

This opinion is subject to administrative correction before final disposition.

United States Navy - Marine Corps
Court of Criminal Appeals

Before
TANG, LAWRENCE, and GERRITY,
Appellate Military Judges

UNITED STATES
Appellee

v.

Clayton J. PARSONS
Sergeant (E-5), U.S. Marine Corps
Appellant

No. 201900145

Decided: 31 October 2019.

Appeal from the United States Navy-Marine Corps Trial Judiciary. Sentence adjudged 21 February 2019 by a special court-martial convened at Marine Corps Base Camp Pendleton, California, consisting of a military judge sitting alone. Military Judge: Lieutenant Colonel Jeffrey V. Munoz, USMC. Sentence approved by the convening authority: reduction to E-1, confinement for 65 days, forfeiture of \$1,120.00 per month for 6 months, and a bad-conduct discharge.

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

For Appellee: Brian K. Keller, Esq.

**This opinion does not serve as binding precedent, but
may be cited as persuasive authority under
NMCCA Rule of Appellate Procedure 30.2.**

PER CURIAM:

After careful consideration of the record, submitted without assignment of error, we have determined that the 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 Entry of Judgment does not accurately reflect the findings.

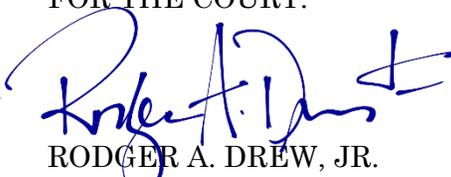
The Entry of Judgment reflects that Charge I, Specifications 1 and 2 were withdrawn. Pursuant to the pretrial agreement, the parties agreed the convening authority would withdraw the specifications to which Appellant pleaded not guilty, and that specifications would be dismissed without prejudice upon announcement of sentence, with such dismissal to ripen into dismissal with prejudice upon completion of appellate review in which the findings and sentence have been upheld.¹ However, the Entry of Judgment merely reflects that the specifications were withdrawn.

Although we find no prejudice from this error, 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 record is returned to the Judge Advocate General for correction of the Entry of Judgment to properly reflect that Charge I, Specifications 1 and 2 were withdrawn and dismissed with such dismissal to ripen into dismissal with prejudice upon completion of appellate review in which the findings and sentence have been upheld.

The findings and sentence are **AFFIRMED**.



FOR THE COURT:


RODGER A. DREW, JR.
Clerk of Court

¹ Appellate Exhibit II at 4.