

# United States Navy–Marine Corps Court of Criminal Appeals

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UNITED STATES

Appellee

v.

**Abisha A. DEVONISH**

Lance Corporal (E-3), U.S. Marine Corps

Appellant

**No. 201800339**

Appeal from the United States Navy-Marine Corps Trial Judiciary

Decided: 14 February 2019.

Military Judge:

Lieutenant Colonel Jeffrey V. Munoz, USMC

Sentence adjudged 14 August 2018 by a Special court-martial convened at Marine Corps Air Station Miramar, California, consisting of a military judge sitting alone. Sentence approved by convening authority: reduction to E-1, confinement for 5 months, and a bad conduct discharge.

For Appellant:

*Captain Scott F. Hallauer, JAGC, USN.*

For Appellee:

*Brian K. Keller, Esq.*

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**This opinion does not serve as binding precedent under  
NMCCA Rule of Appellate Procedure 30.2(a).**

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Before FULTON, CRISFIELD, and ELLINGTON,  
*Appellate Military Judges.*

PER CURIAM:

After careful consideration of the record, submitted without assignment of error, we have determined that the approved findings and sentence are correct in law and fact and that no error materially prejudicial to Appellant's substantial rights occurred. Articles 59 and 66, UCMJ, 10 U.S.C. §§ 859, 866. However, we note that the court-martial order (CMO) does not accurately reflect the findings as to Specification 2 of Charge III. Although we find no prejudice from a scrivener's error in a footnote erroneously referring to Charge *II*, the appellant is entitled to have court-martial records that correctly reflect the content of his proceeding. *United States v. Crumpley*, 49 M.J. 538, 539 (N-M. Ct. Crim. App. 1998). Accordingly, the convening authority shall issue a supplemental CMO reflecting (in footnote \*\*) that the appellant was found Guilty, except for the words "on divers occasions", as excepted in Specification 2 of Charge III.

The findings and sentence as approved by the convening authority are **AFFIRMED**.



FOR THE COURT:

A handwritten signature in blue ink that reads "Rodger A. Drew, Jr." with a stylized flourish at the end.

RODGER A. DREW, JR.  
Clerk of Court