

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman RICHARD E. WILSON
United States Air Force

ACM S31050

26 March 2007

Sentence adjudged 29 November 2005 by SPCM convened at Osan Air Base, Republic of Korea. Military Judge: Joseph Tock (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 4 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Captain Anthony D. Ortiz.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Major Matthew S. Ward, and Captain Jefferson E. McBride.

Before

BROWN, JACOBSON, and SCHOLZ
Appellate Military Judges

PER CURIAM:

We examined the record of trial, the assignment of error, and the government's reply thereto. The appellant contends the convening authority erred where the promulgating order states the appellant was found guilty of Specification 3 of Charge II in its entirety. A review of the military judge's findings indicates that the appellant was found guilty of the specification with excepted language. The government concedes the error. We agree the promulgating order is incorrect. Preparation of a corrected court-martial order, properly reflecting the court-martial's findings regarding Specification 3 of Charge II, is hereby directed. *See United States v. Smith*, 30 M.J. 1022, 1028 (A.F.C.M.R. 1990), *aff'd*, 33 M.J. 114 (C.M.A. 1991).

The approved findings and sentence are otherwise 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

LOUIS T. FUSS, TSgt, USAF
Chief Court Administrator

* Because we conclude the error in the promulgating order is administrative, we do not order a new action. We also conclude the convening authority approved the findings of guilty to which the appellant pled and was found guilty by the military judge. This conclusion is bolstered by the fact that the Air Force Form 1359, *Report of Result of Trial*, considered by the convening authority correctly states the findings.