

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

**Before  
M.D. MODZELEWSKI, K.K. THOMPSON, P.D. LOCHNER  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**JOHN W. ELDER  
MASTER-AT-ARMS SEAMAN RECRUIT (E-1), U.S. NAVY**

**NMCCA 201300017  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 1 November 2012.

**Military Judge:** Col Daniel J. Daugherty, USMC.

**Convening Authority:** Commanding Officer, Naval Submarine  
Base New London, Groton, CT.

**Staff Judge Advocate's Recommendation:** LT Griffin T.  
Farris, JAGC, USN.

**For Appellant:** Maj Peter Griesch, USMCR.

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

**7 May 2013**

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**OPINION OF THE COURT**  
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After careful consideration of the record, submitted without assignment of error, we affirm the findings and the sentence as approved by the convening authority. Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c).

We note that the court-martial order contains a scrivener's error in relation to Charge I. We find that the error is harmless.<sup>1</sup> The appellant is entitled to a corrected court-martial order. The supplemental court-martial order shall

reflect that Charge I was a violation of UCMJ Article 80, vice Article 92.

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<sup>1</sup> *United States v. Crumpley*, 49 M.J. 538-39 (N.M.Ct.Crim.App. App 1998).

For the Court

R.H. TROIDL  
Clerk of Court