

This opinion is subject to administrative correction before final disposition.

United States Navy - Marine Corps
Court of Criminal Appeals

Before
WOODARD, HITESMAN, and KOVAC,
Appellate Military Judges

UNITED STATES
Appellee

v.

Nathaniel J. DIAZ
Private First Class (E-2), U.S. Marine Corps
Appellant

No. 201900058

Decided: 20 June 2019.

Appeal from the United States Navy-Marine Corps Trial Judiciary. Military Judge: Major John L. Ferriter, USMC. Sentence adjudged 12 December 2018 by a special court-martial convened at Marine Corps Air Ground Combat Center, Twentynine Palms, California, consisting of a military judge sitting alone. Sentence approved by convening authority: reduction to E-1, confinement for 4 months, and a bad-conduct discharge.

For Appellant: Captain Kimberly D. Hinson, JAGC, USN.

For Appellee: Brian K. Keller, Esq.

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

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 the 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) has a minor typographical error. It incorrectly indicates that the sentence was adjudged on 12 December *2019*, as opposed to 12 December *2018*. Although we find no prejudice from this scrivener's error, 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, we order correction of records in this case to accurately reflect the date the sentence was adjudged.

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



FOR THE COURT:

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

RODGER A. DREW, JR.
Clerk of Court