

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class KENNETH J. COX
United States Air Force**

ACM 35578

24 September 2004

Sentence adjudged 8 April 2003 by GCM convened at Barksdale Air Force Base, Louisiana, Military Judge: Kurt D. Schuman (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 9 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Lieutenant Colonel Brandon A. Burnett, and Captain L. Martin Powell.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, Major Michelle M. Lindo, and Captain Richard W. Rockenbach.

Before

MALLOY, JOHNSON, and GRANT
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignment of error, and the government's reply thereto. The appellant contends, and the government does not contest, that the pretrial confinement calculation was short by one day. The appellant asserts that he should be credited with an additional one day of pretrial confinement. We agree and so order. *See United States v. Sherman*, 56 M.J. 900, 901 (A.F. Ct. Crim. App. 2002).

The findings and sentence are correct in law and fact, the sentence is appropriate, 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 are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court