

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman Kevin C. Lyle
United States Air Force**

ACM S30565

11 March 2005

Sentence adjudged 6 February 2004 by SPCM convened at Scott Air Force Base, Illinois. Military Judge: Daryl E. Trawick (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 3 months, forfeiture of two-thirds pay per month for 3 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Major Sandra K. Whittington, Major Karen L. Hecker, and Major L. Martin Powell.

Appellate Counsel for the United States: Lieutenant Colonel Gary F. Spencer.

Before

PRATT, ORR, and MOODY
Appellate Military Judges

PER CURIAM:

This case was submitted to this Court on its merits. We note, however, that the adjudged forfeitures were announced by the military judge as a fraction (“two-thirds pay per month for three months”). This is incorrect. A sentence that includes partial forfeitures “shall state the exact amount in whole dollars to be forfeited each month and the number of months the forfeitures will last.” Rule for Courts-Martial 1003(b)(2). However, the appellant was not harmed by this error. Article 59(a), UCMJ, 10 U.S.C. § 859(a). To correct this error, we approve a sentence of a bad-conduct discharge, confinement for 3 months, forfeiture of \$795.00 pay per month for 3 months, and reduction to E-1.

The findings and 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 findings and sentence, as modified, are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court