

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class JONATHAN P. GLOWACKI
United States Air Force**

ACM 36814

15 June 2007

Sentence adjudged 9 May 2006 by GCM convened at Laughlin Air Force Base, Texas. Military Judge: Barbara E. Shestko (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 12 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Lieutenant Colonel Mark R. Strickland and Captain Griffin S. Dunham.

Appellate Counsel for the United States: Colonel Gerald R. Bruce.

Before

**BROWN, BECHTOLD, and WISE
Appellate Military Judges**

PER CURIAM:

The appellant was convicted, in accordance with his pleas, of one specification of conspiracy and six specifications of larceny, in violation of Articles 81 and 121, UCMJ, 10 U.S.C. §§ 881, 921, respectively. He was sentenced by a military judge, sitting alone, to a bad-conduct discharge, confinement for 18 months, forfeiture of all pay and allowances, and reduction to E-1. The convening authority only approved so much of the sentence that provided for a bad-conduct discharge, 12 months confinement, forfeiture of all pay and allowances, and reduction to E-1.

The appellant does not challenge the findings of his court-martial and has submitted this case on its merits. However, the appellant does note his disagreement with the maximum permissible punishment announced by the military judge, contending that the maximum confinement should have been announced as 30.5 years vice 35 years. The appellant concedes that, even if the military judge was in error, the difference is negligible and material prejudice is unidentifiable. *See United States v. Mincey*, 42 M.J.

376, 378 (C.A.A.F. 1995). Without determining whether error occurred, we concur with the appellant that no material prejudice occurred.

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 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

MARTHA E. COBLE-BEACH, TSgt, USAF
Court Administrator