

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman Basic JESSE A. BARBAGIOVANNI
United States Air Force

ACM S31500

18 November 2008

Sentence adjudged 23 April 2008 by SPCM convened at Sheppard Air Force Base, Texas. Military Judge: William Burd (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 4 months, forfeiture of \$898.00 pay per month for 4 months, and a reprimand.

Appellate Counsel for the Appellant: Major Shannon A. Bennett and Dwight H. Sullivan, Esquire.

Appellate Counsel for the United States: Colonel Gerald R. Bruce.

Before

BRAND, FRANCIS, and JACKSON
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

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).

* The Court notes that the Court-Martial Order (CMO), dated 16 June 2008, incorrectly identifies Charge III as a violation of Article 112; it is actually a violation of Article 112a. The Court orders the promulgation of a corrected CMO.

Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL



STEVEN LUCAS, YA-02, DAF
Clerk of the Court