

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

No. ACM 38924

UNITED STATES
Appellee

v.

Jomar H. SAN AGUSTIN
Technical Sergeant (E-6), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary
Decided 23 January 2017

Military Judge: Charles E. Wiedie, Jr. (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 8 years, and reduction to E-1. Sentence adjudged 19 August 2015 by GCM convened at Joint Base Elmendorf-Richardson, Alaska.

For Appellant: Major Thomas A. Smith, USAF and Captain Jarett Merk, USAF.

For Appellee: Gerald R. Bruce, Esquire.

Before DUBRISKE, HARDING, and C. BROWN, *Appellate Military Judges*

This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 18.4.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 Appellant's substantial rights occurred. Arti-

cles 59(a) and 66(c), UCMJ, 10 U.S.C. §§ 859(a), 866(c). Accordingly, the approved findings and sentence are **AFFIRMED**.¹



FOR THE COURT

A handwritten signature in black ink, appearing to read "Kurt J. Brubaker".

KURT J. BRUBAKER
Clerk of the Court

¹ We note an error in the Court-Martial Order (CMO). It correctly noted that Appellant, consistent with his pleas, was found guilty of Specification 3 of Charge I, except the words “on divers occasions,” “and at or near Eagle River, Alaska,” and “and breasts,” and the letter “s” on the word “contacts.” But the CMO failed to note that this excepted language was later dismissed with prejudice. While we find no material prejudice to Appellant’s substantial rights, Article 59(a), UCMJ, 10 U.S.C. § 859(a), he is nonetheless entitled to have the CMO accurately reflect this disposition. We thus direct the promulgation of a corrected CMO.