

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman KEVIN M. DAVIS
United States Air Force

ACM S32191

26 November 2014

Sentence adjudged 1 August 2013 by SPCM convened at Kadena Air Base, Okinawa, Japan. Military Judge: Gregory O. Friedland and Mark L. Allred.

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

Appellate Counsel for the Appellant: Captain Thomas A. Smith.

Appellate Counsel for the United States: Major Daniel J. Breen and Gerald R. Bruce, Esquire.

Before

MITCHELL, WEBER, and CONTOVEROS
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 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 Staff Judge Advocate's Recommendation erroneously includes that the maximum sentence in this special court-martial included total forfeiture of all pay and allowances. We conclude there is no colorable showing of prejudice. See *United States v. Green*, 44 M.J. 93, 95 (C.A.A.F. 1996). While we do not order new post-trial processing, we do order a corrected court-martial order to include all charges and specifications upon which the accused was arraigned, to include the language of the reprimand, and to correct that the sentence was adjudged by officer members. Rule for Courts-Martial 1114.

Accordingly, the approved findings and sentence are **AFFIRMED**.



FOR THE COURT

STEVEN LUCAS
Clerk of the Court

A handwritten signature in blue ink, appearing to read "S. Lucas", is written over the printed name and title.