

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman Basic DONALD E. BAKER
United States Air Force

ACM 36732

25 July 2007

Sentence adjudged 28 February 2006 by GCM convened at Little Rock Air Force Base, Arkansas. Military Judge: Barbara G. Brand (sitting alone).

Approved sentence: Bad-conduct discharge and confinement for 18 months.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Major Chadwick A. Conn.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Major Matthew S. Ward, and Major Norman G. Printer.

Before

SCHOLZ, JACOBSON, and THOMPSON
Appellate Military Judges

OPINION OF THE COURT

PER CURIAM:

We have examined the record of trial, the assignment of error, and the government's reply thereto. In accordance with his pleas, the military judge found the appellant guilty of single uses of cocaine, methamphetamine, and marijuana, as well as possession of marijuana with intent to distribute. The promulgating order, however, reflects the appellant was found guilty of "divers" uses of cocaine, methamphetamine, and marijuana.

The defense asserts that the promulgating order is in error and the government concedes. We agree that the promulgating order is incorrect. Preparation of a corrected court-martial order, properly reflecting the court-

martial's findings, is hereby directed. See *United States v. Smith*, 30 M.J. 1022, 1028 (A.F.C.M.R. 1990).

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 approved findings and sentence are

AFFIRMED.

OFFICIAL



MARTHA E. COBLE BEACH, TSgt, USAF
Court Administrator

