

*This opinion is subject to administrative correction before final disposition.*

United States Navy - Marine Corps  
Court of Criminal Appeals

Before  
TANG, LAWRENCE, and KASPRZYK,  
Appellate Military Judges

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**UNITED STATES**  
Appellee

v.

**Richard G. LANGILL**  
Aviation Structural Mechanic Second Class (E-5), U.S. Navy  
Appellant

**No. 201900206**

Decided: 29 January 2020.

Appeal from the United States Navy-Marine Corps Trial Judiciary. Military Judge: Captain Aaron C. Rugh, JAGC, USN. Sentence adjudged 15 April 2019 by a special court-martial convened at Naval Station San Diego, California, consisting of a military judge sitting alone. Sentence in the Entry of Judgment: confinement for 11 months,<sup>1</sup> and a bad-conduct discharge.

For Appellant: Lieutenant Commander Erin L. Alexander, 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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<sup>1</sup> The convening authority suspended confinement in excess of 8 months pursuant to a pretrial agreement.

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. The Entry of Judgment does not accurately reflect the disposition of Specification 3 of the Charge. As referred to special court-martial, Specification 3 alleged Appellant committed an aggravated assault. Appellant entered a plea of guilty to the lesser-included offense of assault consummated by battery. Prior to announcement of the findings, the trial counsel moved to withdraw the greater offense to 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. Although we find no prejudice from these errors, 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, pursuant to this Court's authority under Rule for Courts-Martial 1111(c)(2), Manual for Courts-Martial, United States (2019 ed.), the Entry of Judgment shall be modified to properly reflect the disposition of the greater offense originally alleged in Specification 3.

The findings and sentence are **AFFIRMED**.



FOR THE COURT:

A handwritten signature in blue ink, appearing to read "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.

**Richard G. LANGILL**  
Aviation Structural Mechanic  
Second Class (E-5)  
U. S. Navy  
Accused

NMCCA NO. 201900206

**ENTRY  
OF  
JUDGMENT**

**As Modified on Appeal  
29 January 2020**

On 15 April 2019, the Accused was tried at Naval Station San Diego, California by a special court-martial, consisting of a military judge sitting alone. Military Judge Captain Aaron C. Rugh, JAGC, USN, 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 128, Uniform Code of Military Justice,  
10 U.S.C. § 928.

*Plea:* Guilty.

*Finding:* Guilty.

**Specification 1: Assault and Battery on or about 9 August 2018.**

*Plea:* Guilty.

*Finding:* Guilty.

**Specification 2: Assault and Battery on or about 9 August 2018.**

*Plea:* Guilty.

*Finding:* Guilty.

**Specification 3: Aggravated Assault on or about 9 August 2018.**

*Plea:* Not Guilty of aggravated assault, but Guilty of assault and battery.

*Finding*: Guilty of assault and battery.<sup>2</sup>

**SENTENCE**

On 15 April 2019, a military judge sentenced the Accused to the following:

**Confinement for 11 months.**

**A bad-conduct discharge.**

The convening authority suspended confinement in excess of 8 months.



FOR THE COURT:

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

RODGER A. DREW, JR.  
Clerk of Court

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<sup>2</sup> The greater offense of aggravated assault was withdrawn and dismissed without prejudice, with such dismissal to ripen into prejudice upon completion of appellate review in which the findings and sentence have been upheld.