

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

**Before
C.L. REISMEIER, F.D. MITCHELL, D.R. LUTZ
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**JARED J. MOON
PRIVATE FIRST CLASS (E-2), U.S. MARINE CORPS**

**NMCCA 201000646
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 19 August 2010.

Military Judge: CDR Douglas Barber, JAGC, USN.

Convening Authority: Commanding Officer, Marine Corps
Detachment, Fort Leonard Wood, MO.

Staff Judge Advocate's Recommendation: LtCol J.L. Gruter,
USMC.

For Appellant: Maj Rolando Sanchez, USMCR.

For Appellee: Mr. Brian Keller, Esq.

29 March 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, pursuant to his pleas, of unauthorized absence, wrongful use of marijuana, two specifications of larceny, and one specification of house breaking, in violation of Articles 86, 112a, 121, and 130, Uniform Code of Military Justice, 10 U.S.C. §§ 886, 912a, 921, and 930. The trial judge sentenced the appellant to confinement for nine months, and a bad-conduct discharge. The convening authority approved the sentence as adjudged but suspended confinement in excess of 180 days in accordance with the terms of the pretrial agreement.

The appellant's case was submitted to this court without assignment of error. We note however, that the court-martial order¹ does not reflect the correct disposition of Specification 1 of Charge II. We find that corrective action is necessary. We conclude 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 appellant pleaded guilty to all charges and specifications with the exception of Specification 1 of Charge II. At the conclusion of the providence inquiry and after ensuring the appellant understood the provisions of Part I of the pretrial agreement, the military judge granted the Government's motion to "withdraw and dismiss [Specification 1 of Charge II] without prejudice to ripen into prejudice upon pronouncement of sentence." Record at 73-74. Accordingly, the court-martial order reflecting that the appellant was found "NG" of that specification is in error.

Conclusion

We affirm the findings and sentence as approved by the convening authority. The supplemental court-martial order will reflect that Specification 1 of Charge II was withdrawn by the Government.

For the Court

R.H. TROIDL
Clerk of Court

¹ The court-martial order is also missing the words "is suspended" from the action, but the intent of the convening authority is clear. In the absence of some claim that the appellant's confinement was not in fact suspended, the omission is a mere scrivener's error.