

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman First Class BRIAN D. BERNDT
United States Air Force

ACM S31412

14 July 2008

Sentence adjudged 08 November 2007 by SPCM convened at Sheppard Air Force Base, Texas. Military Judge: Maura T. McGowan.

Approved sentence: Bad-conduct discharge, confinement for 4 months, forfeiture of \$867.00 pay per month for 4 months, a reprimand, and reduction to E-1.

Appellate Counsel for the Appellant: Major Shannon A. Bennett, Lieutenant Colonel Frank R. Levi, and Captain Tiffany M. Wagner.

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

Before

BRAND, FRANCIS, and JACKSON
Appellate Military Judges

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). However, the rank in the Court-Martial Order (CMO) incorrectly states that the appellant was an Airman Basic at the time of his arraignment. We order the promulgation of a corrected CMO indicating the correct rank of the appellant. The approved findings and sentence are

AFFIRMED.

OFFICIAL



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