

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Senior Airman RICHARD W. EBY
United States Air Force**

ACM S31740

20 July 2010

Sentence adjudged 15 July 2009 by SPCM convened at Joint Base Balad, Iraq. Military Judge: William E. Orr, Jr. (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 4 months, fine of \$800.00, and reduction to E-1.

Appellate Counsel for the Appellant: Major Shannon A. Bennett, Major Bryan A. Bonner, Major Anthony D. Ortiz, and Captain Phillip T. Korman.

Appellate Counsel for the United States: Lieutenant Colonel Jeremy S. Weber and Gerald R. Bruce, Esquire.

Before

**BRAND, JACKSON, and GREGORY
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).

* The first paragraph in the Court-Martial Order (CMO), dated 2 November 2009, incorrectly identifies the appellant as an Airman Basic vice a Senior Airman. This Court orders the promulgation of a corrected CMO.

Accordingly, the approved findings and sentence are

AFFIRMED.

JACKSON, Senior Judge participated in the decision of this Court prior to his reassignment on 15 July 2010.

OFFICIAL



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

STEVEN LUCAS, YA-02, DAF
Clerk of the Court