY**

**NMCCA 201000483
GENERAL COURT-MARTIAL**

Sentence Adjudged: 1 July 2010.

Military Judge: Maj Robert G. Palmer, USMC.

Convening Authority: Commanding General, Marine Corps
Recruit Depot/Eastern Recruiting Region, Parris Island, SC.

Staff Judge Advocate's Recommendation: LtCol E.R. Klies,
USMC.

For Appellant: CAPT John H. Bennett, JAGC, USN.

For Appellee: LT R.K. Srivastava, JAGC, USN.

9 December 2010

OPINION OF THE COURT

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

PER CURIAM:

A military judge sitting as a general court-martial convicted the appellant, pursuant to his pleas, of violations of lawful general orders, operating a vehicle while intoxicated, wrongful use and wrongful introduction of cocaine, conduct unbecoming an officer and gentleman, and breaking restriction, in violation of Articles 92, 111, 112a, 133, and 134, Uniform Code of Military Justice, 10 U.S.C. §§ 892, 911, 912a, 933, and 934. The convening authority (CA) approved the appellant's sentence of confinement for 24 months, forfeiture of all pay and allowances, and a dismissal. Pursuant to a pretrial agreement, the CA

suspended all confinement in excess of 12 months for the period of confinement served, plus six months.

This case was submitted without specific assignment of error. After conducting our thorough review of the record of trial and allied papers, we are convinced 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 occurred. Arts. 59(a) and 66(c), UCMJ.

However, the CA's action and order, see RULE FOR COURTS-MARTIAL 1114, MANUAL FOR COURTS-MARTIAL, UNITED STATES (2008 ed.), contains error. Because service members are entitled to records that correctly reflect the results of court-martial proceedings, see *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim.App. 1998), we shall order the necessary corrective action.

The appellant providently pleaded guilty to, and was found guilty of, wrongful use of cocaine under Specification 1 of Charge III. The court-martial order erroneously states that Specification 1 concerned the wrongful introduction of cocaine onto a military installation. Wrongful introduction is captured in Specification 2 under Charge III, to which the appellant also entered a provident guilty plea.

The findings and the approved sentence are affirmed. The supplemental court-martial order shall correctly reflect the charges before this court-martial.

For the Court

R.H. TROIDL
Clerk of Court