

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
PENLAND, MORRIS, and ARGUELLES¹
Appellate Military Judges

UNITED STATES, Appellee
v.
Specialist DERRICK N. CHESTER
United States Army, Appellant

ARMY 20220519

Headquarters, 1st Special Forces Command (Airborne)
G. Brett Batdorff, Military Judge
Lieutenant Colonel Burt D. Smith, Acting Staff Judge Advocate

For Appellant: Major Joyce C. Liu, JA; Captain James C. Griffin, JA.

For Appellee: Pursuant to A.C.C.A. Rule 17.4, no response filed.

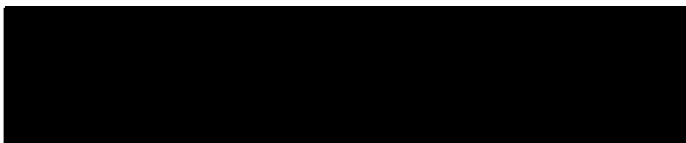
7 July 2023

DECISION

Per Curiam:

On consideration of the entire record, we hold the findings of guilty and the sentence, as entered in the Judgment, correct in law and fact. Accordingly, those findings of guilty and the sentence are AFFIRMED.^{2 3}

FOR THE COURT:


JAMES W. HERRING, JR.
Clerk of Court

¹ Judge ARGUELLES decided this case while on active duty.

² When announcing the governing Court Martial Convening Orders (CMCO) on the record, trial counsel erroneously failed to state that CMCO 1, dated 23 September

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2022, was the applicable convening order. Although this constitutes an administrative defect, appellant did not object below, did not object on appeal, and has not shown any prejudice. As such, we deem the error to be harmless. See *United States v. Mack*, 58 M.J. 413, 417 (C.A.A.F. 2003) (citing *United States v. Cook*, 48 M.J. 434, 436 (C.A.A.F. 1998) (“Absent objection, any alleged defects in the administrative process are tested for plain error”); *United States v. Stinson*, 34 M.J. 233, 238 (C.M.A. 1992); *United States v. Choy*, 33 M.J. 1080, 1082 (A.C.M.R. 1992).

³ The date “19 July 2021” in Specification 4 of Charge I on The Statement of Trial Results Findings Worksheet is incorrect and is amended to “01 October 2020.”