

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

No. ACM 40516

UNITED STATES
Appellee

v.

Tony A.T.S. BUDD
Captain (O-3), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary
Decided 29 July 2024

Military Judge: Julie L. Pitvorec

Sentence: Sentenced adjudged 9 June 2023 by GCM convened at Shaw Air Force Base, South Carolina. Sentence entered by military judge on 12 July 2023: Dismissal, confinement for 150 days, and a fine of \$4,941.09.

For Appellant: Lieutenant Colonel Jarett Merk, USAF; Captain Michael J. Bruzik, USAF.

For Appellee: Lieutenant Colonel J. Pete Ferrell, USAF; Mary Ellen Payne, Esquire.

Before ANNEXSTEAD, DOUGLAS, and MASON, *Appellate Military Judges.*

This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 30.4.

PER CURIAM:

The findings are correct in law and the sentence as entered is correct in law and fact, and no error materially prejudicial to the substantial rights of

Appellant occurred. Articles 59(a) and 66(d), Uniform Code of Military Justice (UCMJ), 10 U.S.C. §§ 859(a), 866(d) (*Manual for Courts-Martial, United States* (2024 ed.)). Accordingly, the findings and sentence are **AFFIRMED**.*



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court

* Appellant requested the convening authority defer automatic forfeitures on 15 June 2023. On 29 June 2023, the convening authority denied Appellant's request stating "the adjudged sentence is appropriate in this case." Regarding the entry of judgment, the language relative to deferments states "N/A" which we find to be error. However, Appellant does not claim prejudice and we find none.