

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

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

UNITED STATES OF AMERICA

v.

**RICHARD M. HUCKS
LOGISTICS SPECIALIST THIRD CLASS (E-4), U.S. NAVY**

**NMCCA 201200068
GENERAL COURT-MARTIAL**

Sentence Adjudged: 3 November 2011.

Military Judge: CDR Lewis Booker, JAGC, USN.

Convening Authority: Commander, Navy Region Northwest,
Silverdale, WA.

Staff Judge Advocate's Recommendation: LCDR D. Rieke, JAGC,
USN.

For Appellant: LCDR John T. Zelinka, JAGC, USN.

For Appellee: Mr. Brian Keller, Esq.

15 May 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 one specification of rape of a child and one specification of indecent liberties with a child under the age of 16, in violation of Article 120, Uniform Code of Military Justice, 10 U.S.C. § 920. The appellant was sentenced to confinement for 20 years and a dishonorable discharge. The convening authority approved the sentence as adjudged. Pursuant to a pretrial

agreement, all confinement in excess of 15 years was suspended for the term of confinement plus 12 months.

The case was submitted to the court on its merits. We note that the promulgating order erroneously lists the date of the adjudged sentence as 31 October 2011 vice the correct date of 3 November 2011. General Court-Martial Order 3-12 of 9 February 2012 at 2. We will order corrective action in our decretal paragraph.

We find no prejudice to the appellant from this error, as it appears to be purely typographical in nature. However, the appellant is entitled to correction of his official records. Art. 59(a), UCMJ; *United States v. Glover*, 57 M.J. 696, 697-98 (N.M.Ct.Crim.App. 2002); *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim.App. 1998).

Accordingly, the findings and sentence are affirmed. The supplemental promulgating order shall reflect the correct date the sentence was adjudged.

For the Court

R.H. TROIDL
Clerk of Court