

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman ALONZO A. RICHWINE
United States Air Force

ACM 35800

4 November 2004

Sentence adjudged 14 November 2003 by GCM convened at Little Rock Air Force Base, Arkansas. Military Judge: Kurt D. Schuman.

Approved sentence: Bad-conduct discharge, confinement for 18 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Lieutenant Colonel Carlos L. McDade, Major Terry L. McElyea, Major Sandra K. Whittington, and Major Andrea M. Gormel.

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 in Charge IV, Specification 2, it is alleged that the accused did “unlawfully strike Amanda L. Storm in the face with his fist and grab her by her neck with his hands.” In crafting the Findings Worksheet and in announcing their verdict, the members found the accused “Guilty, except the words strike, in the face with his fist and, her.”¹ While the removal of these words from the Specification leaves the victim’s name on the wrong side of the remaining verb, the intent of the court members is abundantly clear. Finding no room for ambiguity, we affirm a finding that the appellant did, at or near Little Rock Air Force

¹ The promulgating order reflects this finding as: “G, except the words ‘strike Amanda L. Storm in the face with his fist,’” erroneously reflecting removal of the victim’s name from the Specification. This is an administrative error that should be corrected to accurately reflect the actual exceptions announced by the court members.

Base, Arkansas, on or about 25 February 2003, unlawfully grab Amanda L. Storm by her neck with his hands. See *United States v. Harris*, 25 M.J. 281, 283 (C.M.A. 1987); *United States v. Graham*, 36 C.M.R. 945 (A.F.B.R. 1966); *United States v. Cameron*, 34 C.M.R. 913 (A.F.B.R. 1964).

The aforementioned finding, all other approved findings, and the approved sentence 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 are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court