

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

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

**UNITED STATES OF AMERICA**

**v.**

**CHAD L. DOVER  
CORPORAL (E-4), U.S. MARINE CORPS**

**NMCCA 201100312  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 14 March 2011.

**Military Judge:** LtCol David M. Jones, USMC.

**Convening Authority:** Commanding General, 3d Marine Division  
(-)(Rein), Okinawa, Japan.

**Staff Judge Advocate's Recommendation:** LtCol K.J. Estes,  
USMC.

**For Appellant:** CAPT Johnathan W. Bryan, JAGC, USN.

**For Appellee:** Maj William C. Kirby, USMC.

**12 January 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, consistent with his pleas, of failing to obey a lawful general order, unlawful sexual contact, and unlawfully entering a barracks room in violation of Articles 92, 120, and 134, Uniform Code of Military Justice, 10 U.S.C. §§ 892, 920, and 934. The military judge sentenced the appellant to confinement for fifteen months, reduction to pay grade E-1, forfeiture of all pay and allowances, and a bad-conduct

discharge. The convening authority approved the sentence as adjudged.

The appellant's sole assigned error is that, pursuant to *United States v. Fosler*, 70 M.J. 225 (C.A.A.F. 2011), the sole specification of Charge III (unlawful entry) fails to state an offense because the specification does not allege the terminal element of Article 134. We disagree.

The appellant's case is significantly distinguishable from *Fosler* because: 1) the appellant did not challenge the adequacy of the specification at trial; 2) he pled guilty to the specification; 3) he stipulated to the terminal element; 4) the military judge ensured the appellant understood the terminal element of the offense; and, 5) the appellant provided a factual basis to establish he was guilty of conduct prejudicial to good order and discipline, or of a nature to bring discredit upon the armed forces. Accordingly, we resolve the assigned error adverse to the appellant. See *United States v. Hackler*, \_\_\_ M.J. \_\_\_, No. 201100323, 2011 CCA LEXIS 371 (N.M.Ct.Crim.App. 22 Dec 2011).

After careful consideration of the record, we affirm the findings and the sentence as approved by the convening authority.

For the Court

R.H. TROIDL  
Clerk of Court