

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

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**UNITED STATES**

**v.**

**Airman RUFORD J. RESURRECCION  
United States Air Force**

**ACM S30404**

**12 February 2004**

Sentence adjudged 15 May 2003 by SPCM convened at Elmendorf Air Force Base, Alaska. Military Judge: Timothy D. Wilson (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 7 months, forfeiture of \$860.00 pay per month for 7 months, and reduction to E-1.

Appellate Counsel for Appellant: Major Andrew S. Williams and Major Andrea M. Gormel.

Appellate Counsel for the United States: Colonel LeEllen Coacher.

Before

BRESLIN, ORR, and GENT  
Appellate Military Judges

PER CURIAM:

Although the appellant does not assert prejudice, he notes that the adjudged and approved forfeiture exceeds the jurisdictional limit of a special court-martial, considering the adjudged and approved reduction in grade. We concur. Therefore, only so much of the sentence as provides for a bad-conduct discharge, confinement for 7 months, forfeiture of \$767.00 pay per month for 7 months, and reduction to E-1 is affirmed.

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

LAQUITTA SMITH  
Documents Examiner