

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman PATRICK E. CHAFFIN
United States Air Force**

ACM S30350

27 February 2004

Sentence adjudged 19 March 2003 by SPCM convened at Charleston Air Force Base, South Carolina. Military Judge: Gregory P. Holder (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 7 months, forfeiture of \$767.00 for 11 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Lieutenant Colonel Gilbert J. Andia Jr., Major Terry L. McElyea, and Captain David P. Bennett.

Appellate Counsel for the United States: Colonel LeEllen Coacher.

Before

STONE, MOODY, and JOHNSON-WRIGHT
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, which was submitted to this Court on its merits. Though asserting no prejudice, the appellant requests that we consider the legal sufficiency of the convening authority's action concerning forfeitures of pay. The military judge imposed a sentence that included forfeiture of \$767.00 pay per month for 11 months. The action of the convening authority, however, approved "forfeitures of \$767 for eleven months."

Rule for Courts-Martial 1003(b)(2) requires that sentences to partial forfeitures state the amount "to be forfeited each month and the number of months the forfeitures will last." In the case sub judice, failure of the convening authority to include the phrase

“per month” in the sentence to forfeitures limits the amount of forfeitures to a total of \$767.00. *See United States v. Johnson*, 32 C.M.R. 127 (C.M.A. 1962). *See also United States v. Walker*, 9 M.J. 892 (A.F.C.M.R. 1980). Therefore, we affirm only so much of the sentence as provides for a bad-conduct discharge, confinement for 7 months, reduction to E-1, and forfeiture of \$767.00 pay per month for 1 month.

The findings, as approved, and sentence, as modified, 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 modified sentence are

AFFIRMED.

OFFICIAL

LAQUITTA J. SMITH
Documents Examiner