

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman CHRISTOPHER N. ALLORE
United States Air Force

ACM 38912

6 December 2016

Sentence adjudged 8 September 2015 by GCM convened at Wright-Patterson Air Force Base, Ohio. Military Judge: J. Wesley Moore (sitting alone).

Approved Sentence: Bad-conduct discharge, confinement for 15 days, and reduction to E-1.

Appellate Counsel for Appellant: Major Lauren A. Shure and Captain Patricia Encarnacion Miranda.

Appellate Counsel for the United States: Major Mary Ellen Payne and Mr. Gerald R. Bruce, Esquire.

Before

DUBRISKE, HARDING, and C. BROWN
Appellate Military Judges

This opinion is issued as an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 18.4.

PER CURIAM:

The approved findings and sentence are correct in law and fact, and no error materially prejudicial to the substantial rights of 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).

We note, however, the Court-Martial Order (CMO) misstates the result of trial regarding Specification 1 of the Charge in three respects: two errors regarding Appellant's plea and one error regarding the finding entered by the military judge. Appellant initially pleaded guilty to Specification 1 of the Charge as alleged, but during the *Care* inquiry changed his plea to not guilty of the excepted words "and videos." The CMO does not capture this change in Appellant's plea as to the excepted words. The CMO is also inaccurate in asserting that the plea included the language "substitute the words 'sexual

videos' with the words 'a sexual video.'" Appellant initially pleaded guilty to "sexual videos" as alleged and did not alter the plea regarding that language of the specification. Finally, the CMO misstates the military judge's finding for Specification 1 of the Charge. The finding should read: "G, except the words 'and videos,'" and further except 'sexual videos,' substituting therefor the words 'a sexual video'; of the excepted words, NG, and of the substituted words G." We note these same errors in the Report of Result of Trial Memorandum. We order promulgation of a corrected CMO to accurately reflect the plea and finding as to Specification 1 of the Charge.



FOR THE COURT

A handwritten signature in black ink, appearing to read "Kurt J. Brubaker". The signature is written in a cursive, flowing style.

KURT J. BRUBAKER
Clerk of Court