

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

**Before  
J.R. PERLAK, B.L. PAYTON-O'BRIEN, J.R. MCFARLANE  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**BRANDON T. FORD  
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 201300038  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 1 October 2012.

**Military Judge:** LtCol Gregory Simmons, USMC.

**Convening Authority:** Commanding Officer, Marine Aviation Logistics Squadron 39, Marine Aircraft Group 39, Camp Pendleton, CA.

**Staff Judge Advocate's Recommendation:** LtCol K.C. Harris, USMC.

**For Appellant:** CAPT Stephen White, JAGC, USN.

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

**21 March 2013**

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**OPINION OF THE COURT**  
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PER CURIAM:

A military judge sitting as a special court-martial convicted the appellant, pursuant to his pleas, of violation of a lawful general order and two specifications of wrongful use of a controlled substance in violation of Articles 92 and 112a, Uniform Code of Military Justice, 10 U.S.C. §§ 892 and 912a. The convening authority (CA) approved the appellant's sentence of confinement for seven months, forfeiture of \$994.00 pay per month for seven months, and a bad-conduct discharge. Pursuant to a pretrial agreement, the CA agreed to suspend all

confinement in excess of six months for the period of confinement served plus six months thereafter.

This case was submitted without specific assignment of error. After conducting our thorough review of the record of trial and allied papers, we are convinced that the findings and 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.

However, the promulgating order, see RULE FOR COURTS-MARTIAL 1114, MANUAL FOR COURTS-MARTIAL, UNITED STATES (2012 ed.), contains error. Because service members are entitled to records that correctly reflect the results of court-martial proceedings, see *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim.App. 1998), we shall order the necessary corrective action.

While properly advised in the recommendation of the staff judge advocate to effectuate a period of suspension indexed from the period of confinement served, the CA in taking his action commences the suspension period from the date of his action. While such an action might inure to the benefit of an appellant in post-trial confinement on the date of the CA's action by abbreviating the suspension period, in this case it extends the period of suspension beyond the six months in the pretrial agreement. At trial, the appellant received 99 days of pretrial confinement credit, which combined with the limitation of six months confinement in his pretrial agreement, resulted in his release prior to the CA's action. The suspension period should begin at this earlier date, rather than on the later date of the action.

The findings and the approved sentence are affirmed. The supplemental court-martial order shall correctly reflect the period of suspension commenced on the date the appellant was released from confinement and not the later date of the CA's action.

For the Court

R.H. TROIDL  
Clerk of Court