

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Senior Airman RENNE RODRIGUEZ
United States Air Force**

ACM S30225

29 September 2003

Sentence adjudged 13 August 2002 by SPCM convened at Keesler Air Force Base, Mississippi. Military Judge: Mary Boone (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 75 days, and reduction to E-1.

Appellate Counsel for Appellant: Captain Diane M. Paskey.

Appellate Counsel for the United States: Colonel LeEllen Coacher.

Before

**VAN ORSDOL, MALLOY, and GRANT
Appellate Military Judges**

PER CURIAM:

This case is before us with no specific assignment of errors. However, we note during our review that section III of the DD Form 458, Charge Sheet, does not contain the signature of the officer authorized by law to administer oaths. This appears to render the charges unsworn. Article 30(a), UCMJ, 10 U.S.C. § 830(a). The issue, however, is waived by the appellant's failure to object at trial. Rules for Courts-Martial (R.C.M.) 905 (b)(1), 905(e); *Frage v. Moriarty*, 27 M.J. 341, 343 (C.M.A. 1988) citing (*United States v. May*, 2 C.M.R. 80 (C.M.A. 1952)).

The approved findings 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 (2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

HEATHER D. LABE
Clerk of Court