

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

**Before  
J.R. PERLAK, M.D. MODZELEWSKI, G.G. GERDING  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**ENICIA R. CLARKE  
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201200118  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 19 October 2011.

**Military Judge:** LtCol Robert G. Palmer, USMC.

**Convening Authority:** Commanding General, 4th Marine  
Logistics Group, Marine Forces Reserve, New Orleans, LA.

**Staff Judge Advocate's Recommendation:** Col R.G. Kelly,  
USMC.

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

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

**31 July 2012**

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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 general court-martial, convicted the appellant, pursuant to her pleas, of attempted larceny (two specifications), conspiracy to commit larceny (two specifications), false official statement (two specifications), and larceny (three specifications), in violation of Articles 80, 81, 107, and 121, Uniform Code of Military Justice, 10 U.S.C. §§ 880, 881, 907, and 921. On 19 October 2011, the military judge sentenced the appellant to confinement for 24 months, reduction to pay grade

E-1, forfeiture of all pay and allowances for 24 months, and a bad-conduct discharge. Pursuant to a pretrial agreement, the convening authority (CA) approved the adjudged sentence, but suspended all confinement and adjudged forfeitures.

Though not assigned as error, we note the court-martial order (CMO) fails to reflect that the military judge dismissed Specification 3 of Charge I, and Specifications 1, 2, and 3, of Charge III. The military judge held that Specification 3 of Charge I, and Specifications 1, 2, and 3, of Charge III, were multiplicitous with other specifications and ordered they be dismissed. Record at 118-23. We find no prejudice to the appellant with regard to this error, but she is entitled to have her records accurately reflect the results of her court-martial. *United States v. Crumpley*, 49 M.J. 538, 539 (N.M.Ct.Crim.App. 1998).

We conclude 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 was committed. Arts. 59(a) and 66(c), UCMJ. The findings and the sentence are therefore affirmed. We direct that the supplemental CMO reflect that Specification 3 of Charge I, and Specifications 1, 2, and 3, of Charge III were dismissed.

For the Court

R.H. TROIDL  
Clerk of Court