

**UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS**

No. ACM S32452

UNITED STATES
Appellee

v.

Daniel S. ELMBLAD
Senior Airman (E-4), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary
Decided 7 September 2017

Military Judge: Mark F. Rosenow.

Approved sentence: Bad-conduct discharge, confinement for 90 days, forfeiture of \$1,066.00 pay per month for 4 months, and reduction to E-1. Sentence adjudged 18 January 2017 by SpCM convened at Cannon Air Force Base, New Mexico.

For Appellant: Major Rebecca J. Otey, USAF.

Before MAYBERRY, JOHNSON, and MINK, *Appellate Military Judges*.

This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 18.4.

PER CURIAM:

The approved findings and sentence are correct in law and fact, and no error materially prejudicial to Appellant's substantial rights occurred. Articles

59(a) and 66(c), Uniform Code of Military Justice, 10 U.S.C. §§ 859(a), 866(c). Accordingly, the approved findings and sentence are **AFFIRMED**.*



FOR THE COURT

A handwritten signature in black ink, appearing to read "Kurt J. Brubaker".

KURT J. BRUBAKER
Clerk of the Court

* Although Appellant raises no specific assignments of error, we note the staff judge advocate's recommendation (SJAR) erroneously advised the convening authority that the maximum sentence that could be imposed by this special court-martial included, *inter alia*, a fine in addition to forfeiture of two-thirds pay per month for 12 months. See Rule for Courts-Martial (R.C.M.) 201(f)(2)(B)(i); R.C.M. 1003(b)(3); *United States v. Books*, No. ACM S32369, 2017 CCA LEXIS 226, at *7 (A.F. Ct. Crim. App. 31 Mar. 2017) (unpub. op.). However, under the facts of this case we find no colorable showing of possible prejudice and, therefore, we affirm. See *United States v. Scalo*, 60 M.J. 435, 436-37 (C.A.A.F. 2005) (citations omitted).