

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman MAURICE KIRK
United States Air Force

ACM S31704

16 March 2010

Sentence adjudged 02 July 2009 by SPCM convened at Hill Air Force Base, Utah. Military Judge: Carl Reed.

Approved sentence: Bad-conduct discharge, confinement for 6 months, forfeiture of \$933.00 pay per month for 6 months, and reduction to E-1.

Appellate Counsel for the Appellant: Major Shannon A. Bennett and Major Darrin K. Johns.

Appellate Counsel for the United States: Colonel Douglas P. Cordova.

Before

BRAND, HELGET, and GREGORY
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

Although not raised as an issue, this Court notes a discrepancy with the forfeiture portion of the appellant's sentence. The sentence announced by the officer members included "forfeiture of \$933 per month per pay period for six months." The Sentencing Worksheet used by the members states "To forfeit \$933.00 of your pay per month for 6 months." The staff judge advocate's recommendation to the convening authority states the appellant was sentenced to "forfeiture of \$933.00 (two-thirds) pay per month for six months." The convening authority approved the sentence as adjudged. Despite the added phrase "per pay period," we are convinced the members intended to adjudge "forfeiture of \$933 pay per month for six months," and we are also convinced the convening authority intended to approve the same. Thus, we affirm only so much of the

sentence as includes a bad-conduct discharge, confinement for six months, forfeiture of \$933 pay per month for six months, and reduction to E-1.

The approved findings and the sentence, as modified, 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). Accordingly, the approved findings and the sentence, as modified, are

AFFIRMED.

OFFICIAL




CHRISTINA E. PARSONS, TSgt, USAF
Deputy, Clerk of the Court

* The Court notes that the Court-Martial Order (CMO), dated 13 August 2009, incorrectly states the sentence was adjudged by officer and enlisted members when it was actually adjudged by officer members. The Court orders the promulgation of a corrected CMO.