

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

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**UNITED STATES**

**v.**

**Senior Airman MICHAEL P. ABELE  
United States Air Force**

**ACM 36383**

**27 June 2006**

Sentence adjudged 17 May 2005 by GCM convened at Langley Air Force Base, Virginia. Military Judge: Donald A. Plude (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 4 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Captain Kimberly A. Quedensley.

Appellate Counsel for the United States: Colonel Gary F. Spencer and Lieutenant Colonel Robert V. Combs.

Before

**BROWN, MOODY, and JACOBSON  
Appellate Military Judges**

**PER CURIAM:**

We have examined the record of trial, the assignment of error, and the government's reply thereto. The appellant contends the convening authority erred where the promulgating order included the words "on divers occasions" which were stricken from the charge sheet pursuant to a pretrial agreement. The government concedes the error. We agree the promulgating order is incorrect. The appellant pled guilty and was found guilty by the military judge of wrongful use of cocaine within the continental United States, between on or about 1 August 2004 and on or about 15 October 2004, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. Preparation of a corrected court-martial order, properly reflecting the court-martial's findings of the Specification and Charge is hereby directed. *See United States v. Smith*, 30 M.J. 1022, 1028 (A.F.C.M.R. 1990), *aff'd*, 33 M.J. 114 (C.M.A. 1991).

The approved findings and sentence are correct in law and fact, and no error prejudicial to the substantial rights of the appellant occurred. Article 66(c), UCMJ, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the findings\* and sentence are

AFFIRMED.

OFFICIAL

LOUIS T. FUSS, TSgt, USAF  
Chief Court Administrator

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\* Because we conclude the error in the promulgating order is administrative, we do not order a new action to be done. We also conclude the convening authority approved the findings of guilty to which the appellant pled and was found guilty of by the military judge.