

This opinion is subject to administrative correction before final disposition.

United States Navy - Marine Corps
Court of Criminal Appeals

Before
GASTON, STEWART, and GERRITY
Appellate Military Judges

UNITED STATES
Appellee

v.

Joseph T. DOWDY
Private (E-1), U.S. Marine Corps
Appellant

No. 201900261

Appeal from the United States Navy-Marine Corps Trial Judiciary

Decided: 5 February 2021

Military Judge:
Terrance J. Reese

Sentence adjudged 11 June 2019 by a special court-martial convened at Camp Lejeune, North Carolina, consisting of a military judge sitting alone. Sentence in the Entry of Judgment: confinement for 146 days and a bad-conduct discharge.¹

For Appellant:
Lieutenant Commander Erin L. Alexander, JAGC, USN

For Appellee:
Lieutenant Gregory A. Rustico, JAGC, USN
Lieutenant Joshua Fiveson, JAGC, USN

¹ Pursuant to a pretrial agreement, the convening authority disapproved all confinement in excess of the 142 days Appellant served in pretrial confinement.

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

However, the Entry of Judgment incorrectly noted that Appellant's sentence included reduction to E-1, which was not part of the sentence adjudged by the Military Judge. Although we find no prejudice from this error, Appellant is entitled to have court-martial records and findings of guilt correctly reflect the content of his proceeding.² Accordingly, in accordance with 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 as corrected 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

² *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.

Joseph T. DOWDY
Private (E-1)
U.S. Marine Corps
Accused

NMCCA NO. 201900261

**ENTRY
OF
JUDGMENT**

As Modified on Appeal

5 February 2021

On 11 June 2019, the Accused was tried at Marine Corps Base Camp Lejeune, North Carolina, by a special court-martial, consisting of a military judge sitting alone. Military Judge Terrance J. Reese, 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 90, Uniform Code of Military Justice,
10 U.S.C. § 890.**

Plea: Guilty.

Finding: Guilty.

**Specification 1: Willful Disobedience of a Superior Commissioned
Officer between 3 August and 11 September 2018.**

Plea: Not Guilty.

Finding: Dismissed.

**Specification 2: Willful Disobedience of a Superior Commissioned
Officer between 11 September and 11 December 2018.**

Plea: Guilty.

Finding: Guilty.

Specification 3: Willful Disobedience of a Superior Commissioned Officer between 14 January and 5 February 2019.

Plea: Guilty.

Finding: Guilty.

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

Plea: Guilty.

Finding: Guilty.

Specification 1: Wrongful Use of a Controlled Substance (Cocaine) between 1 and 4 December 2018.

Plea: Guilty.

Finding: Guilty.

Specification 2: Wrongful Use of a Controlled Substance (Cocaine) between 2 and 5 February 2019.

Plea: Guilty.

Finding: Guilty.

Specification 3: Wrongful Use of a Controlled Substance (Marijuana) between 27 January and 5 February 2019.

Plea: Guilty.

Finding: Guilty.

Charge III: Violation of Article 121, Uniform Code of Military Justice, 10 U.S.C. § 921.

Plea: Not Guilty.

Finding: Dismissed.

Specification: Larceny of Non-Military Property of a Value of \$500 or less on 20 November 2018.

Plea: Not Guilty.

Finding: Dismissed.

SENTENCE

On 11 June 2019, the military judge sentenced the Accused to the following:

Confinement for 146 days.

A bad-conduct discharge.

United States v. Dowdy, NMCCA No. 201900261
Modified Entry of Judgment

The Accused was credited with 142 days served in pretrial confinement.

The convening authority disapproved all confinement in excess of time served.



FOR THE COURT:

A handwritten signature in blue ink, which appears to read "Rodger A. Drew, Jr.", is written over the typed name.

RODGER A. DREW, JR.
Clerk of Court