

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class COREY A. MCCARTY
United States Air Force**

ACM S30362

24 November 2003

Sentence adjudged 5 February 2003 by SPCM convened at Nellis Air Force Base, Nevada. Military Judge: Anne L. Burman (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 3 months, forfeiture of \$767.00 pay per for 3 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Captain Jennifer K. Martwick, Captain James M. Winner, and Captain Sandra K. Whittington.

Appellate Counsel for the United States: Colonel LeEllen Coacher.

Before

STONE, GENT, and JOHNSON-WRIGHT
Appellate Military Judges

PER CURIAM:

Although the appellant does not assert prejudice, he notes two errors: (1) The failure of the trial judge to announce the forfeitures in an exact amount in whole numbers in accordance with Rule for Courts-Martial 1003(b)(2); and (2) Inaccuracies in the special court-martial promulgating order. We concur. Therefore, only so much of the sentence as extends to confinement for 3 months, reduction to E-1, forfeiture of \$767.00 pay per month for 3 months, and a bad-conduct discharge is affirmed. The record of trial is returned to The Judge Advocate General for administrative correction of the promulgating order to reflect the sentence as set forth above and to include the words "and services" in Specifications 1, 2, 6, 7, and 8 of Charge II, as originally charged, and to except the words "and services" in the findings for those same specifications. The case need not be returned to this Court following administrative correction of the order unless further appellate review is required.

The findings, as approved, 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 approved findings and sentence are

AFFIRMED.

OFFICIAL

HEATHER D. LABE
Clerk of Court