

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Staff Sergeant JASON A. VEIGL
United States Air Force

ACM S31250

25 February 2008

Sentence adjudged 7 November 2006 by SPCM convened at Barksdale Air Force Base, Louisiana. Military Judge: Stephen Woody (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 6 months, and reduction to E-1.

Appellate Counsel for the Appellant: Lieutenant Colonel Mark R. Strickland, Captain Chadwick A. Conn, and Captain Anthony D. Ortiz.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Lieutenant Colonel John P. Taitt, Major Matthew S. Ward, and Major Donna S. Rueppell.

Before

WISE, BRAND, and HEIMANN
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

We have examined the record of trial, the assignment of errors, and the government's reply thereto. In accordance with his pleas, the military judge found the appellant guilty of attempted unlawful entry of a dwelling house, absence without leave terminated by apprehension, failure to obey a lawful order from his superior commissioned officer on divers occasions, failure to obey a lawful order from a non-commissioned officer on divers occasions, making a false official statement, willful damage of property not military property, two specifications of larceny, breaking restriction on divers occasions, and unlawful entry of a dwelling house, in violation of

Articles 80, 86, 90, 91, 107, 109, 121 and 134, UCMJ, 10 U.S.C. §§ 880, 886, 890, 891, 907, 909, 921, and 934. The appellant's approved sentence consisted of a bad-conduct discharge, confinement for 6 months, and reduction to the grade of E-1.

The appellant asserts the promulgating order is in error in two respects. First, the order states the sentence was adjudged by members when, in fact, appellant elected to be tried by military judge alone. Second, regarding the specification of Charge VI, the specification erroneously states the damaged property was owned by KS when it was actually owned by TE. The appellant requests this Court enter an order directing that the court-martial order be corrected. The appellee agrees with the appellant's assignment of errors and concurs in the proposed remedy.

We agree that the promulgating order is incorrect. Preparation of a corrected court-martial order, properly reflecting trial was by military judge alone and correctly identifying the owner of the property in the specification of Charge VI is hereby directed. See *United States v. Smith*, 30 M.J. 1022, 1028 (A.F.C.M.R. 1990).

Conclusion

The approved findings, as modified, 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, as modified, and sentence are

AFFIRMED.

OFFICIAL



STEVEN LUCAS, GS-11, DAF
Clerk of the Court