

This opinion is subject to administrative correction before final disposition.

United States Navy - Marine Corps
Court of Criminal Appeals

Before
GASTON, STEWART, and HOUTZ
Appellate Military Judges

UNITED STATES
Appellee

v.

Alberto LOPEZ-SANTOYO
Sergeant (E-5), U.S. Marine Corps
Appellant

No. 201900244

Decided: 25 February 2021

Appeal from the United States Navy-Marine Corps Trial Judiciary

Military Judge:
Ray B. Slabbekorn

Sentence adjudged 21 May 2019 by a general court-martial convened at Marine Corps Air Station Miramar, California, consisting of a military judge sitting alone. Sentence in the Entry of Judgment: reduction to E-1, confinement for eighteen months, forfeiture of all pay and allowances, and a bad-conduct discharge.

For Appellant:
Lieutenant Commander W. Scott Stoebner, 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. Uniform Code of Military Justice arts. 59, 66, 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), 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

United States Navy - Marine Corps
Court of Criminal Appeals

UNITED STATES

v.

Alberto LOPEZ-SANTOYO
Sergeant (E-5)
U.S. Marine Corps
Accused

NMCCA NO. 201900244

**ENTRY
OF
JUDGMENT**

As Modified on Appeal

25 February 2021

On 21 May 2019, the Accused was tried at Marine Corps Air Station Miramar, California, by a general court-martial, consisting of a military judge sitting alone. Military Judge Ray B. Slabbekorn 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 134, Uniform Code of Military Justice, 10 U.S.C. § 934.

Plea: Guilty.

Finding: Guilty.

Specification 1: Possession, receipt, and viewing of child pornography between on or about 19 May 2016 and on or about 30 November 2018.

Plea: Guilty.

Finding: Guilty.

Specification 2: Possession, receipt, and viewing of child pornography between on or about 8 June 2015 and on or about 24 July 2015.

Plea: Not Guilty.

Finding: Dismissed.

Specification 3: Possession, receipt, and viewing of child pornography between on or about 24 July 2015 and on or about 29 April 2017.

Plea: Not Guilty.

Finding: Dismissed.

Specification 4: Possession, receipt, and viewing of child pornography between on or about 19 May 2016 and on or about 23 July 2016.

Plea: Not Guilty.

Finding: Dismissed.

Specification 5: Possession, receipt, and viewing of child pornography between on or about 11 January 2018 and on or about 21 April 2018.

Plea: Not Guilty.

Finding: Dismissed.

Specification 6: Possession, receipt, and viewing of child pornography between on or about 11 May 2017 and on or about 30 November 2018.

Plea: Not Guilty.

Finding: Dismissed.

SENTENCE

On 21 May 2019, the military judge sentenced the Accused to the following (as modified, if at all, during any post-trial action):

Reduction to E-1.

Confinement for eighteen months.

Forfeiture of all pay and allowances for eighteen months.

A bad-conduct discharge.

The Accused shall be credited with 117 days of confinement already served, to be deducted from the adjudged sentence to confinement.

United States v. Lopez-Santoyo, NMCCA No. 201900244
Modified Entry of Judgment



FOR THE COURT:

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

RODGER A. DREW, JR.
Clerk of Court