

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

**Before  
J.R. PERLAK, M.D. MODZELEWSKI, C.K. JOYCE  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**RYAN A. CHAPEN  
HOSPITALMAN (E-3), U.S. NAVY**

**NMCCA 201200349  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 20 April 2012.

**Military Judge:** Maj Clay A. Plummer, USMC.

**Convening Authority:** Commanding Officer, Marine Corps Base,  
Camp Lejeune, NC.

**Staff Judge Advocate's Recommendation:** LtCol R.A. Fifer,  
USMC.

**For Appellant:** Maj Emmett S. Collazo, USMCR.

**For Appellee:** LCDR Keith Lofland, JAGC, USN; Capt Samuel C.  
Moore, USMC.

**11 December 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 general court-martial, convicted the appellant, consistent with his pleas, of two specifications of making a false official statement and one specification of possessing child pornography, in violation of Articles 107 and 134, Uniform Code of Military Justice, 10 U.S.C. §§ 907 and 934. The military judge sentenced the appellant to confinement for 18 months, reduction to pay grade

E-1, and a bad-conduct discharge. Pursuant to a pretrial agreement, the convening authority suspended all confinement in excess of 12 months but otherwise approved the adjudged sentence and ordered it executed.<sup>1</sup>

After careful consideration of the sole assignment of error<sup>2</sup> submitted pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), we find the matter raised by the appellant is unsubstantiated by the record and does not merit relief. *United States v. Matias*, 25 M.J. 356, 363 (C.M.A. 1987).

We conclude that the findings and the sentence are correct in law and fact, and no error materially prejudicial to the substantial rights of the appellant exists. Arts. 59(a) and 66(c), UCMJ.

For the Court

R.H. TROIDL  
Clerk of Court

---

<sup>1</sup> To the extent that the convening authority's action purported to execute the bad-conduct discharge, it was a nullity. *United States v. Bailey*, 68 M.J. 409 (C.A.A.F. 2009).

<sup>2</sup> WHETHER THE MILITARY JUDGE WAS UNLAWFULLY INFLUENCED BY THE PRESENCE OF AN NCIS AGENT IN THE DELIBERATION ROOM