

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

No. ACM S32383

UNITED STATES
Appellee

v.

Kenneth J. KARWACKI
Airman First Class (E-3), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary
Decided 21 March 2017

Military Judge: Shelly W. Schools.

Approved sentence: Bad-conduct discharge, confinement for 120 days, and reduction to E-1. Sentence adjudged 11 December 2015 by SpCM convened at Dyess Air Force Base, Texas.

For Appellant: Captain Patrick A. Clary, USAF.

For Appellee: Gerald R. Bruce, Esquire.

Before DUBRISKE, HARDING, and C. BROWN, *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This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 18.4.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**.¹



FOR THE COURT

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

KURT J. BRUBAKER
Clerk of the Court

¹ As identified by Appellant in his merits brief, the court-martial order (CMO) and report of result of trial incorrectly records that Appellant was found not guilty of both Charge I and its specification and Specification 3 of Charge II. These offenses were withdrawn and dismissed by the Government after acceptance of Appellant's guilty plea. Appellant acknowledges he suffered no prejudice from these errors. Nonetheless, we direct the promulgation of a new CMO to accurately reflect the findings adjudged in his case.