

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Technical Sergeant JASON A. COLLETTE
United States Air Force**

ACM S31176

26 January 2007

Sentence adjudged 10 August 2006 by SPCM convened at Hanscom Air Force Base, Massachusetts. Military Judge: Gary M. Jackson (sitting alone).

Approved sentence: Bad-conduct discharge, reduction to E-1, and a reprimand.

Appellate Counsel for Appellant: Lieutenant Colonel Mark R. Strickland and Captain Timothy M. Cox.

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

Before

BROWN, MATHEWS, and THOMPSON
Appellate Military Judges

PER CURIAM:

In accordance with his pleas, the appellant was found guilty of wrongfully using cocaine on divers occasions in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. A military judge sitting alone as a special court-martial sentenced the appellant to a bad-conduct discharge, reduction to the grade of E-1, and a reprimand. In the action, dated 4 October 2006, the convening authority noted he deferred the reduction in rank, but otherwise approved the sentence as adjudged. There was, however, no reprimand language in the action or the promulgating order. A reprimand, if approved, must be in writing in the convening authority's action. Rules for Courts-Martial (R.C.M.) 1003(b)(1), 1107(f)(4)(G). Nothing in the record indicates the convening authority's intention to reprimand the appellant. Accordingly, we affirm only that portion of the

sentence consisting of a bad-conduct discharge and reduction to the grade of E-1. *United States v. Casey*, 32 M.J. 1023 (A.F.C.M.R. 1991).

We also note that the promulgating order, in addition to lacking any reprimand language, is defective in that it contains neither the complete action of the convening authority nor a summary thereof. R.C.M. 1114 (c)(1). A new promulgating order must be accomplished.

The approved findings 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 sentence, as modified, are

AFFIRMED.

OFFICIAL

LOUIS T. FUSS, TSgt, USAF
Chief Court Administrator