

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

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|---------------------------|---|--------------------|
| UNITED STATES, |) | ACM S31936 |
| Appellee |) | |
| |) | |
| v. |) | |
| |) | ORDER |
| Airman Basic (E-1) |) | |
| JAMAR T. SIMON, |) | |
| USAF, |) | |
| Appellant |) | Panel No. 2 |

In accordance with a pretrial agreement, the appellant was convicted by a special court-martial on 1 April 2011. The military judge sentenced him to a bad-conduct discharge and confinement for 100 days. A pretrial agreement authorized a maximum of 90 days confinement. On 9 May 2011, the convening authority approved the adjudged sentence. The subsequent Court-Martial Order also signed 9 May 2011, states that the convening authority's action approved "only so much of the sentence as provides for three months confinement and a bad conduct discharge ... and, except for the bad conduct discharge, will be executed."

On appeal to this Court, the appellant made no specific assignment of errors and submitted his case on the merits. During our Article 66, UCMJ, 10 U.S.C. § 866, review, we noted the discrepancy between the signed action and the Court-Martial Order.

Accordingly, it is by the Court on this 19th day of April 2012,

ORDERED:

That the above styled case is returned to The Judge Advocate General of the Air Force for remand to the convening authority to withdraw the erroneous action and substitute a corrected action.

Upon completion of the corrected action the record of trial shall be returned to this Court for further appellate review within 30 days from the date of this order.

FOR THE COURT

OFFICIAL



A handwritten signature in blue ink, appearing to read "S. Lucas", is written over a faint horizontal line.

STEVEN LUCAS
Clerk of the Court