

This opinion is subject to administrative correction before final disposition.

United States Navy - Marine Corps
Court of Criminal Appeals

Before
FULTON,¹ CRISFIELD, and C. STEPHENS²
Appellate Military Judges

UNITED STATES
Appellee

v.

Joshua N. PRUITT
Boatswain's Mate Second Class (E-5), U.S. Navy
Appellant

No. 201900071

Decided: 29 August 2019.

Appeal from the United States Navy-Marine Corps Trial Judiciary. Military Judge: Captain Jonathan T. Stephens, JAGC, USN. Sentence adjudged 23 October 2018 by a special court-martial convened at Western Judicial Circuit Courthouse, Naval Base San Diego, California, consisting of a military judge sitting alone. Sentence approved by the convening authority: reduction to E-1, confinement for 6 months, and a bad-conduct discharge.

For Appellant: Lieutenant Commander Derek C. Hampton, JAGC, USN.

For Appellee: Brian K. Keller, Esq.

¹ Except for administrative processing, this decision was finalized before Senior Judge Fulton detached from the Court.

² Appellate Judge Carrie Stephens, Captain, JAGC, USN, is not related to the Military Judge, Jonathan Stephens, Captain, JAGC, USN.

**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, the convening authority's action contains erroneous information. In the discussion of Specification 8 of Charge I, the action references footnote 5. The correct reference is footnote 7. In footnote 7, it states that Specifications 5 and 8 of Charge I were withdrawn and dismissed. In fact, Specifications 6 and 8 were withdrawn and dismissed. These errors shall be corrected in the promulgating order.

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