

**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.**

**JARROD L. BUCHANAN  
AVIATION BOATSWAIN'S MATE (HANDLING)  
AIRMAN (E-3), U.S. NAVY**

**NMCCA 201100138  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 17 December 2010.

**Military Judge:** CAPT Moira Modzelewski, JAGC, USN.

**Convening Authority:** Commander, Navy Region, Mid-Atlantic, Norfolk, VA.

**Staff Judge Advocate's Recommendation:** CDR F.D. Hutchison, JAGC, USN.

**For Appellant:** CAPT Salvador A. Dominguez, JAGC, USN.

**For Appellee:** CAPT M.A. Grover, JAGC, USN; Capt M.V. Balfantz, USMC.

**13 December 2011**

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**OPINION OF THE COURT**  
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**THIS OPINION DOES NOT SERVE AS BINDING PRECEDENT, BUT MAY BE CITED AS  
PERSUASIVE AUTHORITY UNDER NMCCA RULE OF PRACTICE AND PROCEDURE 18.2.**

PER CURIAM:

A military judge sitting as a general court-martial convicted the appellant, pursuant to his pleas, of attempted larceny, larceny, wrongfully obtaining services under false pretenses, and wrongful use of another person's identification in violation of Articles 80, 121, and 134, Uniform Code of

Military Justice, 10 U.S.C. §§ 880, 921, and 934. The military judge sentenced the appellant to confinement for 18 months, reduction to pay grade E-1, and a dishonorable discharge. The convening authority approved the sentence as adjudged but, pursuant to a pretrial agreement, suspended all confinement in excess of 14 months.

The appellant's sole assigned error is that the finding to Specification 7 of Charge III is inaccurately summarized in the court-martial order; he requests we correct the error in our decretal paragraph. The Government concedes the error and concurs with the relief sought. Upon review of the record of trial and the parties' pleadings, we conclude that the findings and sentence are correct in law and fact, and there was no error materially prejudicial to the substantial rights of the appellant. Arts. 59(a) and 66(c), UCMJ.

### **Discussion**

Specification 7 of Charge III alleged that the appellant stole \$500 from a department store "on divers occasions." During the providence inquiry the military judge ascertained there was only one theft from the department store and found the appellant guilty of the specification, excepting the words "on divers occasions." Nonetheless, the court-martial order inaccurately summarized the finding to the specification as "guilty" without noting the excepted language. The appellant is entitled to have all his official records reflect the results of his court-martial. *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim.App. 1998).

### **Conclusion**

The findings and sentence are affirmed. We direct that the supplemental court-martial order note the appellant was found guilty of Specification 7 of Charge III excepting the words "on divers occasions."

For the Court

R.H. TROIDL  
Clerk of Court