

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

**Before  
F.D. MITCHELL, J.A. FISCHER, M.K. JAMISON  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**JERRY L. GREEN, JR.  
PRIVATE (E-1), U.S. MARINE CORPS**

**NMCCA 201300231  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 15 April 2013.

**Military Judge:** LtCol Eugene H. Robinson, JR., USMC.

**Convening Authority:** Commanding Officer, Combat Logistics Battalion 4, Combat Logistics Regiment 3, 3d Marine Logistics Group, Okinawa, Japan.

**Staff Judge Advocate's Recommendation:** Maj P.D. Sanchez, USMC.

**For Appellant:** CDR R. D. Evans, Jr., JAGC, USN.

**For Appellee:** CDR Keith B. Lofland, JAGC, USN; Maj David Roberts, USMC.

**12 November 2013**

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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:

A military judge, sitting as a special court-martial, convicted the appellant, pursuant to his pleas, of two specifications of violating a lawful general order, and one specification each of making a false official statement, obstruction of justice, and reckless endangerment, in violation

of Articles 92, 107, and 134, Uniform Code of Military Justice, 10 U.S.C. §§ 892, 907, and 934. The appellant was sentenced to 270 days confinement, a bad-conduct discharge, and a reprimand. The convening authority (CA) approved the adjudged sentence, but suspended confinement in excess of 90 days, in accordance with a pretrial agreement.

After approving the sentence and, except for the bad-conduct discharge, ordering it executed, the CA indicated that ". . . a punitive letter is this date being served upon the accused and a copy is incorporated as part of this action." Supplemental Court Martial Order Number 02-2013 of 7 Jun 2013 at 2.

Any reprimand awarded by a court-martial and approved by the CA must be in writing and included in the CA's action. RULES FOR COURT-MARTIAL 1003(b)(1) and 1107(f)(4)(G), MANUAL FOR COURTS-MARTIAL, UNITED STATES (2012 ed.). In the case at bar, the letter of reprimand is neither contained in the CA's action nor attached to the record. The Government contacted the CA's staff judge advocate who could find no record that a punitive letter was ever issued to the appellant. Appellee's Brief of 24 Sep 2013 at 5.

In his sole assignment of error, the appellant contends that because the letter of reprimand is not contained in the CA's action or elsewhere in the record, the record is incomplete. The appellant further contends, and the Government concedes, that the appropriate remedy would be for this court not to affirm that portion of the sentence. We agree. See *United States v. Casey*, 32 M.J. 1023, 1023-24 (A.F.C.M.R. 1991).

Accordingly, we affirm the findings and only that portion of the sentence which extends to a bad-conduct discharge and confinement for 270 days.

For the Court

R.H. TROIDL  
Clerk of Court