

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

**Before
J.A. MAKSYM, B.L. PAYTON-O'BRIEN, M. FLYNN
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**SEAN A. SHAFER
SERGEANT (E-5), U.S. MARINE CORPS**

**NMCCA 201000634
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 23 August 2010.

Military Judge: Maj Robert Palmer, USMC.

Convening Authority: Commanding Officer, 1st Marine Corps
District, Garden City, NY.

Staff Judge Advocate's Recommendation: LtCol E.R. Kleis,
USMC.

For Appellant: LCDR Matthew Schelp, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

15 February 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:

After careful consideration of the record, submitted without assignment of error, 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). We note, however, that the court-martial order incorrectly states that as to Specification 1 under Charge I the appellant pled and was found guilty. As correctly reflected in the results of trial attached to the staff judge advocate's recommendation, the appellant pled

not guilty to that specification and the Government withdrew it upon acceptance of the appellant's pleas. Record at 55. The supplemental court-martial order will correctly reflect the pleas and findings as to Specification 1 under Charge I.

For the Court

R.H. TROIDL
Clerk of Court