

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman SCOTT M. BRUNS
United States Air Force

ACM S32030

17 January 2013

Sentence adjudged 9 February 2012 by SPCM convened at Tyndall Air Force Base, Florida. Military Judge: Joshua E. Kastenbergh (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 60 days, forfeiture of \$300 pay for 3 months, and reduction to E-1.

Appellate Counsel for the Appellant: Captain Nicholas D. Carter and Captain Luke D. Wilson.

Appellate Counsel for the United States: Colonel Don M. Christensen and Gerald R. Bruce, Esquire.

Before

STONE, GREGORY, and HARNEY
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

A special court-martial composed of a military judge convicted the appellant, contrary to his pleas, of one specification of wrongful appropriation of a value of more than \$500, in violation of Article 121, UCMJ, 10 U.S.C. § 921, and sentenced him to a bad-conduct discharge, confinement for 60 days, forfeiture of “\$300.00 of your pay for *three months*,” and reduction to E-1. (Emphasis added).

A sentence that includes a forfeiture of pay other than a total forfeiture must state the amount to be forfeited in whole dollars per month and the number of months the forfeitures will continue. Rule for Courts-Martial 1003(b) (2); *United States v. Johnson*,

32 C.M.R. 127, 128 (C.M.A. 1962). If the duration of the forfeiture is omitted, the dollar amount announced is the total amount to be forfeited. *See United States v. Jones*, 60 M.J. 964, 972 (A.F. Ct. Crim. App. 2005). Here, because the announced sentence omitted the duration of the forfeiture, the amount of the forfeiture which may be approved is \$300 pay for one month. We affirm only so much of the sentence as provides for a bad-conduct discharge, confinement for 60 days, forfeiture of \$300 pay for 1 month, and reduction to the grade of E-1. All rights, privileges, and property, of which the appellant has been deprived by virtue of execution of forfeitures in excess of \$300, which have not been affirmed, will be restored.

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

AFFIRMED.



FOR THE COURT

A handwritten signature in cursive script, reading "Laquitta J. Smith".

LAQUITTA J. SMITH
Appellate Paralegal Specialist