

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Senior Airman BRIAN C. UBBEN
United States Air Force**

ACM S31131

27 July 2007

Sentence adjudged 16 June 2006 by SPCM convened at Lackland Air Force Base, Texas. Military Judge: William M. Burd (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 2 months, forfeiture of \$849.00 pay per month for 2 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Major Chadwick A. Conn.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Major Matthew S. Ward, and Major Kimani R. Eason.

Before

**SCHOLZ, JACOBSON, and THOMPSON
Appellate Military Judges**

OPINION OF THE COURT

PER CURIAM:

We have examined the record of trial, the assignment of error, and the government's reply thereto. In accordance with his pleas, the military judge found the appellant guilty of using and distributing cocaine in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. The promulgating order, however, does not indicate the appellant's plea or the findings with respect to the specification of distributing cocaine.

Appellant asserts that the promulgating order is in error and the government concedes. We agree that the promulgating order is incorrect. Preparation of a corrected court-martial order, properly reflecting the pleas and the court-martial's findings is hereby directed. See *United States v. Smith*, 30 M.J. 1022, 1028 (A.F.C.M.R. 1990).

The approved findings and 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 approved findings and sentence are

AFFIRMED.

OFFICIAL  U.S. AIR FORCE
COB

MARTHA E. COBLE-BEACH, TSgt, USAF
Court Administrator