

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

**Before  
L.T. BOOKER, J.K. CARBERRY, E.C. PRICE  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**DEVIN M. CASEY  
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201000678  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 31 August 2010.

**Military Judge:** Col Michael Richardson, USMC.

**Convening Authority:** Commanding Officer, 7th Marine Regiment (RBE), 1st Marine Division (REIN), Twentynine Palms, CA.

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

**For Appellant:** CDR Don Evans, JAGC, USN.

**For Appellee:** Capt Paul Ervasti, USMC.

**26 May 2011**

-----  
**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, consistent with his pleas, of unauthorized absence and three specifications of ecstasy use, violations, respectively, of Articles 86 and 112a, Uniform Code of Military Justice, 10 U.S.C. §§ 886 and 912a. The convening authority (CA) approved the adjudged sentence of confinement for five months, forfeitures of \$964.00 pay per month for five months, reduction to pay grade E-1, and a bad-conduct discharge from the U.S. Marine Corps.

In his single assignment of error, the appellant alleges that the staff judge advocate's recommendation and the court-martial promulgating order incorrectly show the inception date (by a single day) of his absence. He requests that we return the record to the CA for proper post-trial processing or alternatively order corrective action ourselves.

The Government concedes error in this case and suggests the alternative course of action. We agree that there is error, but we also find that it is not materially prejudicial to a substantial right of the appellant. A service member is entitled to records that accurately reflect the result of a court-martial. See *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim.App. 1998). Rather than return the record to the CA, we will address the remedy in our decretal paragraph.

The findings and sentence are correct in law and fact and no error materially prejudicial to the substantial rights of the appellant occurred. Arts. 59(a) and 66(c), UCMJ. The findings and sentence are affirmed. The supplemental court-martial order will reflect that the appellant's unauthorized absence began on 12 March 2010 and ended on 19 July 2010.

For the Court

R.H. TROIDL  
Clerk of Court