

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

**Before
J.A. MAKSYM, J.R. PERLAK, R.E. BEAL
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**JOHNNIE D. YAZZIE, JR.
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 201100144
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 7 December 2010.

Military Judge: Col Michael Richardson, USMC.

Convening Authority: Commanding Officer, 3d Battalion, 11th Marines, 1st Marine Division (REIN), FMF, MCAGCC, Twentynine Palms, CA.

Staff Judge Advocate's Recommendation: Col D.K. Margolin, USMC.

For Appellant: CDR Howard Liberman, JAGC, USN.

For Appellee: CDR Brendan Curran, JAGC, USN; Maj William C. Kirby, USMC.

29 September 2011

OPINION OF THE COURT

After careful consideration of the pleadings of the parties and the record, we affirm the findings and sentence as approved by the convening authority. Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c). However, we agree with the appellant that there is an error in the court-martial promulgating order and direct that the supplemental promulgating order accurately reflect the appellant's sentence, including the adjudged 80 days of confinement. *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim.App. 1998).

For the Court

R.H. TROIDL
Clerk of Court