

UNITED STATES NAVY–MARINE CORPS
COURT OF CRIMINAL APPEALS

No. 201800229

UNITED STATES OF AMERICA
Appellee

v.

Tristam B. VOWELL
Aviation Structural Mechanic Airman (E-3), U.S. Navy
Appellant

Appeal from the United States Navy-Marine Corps Trial Judiciary

Military Judge: Commander Jason L. Jones, JAGC, USN.

For Appellant: Captain Jeremiah J. Sullivan III, JAGC, USN.

For Appellee: Brian K. Keller, Esq.

Decided 15 November 2018

Before WOODARD, FULTON, and HINES, *Appellate Military Judges*

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

Although not raised by the appellant, we note that there is a scrivener's error in the appellant's court-martial promulgating order. The order contains two specifications of the Charge labeled as "Specification 6." The second "Specification 6" contained within the order should have been labeled as "Specification 7."

The appellant is entitled to an official record accurately reflecting the results of his proceedings, and, when we find that the official record is inaccurate, we test such errors under a harmless-error standard. *United States v. Crumpley*, 49 M.J. 538, 539 (N-M. Ct. Crim. App. 1989). The failure to properly label the specifications in the order was error; however, the error was harmless as it did not materially prejudice the appellant's substantial rights. To ensure the appellant

has an official record which accurately reflects his proceedings, we order that the supplemental promulgating order properly reflect the numbering of the specifications.

FOR THE COURT

Handwritten signature of Roger A. Drew, Jr. in blue ink, consisting of stylized initials 'R.A.D.' followed by a plus sign.

RODGER A. DREW, JR.
Clerk of Court

