

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

No. ACM S32628

UNITED STATES

Appellee

v.

Daniel R. SHEREY

Airman (E-2), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary

Decided 31 July 2020

Military Judge: Elizabeth M. Hernandez.

Sentence: Sentence adjudged on 13 July 2019 by SpCM convened at Minot Air Force Base, North Dakota. Sentence entered by military judge on 16 August 2019: Bad-conduct discharge, confinement for 11 months, and reduction to E-1.

For Appellant: Lieutenant Colonel R. Davis Younts, USAF; Captain Alexander A. Navarro, USAF.

For Appellee: Mary Ellen Payne, Esquire.

Before MINK, D. JOHNSON, and ANNEXSTAD, *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**This is an unpublished opinion and, as such, does not serve as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 approved findings and sentence are correct in law and fact, and no error materially prejudicial to Appellant's substantial rights occurred. Articles 59(a) and 66(d), Uniform Code of Military Justice, 10 U.S.C. §§ 859(a), 866(d).

Manual for Courts-Martial, United States (2019 ed.). Accordingly, the approved findings and sentence are **AFFIRMED**.^{1,2}



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court

¹ We note the Statement of Trial Results in this case failed to include the command which convened the court-martial as required by R.C.M. 1101(a)(3). Appellant has made no claim of prejudice and we find none. *See United States v. Moody-Neukom*, No. ACM S32594, 2019 CCA LEXIS 521 (A.F. Ct. Crim. App. 16 Dec. 2019) (per curiam) (unpub. op.).

² We note the entry of judgment was signed by the military judge on 16 August 2019, the record of trial was certified on 22 August 2019 and this case was docketed with this court on 20 November 2019. No explanation was provided to this Court concerning the delay. Appellant has made no claim of prejudice and we find none.