

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

**Before
B.L. PAYTON-O'BRIEN, R.G. KELLY, J.R. MCFARLANE
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**JACOB M. BLOOM
CORPORAL (E-4), U.S. MARINE CORPS**

**NMCCA 201200186
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 24 January 2012.

Military Judge: LtCol Stephen Keane, USMC.

Convening Authority: Commanding Officer, 3d Battalion, 11th
Marines, 1st Marine Division (REIN), FMF, MCA GCC,
Twentynine Palms, CA.

Staff Judge Advocate's Recommendation: Maj V.G. Laratta,
USMC.

For Appellant: CAPT Diane Karr, JAGC, USN.

For Appellee: LCDR G.R. Dimler, JAGC, USN; Capt S.C. Moore,
USMC.

31 August 2012

OPINION OF THE COURT

**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 special court-martial convicted the appellant, pursuant to his pleas, of one specification of a violation of a lawful general order by wrongfully tampering with a urine sample and two specifications of wrongful use of a controlled substance, in violation of

Articles 92 and 112a, Uniform Code of Military Justice, 10 U.S.C. §§ 892 and 912a. The appellant was sentenced to confinement for 110 days, forfeiture of \$980.00 pay per month for four months, reduction to the pay grade E-1, and a bad-conduct discharge. The convening authority (CA) approved the sentence as adjudged. Pursuant to a pretrial agreement, the CA suspended all confinement in excess of time served.

The appellant alleges, and the Government concurs, that the military judge erred in calculating his pretrial confinement credit, awarding only 47 days of administrative pretrial confinement credit under *United States v. Allen*, 17 M.J. 126 (C.M.A. 1984), instead of 48 days. The CA did not correct this error in his action. Because an appellant is entitled to have his or her official records correctly reflect the results of the proceedings, this court may remedy such errors in its decretal paragraph. *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim.App. 1998).

The findings and sentence are affirmed.¹ The supplemental court-martial order shall indicate that the appellant is entitled to 48 days of pretrial confinement credit. Following this correction, no error materially prejudicial to the substantial rights of the appellant remains. Arts. 59(a) and 66(c), UCMJ.

For the Court

R.H. TROIDL
Clerk of Court

¹ To the extent the convening authority's action purports to order the punitive discharge executed upon completion of appellate review, it is a nullity and does not require corrective action. See *United States v. Tarniewicz*, 70 M.J. 543 (N.M.Ct.Crim.App. 2011).