

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

**Before
F.D. MITCHELL, J.A. MAKSYM, B.E. DELURY
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**JOHN H. WOODS
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 200900543
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 9 April 2009.

Military Judge: CAPT Bruce MacKenzie, JAGC, USN.

Convening Authority: Commanding Officer, Marine Corps
Communication-Electronics School, Training Command,
Twentynine Palms, CA.

Staff Judge Advocate's Recommendation: LtCol R.J.
Ashbacher, USMC.

For Appellant: CAPT Norman Aranda, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

30 March 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, pursuant to his pleas, of two specifications of wrongful use of a controlled substance in violation of Article 112a, Uniform Code of Military Justice, 10 U.S.C. § 912a. The appellant was sentenced to confinement for four months, reduction to pay grade E-1, and a bad-conduct discharge. The convening authority approved the sentence as adjudged, but suspended confinement in excess of 60 days pursuant to a pretrial agreement.

Although not submitted as error, we note that the special court-martial order reflects that the appellant pleaded guilty to all four of the specifications listed under the sole charge. This is erroneous. The appellant pleaded guilty to Specifications 3 and 4 only.¹ Because service members are entitled to records that correctly reflect the results of court-martial proceedings, we shall order the necessary corrective action. See *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim. App. 1998).

After conducting a thorough review of the record of trial, we are convinced that the findings and 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.

The findings and the approved sentence are affirmed. The supplemental court-martial order will correctly reflect that the appellant pleaded not guilty to Specifications 1 and 2 of the Charge.

For the Court

R.H. TROIDL
Clerk of Court

¹ The trial counsel made a motion to withdraw and dismiss Specifications 1 and 2 of the charge without prejudice, to ripen into withdrawal and dismissal with prejudice after the pronouncement of findings. The military judge granted the motion. Record at 36.