

This opinion is subject to administrative correction before final disposition.

United States Navy - Marine Corps
Court of Criminal Appeals

Before
KING, STEPHENS, and GEIS,
Appellate Military Judges

UNITED STATES
Appellee

v.

Dylan G. BURGE
Aviation Ordnanceman Airman (E-3), U.S. Navy
Appellant

No. 201900237

Decided: 11 March 2020.

Appeal from the United States Navy-Marine Corps Trial Judiciary.

Military Judge:
Derek D. Butler

Sentence adjudged 3 May 2019 by a special court-martial convened at Naval Air Station Jacksonville, Florida, consisting of a military judge sitting alone. Sentence in the Entry of Judgment: reduction to E-1, confinement for 120 days, bad-conduct discharge.

For Appellant:
Commander C. Eric Roper, 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 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 disposition of the charges. Although we find no prejudice, 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). In accordance with Rule for Courts-Martial 1111(c)(2), Manual for Courts-Martial, United States (2019 ed.), we modify the Entry of Judgment and direct that it be included in the record.

The findings and sentence are **AFFIRMED**.



FOR THE COURT:

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

RODGER A. DREW, JR.
Clerk of Court

United States Navy - Marine Corps
Court of Criminal Appeals

UNITED STATES

v.

Dylan G. BURGE
Aviation Ordnanceman
Airman (E-3)
U.S. Navy

Accused

NMCCA NO. 201900237

ENTRY
OF
JUDGMENT

As Modified on Appeal

11 March 2020

On 15 April, 3 May, and 17 May, the Accused was tried at Naval Air Station Jacksonville, Florida, by a special court-martial, consisting of a military judge sitting alone. Military Judge Derek D. Butler, presided.

FINDINGS

The following are the Accused's pleas and the Court's findings to all offenses the convening authority referred to trial:

Charge: Violation of Article 112a, Uniform Code of Military Justice,
10 U.S.C. § 912a.

Plea: Guilty.

Finding: Guilty.

Specification 1: Distribution of Methylenedioxyamphetamine on
16 February 2019.

Plea: Guilty.

Finding: Guilty.

Specification 2: Distribution of LSD on 16 February 2019.

Plea: Guilty.

Finding: Guilty.

Specification 3: Distribution of Methylenedioxyamphetamine on
24 February 2019.

Plea: Guilty.

Finding: Guilty.

Specification 4: Possession of cocaine on 28 February 2019.

Plea: Not guilty.

Finding: Withdrawn and dismissed.

Specification 5: Possession of marijuana on 28 February 2019.

Plea: Not guilty.

Finding: Withdrawn and dismissed.

Specification 6: Possession of Methylenediooxymethamphetamine on 28 February 2019.

Plea: Guilty.

Finding: Guilty.

Specification 7: Possession of Ketamine on 28 February 2019.

Plea: Not guilty.

Finding: Withdrawn and dismissed.

Specification 8: Possession of Methylenediooxymethamphetamine on 28 February 2019.

Plea: Guilty.

Finding: Guilty.

SENTENCE

On 3 May 2019, a military judge sentenced the Accused to the following:

Reduction to pay grade E-1.

A bad-conduct discharge.

For Specification 1: confinement for 90 days.

For Specification 2: confinement for 90 days.

For Specification 3: confinement for 120 days.

For Specification 6: confinement for 90 days.

For Specification 8: confinement for 100 days.

The terms of confinement will run concurrently.

Confinement for a total of 120 days.

The accused was credited with 60 days of pre-trial confinement credit for time already served and shall be credited with said amount of time, to be deducted from the adjudged sentence of confinement.

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Modified Entry of Judgment

The convening authority took no action on the sentence.



FOR THE COURT:

A handwritten signature in blue ink, reading "Rodger A. Drew, Jr.", is written over the printed name. The signature is fluid and cursive, with a prominent initial "R" and a long horizontal stroke at the end.

RODGER A. DREW, JR.
Clerk of Court