

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

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

**UNITED STATES OF AMERICA**

**v.**

**CHRISTOPHER D. CUMMINGS  
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201200025  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 5 October 2011.

**Military Judge:** LtCol Steven P. Logan, USMC.

**Convening Authority:** Commanding General, 1st Marine  
Logistics Group, MarForPac, Camp Pendleton, CA.

**Staff Judge Advocate's Recommendation:** LtCol W.N. Pigott,  
Jr., USMC.

**For Appellant:** CDR Christopher J. Geis, JAGC, USN.

**For Appellee:** Mr. Brian K. Keller, Esq.

**29 March 2012**

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**OPINION OF THE COURT**  
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**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, pursuant to his pleas, of attempted sale of military property, sale of military property, and larceny of military property, in violation of Articles 81, 108, and 121, Uniform Code of Military Justice, 10 U.S.C. §§ 881, 908 and 921. The military judge sentenced the appellant to confinement for 36 months, forfeiture of \$500.00 pay per month

for 36 months, a fine of \$30,000.00, reduction to pay grade E-1, and a bad-conduct discharge. In accordance with a pretrial agreement, the convening authority (CA) suspended confinement in excess of six months for the period of confinement served plus six months. The CA further disapproved all adjudged forfeitures, in addition to disapproving fines in excess of \$10,000.00. Additionally, the CA approved the adjudged sentence to confinement for 36 months, reduction to pay grade E-1, and a bad-conduct discharge.

This case was submitted without specific assignment of error.<sup>1</sup> After conducting our review of the record of trial and allied papers, subject to the corrections ordered below, we are convinced that the findings and the 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.

However, the promulgating order, see RULE FOR COURTS-MARTIAL 114, MANUAL FOR COURTS-MARTIAL, UNITED STATES (2008 ed.), contains error. Because service members are entitled to records that correctly reflect the results of court-martial proceedings, see *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim.App. 1998), we shall order the necessary corrective action.

The promulgating order misidentifies the Article 108, UCMJ offenses as "Article 109." It fails to list the adjudged \$30,000.00 fine within the sentenced adjudged portion, although the fine is acknowledged and dealt with in the approval section, consistent with the terms of the pretrial agreement. The supplemental court-martial order shall properly list the guilty findings for the seven specifications under Article 108.

We conclude that the findings and the sentence are correct in law and fact and that no error materially prejudicial to the substantial rights of the appellant was committed. The findings and sentence as approved by the CA are affirmed.

For the Court

R.H. TROIDL  
Clerk of Court

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<sup>1</sup> While styled as a merit submission, additional verbiage accompanies this appeal which procedurally lends itself to a summary assignment of error.