

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

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

UNITED STATES OF AMERICA

v.

**TYLER R. WILLIAMS
FIRE CONTROL TECHNICIAN THIRD CLASS (E-4), U.S. NAVY**

**NMCCA 201200113
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 6 December 2011.

Military Judge: LtCol Charles C. Hale, USMC.

Convening Authority: Commanding Officer, Naval Submarine
Support Center New London, Groton, CT.

For Appellant: CAPT Brent Filbert, JAGC, USN.

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

24 July 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 special court-martial convicted the appellant, pursuant to his pleas, of four specifications of abusive sexual contact, in violation of Article 120, Uniform Code of Military Justice, 10 U.S.C. § 920. The convening authority (CA) approved the appellant's sentence of confinement for 360 days, forfeiture of \$970.00 pay per month for twelve months, reduction to pay grade E-1, and a bad-conduct discharge. The CA approved the sentence as adjudged and, except for the bad-conduct discharge, ordered it executed.

The appellant assigns as error the fact that the CA's action contained an incorrect statement of the appellant's plea to Specification 4 under the charge. Pursuant to a pretrial agreement, the appellant entered pleas of guilty to all four specifications, but the CA's action contains errata in misidentifying the plea to Specification 4 as "not guilty" where a guilty plea was in fact entered. The appellant has not established any prejudice from the error, but is nonetheless entitled to a record that correctly reflects the results of the court-martial proceedings. See *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim.App. 1998). We order the necessary corrective action.

The supplemental court-martial order shall correctly reflect pleas of guilty and findings of guilty to all four specifications under the charge. With that correction, 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. The findings and the approved sentence are affirmed.

For the Court

R.H. TROIDL
Clerk of Court