

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

**Before
C.L. REISMEIER, F.D. MITCHELL, G.G. GERDING
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**CHRISTOPHER J. MACHUCA
SERGEANT (E-5), U.S. MARINE CORPS**

**NMCCA 201100038
GENERAL COURT-MARTIAL**

Sentence Adjudged: 28 September 2010.

Military Judge: CDR Douglas Barber, JAGC, USN.

Convening Authority: Commanding General, Training and Education Command, Quantico, VA.

Staff Judge Advocate's Recommendation: LtCol T.J. Enge, USMC.

For Appellant: CAPT Stephen White, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

28 April 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 general court-martial, convicted the appellant, pursuant to his pleas, of three specifications of failure to obey a lawful general order and one specification of involuntary manslaughter, in violation of Articles 92 and 119, Uniform Code of Military Justice, 10 U.S.C. §§ 892 and 919. The appellant was sentenced to confinement for four years, total forfeiture of pay and allowances, reduction to pay grade E-1, and a bad-conduct discharge. On 19 January 2011, the convening authority approved the sentence as adjudged.

Although not assigned as error, we note the court-martial order incorrectly states the appellant's sentence was adjudged "28 September 2008." The sentence was actually adjudged on 28 September 2010. From this obvious scrivener's error we discern no material prejudice to the substantial rights of the appellant. Art. 59(a), UCMJ. The appellant, however is entitled to correction of his official records.

Therefore, we affirm the findings and sentence as approved by the convening authority. The supplemental court-martial order shall reflect the correct date the sentence was adjudged.

For the Court

R.H. TROIDL
Clerk of Court