

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Senior Airman WESLEY J. FOUTCH
United States Air Force**

ACM 38552

21 October 2014

Sentence adjudged 28 January 2014 by GCM convened at Travis Air Force Base, California. Military Judge: Jill M. Thomas.

Approved Sentence: Bad-conduct discharge, confinement for 18 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for the Appellant: Major Nicholas D. Carter.

Appellate Counsel for the United States: Lieutenant Colonel Katherine E. Oler.

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 court-martial order is erroneous in several respects. It fails to list a plea and finding for the Specification of the Charge; it states that the sentence was adjudged by officer and enlisted members instead of by a military judge; and it omits the portion of the sentence that involves total forfeitures of pay and allowances. We direct promulgation of a corrected court-martial order.

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.