

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman Basic DUSTIN C. BERRY
United States Air Force

ACM 39100

6 October 2016

Sentence adjudged 6 May 2016 by GCM convened at Francis E. Warren Air Force Base, Wyoming. Military Judge: Shelly W. Schools (sitting alone).

Approved Sentence: Dishonorable discharge and confinement for 4 months.

Appellate Counsel for the Appellant: Major Lauren A. Shure.

Appellate Counsel for the United States: Colonel Katherine E. Oler.

Before

DREW, J. BROWN, and MINK
Appellate Military Judges

This opinion is issued as an unpublished opinion and, as such, does not serve as precedent under Rule of Practice and Procedure 18.4.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 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 7 July 2016, erroneously omitted an indecent statement to which Appellant pleaded and was found guilty. Specification 1 of Charge I should have, in addition to the other language listed, included, "You could send me naked pictures hahahaha jkjkjkjk." The court orders the promulgation of a corrected CMO.

Accordingly, the approved findings and sentence are

AFFIRMED.



FOR THE COURT

A handwritten signature in black ink, appearing to read "Kurt J. Brubaker".

KURT J. BRUBAKER

Clerk of the Court