

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

**Before  
M.D. MODZELEWSKI, E.C. PRICE, R.G. KELLY  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**DANIEL M. PROPST  
BOATSWAIN'S MATE SEAMAN (E-3), U.S. NAVY**

**NMCCA 201200413  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 15 June 2012.

**Military Judge:** CDR Lewis T. Booker, Jr., JAGC, USN.

**Convening Authority:** Commanding Officer, USS JOHN C STENNIS  
(CVN 74).

**Staff Judge Advocate's Recommendation:** LCDR C.W.  
Hutchinson, JAGC, USN.

**For Appellant:** LCDR Shannon A. Llenza, JAGC, USN.

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

**27 December 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:

The appellant was convicted, pursuant to his pleas, of conspiracy, three specifications of wrongful drug use, and wrongful distribution of a controlled substance, in violation of Articles 81 and 112a, Uniform Code of Military Justice, 10 U.S.C. §§ 881 and 912a. The military judge, sitting as a special court-martial, sentenced him to confinement for 11 months, reduction to pay grade E-1, forfeiture of \$900.00 pay per month for eleven months, and a bad-conduct discharge. The

convening authority approved the sentence as adjudged, but suspended adjudged forfeitures for 12 months from the date of his action and deferred and then waived automatic forfeitures for 6 months from the date of his action pursuant to a pretrial agreement.

The case was submitted without assignment of error. We note that the court-martial order erroneously identifies the controlled substance "transfer [red]" in the Specification of Charge I, "use[d]" in Specification 1 of Charge II, and "distribute[d]" in Specification 4 of Charge II, having failed to reflect pen-and-ink changes made on the charge sheet prior to arraignment. Although we find these errors harmless, the appellant is entitled to have the promulgating order correctly reflect the results of his proceeding. *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim.App. 1998). We will order appropriate action in the decretal paragraph.

### **Conclusion**

The findings and the sentence are affirmed. The supplemental court-martial promulgating order shall reflect that the drug benzylpiperazine was the drug transferred in the specification under Charge I, used in Specification 1 of Charge II, and distributed in Specification 4 of Charge II.

For the Court

R.H. TROIDL  
Clerk of Court