

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman First Class JAMES N. MOISE
United States Air Force

ACM S32354

26 February 2016

Sentence adjudged 14 October 2015 by SPCM convened at Joint Base Lewis-McChord, Washington. Military Judge: Lyndell M. Powell (sitting alone).

Approved Sentence: Bad-conduct discharge, confinement for 70 days, and reduction to E-1.

Appellate Counsel for the Appellant: Captain Annie W. Morgan.

Appellate Counsel for the United States: Colonel Katherine E. Oler.

Before

MITCHELL, DUBRISKE, and BROWN
Appellate Military Judges

This opinion is issued as an unpublished opinion and, as such, does not serve as precedent under Rule of Practice and Procedure 18.4.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 the substantial rights of Appellant occurred.¹ Article 66(c), UCMJ, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000).

¹ We note the staff judge advocate's recommendation (SJAR) misstated that the maximum forfeitures available in Appellant's case were limited to 6 months, instead of the 12-month jurisdictional maximum. The SJAR also did not provide a specific statement as to why the convening authority was not obligated to take any action under the pretrial agreement. See Air Force Instruction 51-201, *Administration of Military Justice*, ¶ 9.16.3 (6 June 2013). We find Appellant suffered no material prejudice from these errors. Additionally, Appellant's counsel noted the name of one of Appellant's co-conspirators in Charge II is misspelled. We direct a corrected promulgating order to remedy this discrepancy.

Accordingly, the approved findings and sentence are

AFFIRMED.



FOR THE COURT

A handwritten signature in black ink, appearing to read "L M C", is written over the printed name.

LEAH M. CALAHAN
Clerk of the Court