

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

**Before  
M.D. MODZELEWSKI, R.G. KELLY, T.R. ZIMMERMANN  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**JAMES E. MCIVORY  
AVIATION BOATSWAIN'S MATE (HANDLING) THIRD CLASS (E-4)  
U.S. NAVY**

**NMCCA 201200432  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 31 May 2012.

**Military Judge:** CDR Colleen Glaser-Allen, JAGC, USN.

**Convening Authority:** Commanding Officer, USS DWIGHT D.  
EISENHOWER (CVN 69).

**Staff Judge Advocate's Recommendation:** CAPT F.D. Mitchell,  
JAGC, USN.

**For Appellant:** Capt David A. Peters, USMC.

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

**12 March 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 one specification of unauthorized absence, one specification of violating a lawful general regulation (sexual harassment), one specification of wrongful use of marijuana, and one specification of breaking restriction, in violation of Articles 86, 92, 112a, and 134, Uniform Code of Military Justice, 10

U.S.C. §§ 886, 8982, 912a, and 934. The military judge convicted the appellant, contrary to his pleas, of three specifications of violating a lawful general regulation (sexual harassment), one specification of wrongful sexual contact, and one specification of obstructing justice in violation of Articles 92, 120, and 134, UCMJ, 10 U.S.C. §§ 892, 920, and 934. The appellant was sentenced to reduction to pay grade E-1 and a bad-conduct discharge. The convening authority approved the sentence as adjudged.

The case was submitted without assignment of error. We note that the court-martial order erroneously states that the appellant entered pleas of not guilty to Charge II and Additional Charge I; however, the appellant entered pleas of guilty to those charges. 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.

The findings and the sentence are affirmed. The supplemental court-martial promulgating order shall reflect that the appellant entered pleas of guilty to Charge II and Additional Charge I.

For the Court

R.H. TROIDL  
Clerk of Court