

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

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**UNITED STATES**

**v.**

**Airman First Class JOSEPH P. BORDELON  
United States Air Force**

**ACM 37525 (f rev)**

**09 November 2010**

Sentence adjudged 04 August 2009 by GCM convened at Tyndall Air Force Base, Florida. Military Judge: W. Thomas Cumbie (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 10 months, and reduction to E-1.

Appellate Counsel for the Appellant: Lieutenant Colonel Gail E. Crawford, Major Shannon A. Bennett, Major Reggie D. Yager, Major Patrick E. Neighbors, and Major Anthony D. Ortiz.

Appellate Counsel for the United States: Colonel Don M. Christensen, Colonel Douglas P. Cordova, Lieutenant Colonel Jeremy S. Weber, and Gerald R. Bruce, Esquire.

Before

**BRAND, GREGORY, and ROAN**  
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).

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\* A general court-martial composed of military judge alone convicted the appellant in accordance with his pleas of attempted robbery, absence without leave for less than three days, and wrongful use of cocaine in violation of Articles 80, 86, and 112a, UCMJ, 10 U.S.C. §§ 880, 886, 912a. The court-martial sentenced the appellant to reduction to the grade of E-1, confinement for 13 months, and a bad-conduct discharge. A pretrial agreement capped confinement at ten months and imposed no other limitations on sentence. In accordance with this agreement,

Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL



A handwritten signature in blue ink, appearing to read "S. Lucas", is written over the seal.

STEVEN LUCAS  
Clerk of the Court

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the convening authority approved confinement for 10 months instead of the adjudged 13 but did not expressly approve the bad-conduct discharge despite ordering the sentence executed “except for the bad conduct discharge.” Following remand to clarify this ambiguous action, the convening authority approved the bad-conduct discharge, confinement for 10 months, and reduction in grade.