

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

No. ACM 39170

UNITED STATES

Appellee

v.

Gage J. KENDALL

Airman Basic (E-1), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary

Decided 26 September 2017

Military Judge: Vance H. Spath.

Approved sentence: Bad-conduct discharge, confinement for 12 months, and forfeiture of all pay and allowances. Sentence adjudged 20 September 2016 by GCM convened at Joint Base Elmendorf-Richardson, Alaska.

For Appellant: Lieutenant Colonel R. Davis Younts, USAF; Major Mark C. Bruegger, USAF.

For Appellee: Major Mary Ellen Payne, USAF; Major Meredith L. Steer, USAF.

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This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 18.4.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

* The adjudged sentence was confinement for 14 months, a bad-conduct discharge, and forfeiture of all pay and allowances. The staff judge advocate's recommendation (SJAR) recommended, in accordance with the pretrial agreement (PTA), approving only "so much of the sentence as calls for 12 months confinement, bad conduct discharge, and forfeiture of all pay and allowances." The addendum to the SJAR contained a sentence that the earlier recommendation remained unchanged, immediately followed by a recommendation that the convening authority approve the findings and sentence "as adjudged." The SJAR was correct, and the convening authority approved the sentence as recommended by the SJAR and in accordance with the PTA to the benefit of Appellant. As a result, we are not requiring a correction of the addendum.