

This opinion is subject to administrative correction before final disposition.

United States Navy - Marine Corps
Court of Criminal Appeals

Before
HOLIFIELD, CRISFIELD, and LAWRENCE
Appellate Military Judges

UNITED STATES
Appellee

v.

Matthew L. RICHARDSON
Cryptologic Technician (Collection) Chief Petty Officer (E-7),
U.S. Navy
Appellant

No. 202000071

Decided: 24 September 2020

Appeal from the United States Navy-Marine Corps Trial Judiciary

Military Judges:
Wilbur Lee (arraignment)
Ann K. Minami (trial)

Sentence adjudged 10 December 2019 by a general court-martial convened at Joint Base Pearl Harbor-Hickam, Hawaii, consisting of a military judge sitting alone. Sentence in the Entry of Judgment: reduction to E-1, confinement for eight years,¹ and a dishonorable discharge.

For Appellant:
Captain Brian L. Farrell, USMCR

¹ The convening authority suspended confinement in excess of five years pursuant to a pretrial agreement.

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:

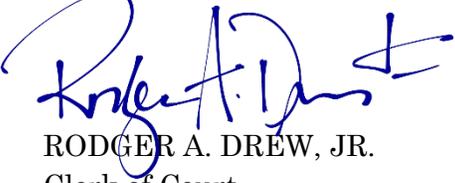
After careful consideration of the record, submitted without assignment of error, we have determined that the approved findings and sentence are correct in law and fact and that no error materially prejudicial to Appellant's substantial rights occurred.²

However, the Entry of Judgment is incomplete, as Block 34 (Sentence adjudged, accounting for any modifications by reason of any post-trial action by the convening authority) contains a scrivener's error by omitting the word "five" in describing the adjudged period of confinement above which the convening authority suspended punishment.³ But we note that this suspension was properly reflected in Block 28 of the Post-Trial Action (Convening Authority's Action). Although we find no prejudice from this error, Appellant is entitled to have court-martial records that correctly reflect the content of his proceeding.⁴ In accordance with this Court's authority under Rule for Courts-Martial 1111(c)(2), we modify the Entry of Judgment and direct that it be included in the record.

The findings and sentence are **AFFIRMED**.



FOR THE COURT:


RODGER A. DREW, JR.
Clerk of Court

² Uniform Code of Military Justice arts. 59, 66, 10 U.S.C. §§ 859, 866.

³ "C[onvening] A[uthority]'s Action approved the adjudged confinement but suspended all confinement in excess of [blank] years."

⁴ *United States v. Crumpley*, 49 M.J. 538, 539 (N-M. Ct. Crim. App. 1998).

United States Navy - Marine Corps
Court of Criminal Appeals

UNITED STATES

v.

Matthew L. RICHARDSON
Cryptologic Technician (Collection)
Chief Petty Officer (E-7)
U.S. Navy

Accused

NMCCA NO. 202000071

ENTRY
OF
JUDGMENT

As Modified on Appeal

24 September 2020

On 5 September 2019 and 10 December 2019, the Accused was tried at Joint Base Pearl Harbor-Hickam, Hawaii, by a general court-martial, consisting of a military judge sitting alone. Military Judges Wilbur Lee and Ann K. Minami, presided.

FINDINGS

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

Charge I: Violation of Article 120b, Uniform Code of Military Justice, 10 U.S.C. § 920b.

Plea: Guilty.

Finding: Guilty.

Specification 1: Sexual Abuse of a Child by Sexual Contact on or about March 2019.

Plea: Guilty.

Finding: Guilty.

Specification 2: Sexual Abuse of a Child by Indecent Conduct between on or about October 2018 and on or about March 2019.

Plea: Guilty.

Finding: Guilty.

**Charge II: Violation of Article 134, Uniform Code of Military Justice,
10 U.S.C. § 934.**

Plea: Guilty.

Finding: Guilty.

**Specification: Possessing Child Pornography on or about 27 April
2018.**

Plea: Guilty.

Finding: Guilty.

SENTENCE

On 10 December 2019, a military judge sentenced the Accused to the following:

Reduction to pay grade E-1.

Confinement for eight years.

A dishonorable discharge.

The convening authority suspended confinement in excess of five years.



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