

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
MORRIS, JUETTEN, and MURDOUGH
Appellate Military Judges

UNITED STATES, Appellee
v.
Specialist CHRISTOPHER M. BERRINGTON
United States Army, Appellant

ARMY 20250145

Headquarters, 1st Cavalry Division
Maureen A. Kohn, Military Judge
Lieutenant Colonel Sean Lister, Special Trial Counsel
Colonel Allison McFeatters, Staff Judge Advocate (post-trial)

For Appellant: Lieutenant Colonel Kyle C. Sprague, JA; Major Beau O. Watkins, JA.

For Appellee: Pursuant to A.C.C.A. Rule 17.4, no response filed.

5 September 2025

SUMMARY DISPOSITION

This opinion is issued as an unpublished opinion and, as such, does not serve as precedent.

MURDOUGH, Judge:

The appellant submitted this case with no specific assignments of error. However, pursuant to our review under Article 66, Uniform Code of Military Justice [UCMJ], 10 U.S.C. § 866, we set aside a portion of the sentence as legally impermissible.

A military judge sitting as a general court-martial convicted the appellant pursuant to his pleas of one specification of abusive sexual contact in violation of Article 120, UCMJ, 10 U.S.C. § 920. Pursuant to appellant's plea agreement mandating a specified sentence, the military judge was required to, and did, sentence the appellant to be dishonorably discharged, to forfeit all pay and allowances, and to be reduced to the grade of E-1. The negotiated and adjudged sentence did not

include any term of confinement. The convening authority took no action on the findings or sentence.

Per R.C.M. 1003(b)(2), forfeitures greater than two-thirds' pay per month may be imposed only during periods of confinement. A sentence to forfeit all pay and allowances, without any confinement, is not an authorized sentence. We therefore set this portion of appellant's sentence aside.

CONCLUSION

The findings of guilty are AFFIRMED. We AFFIRM only so much of the sentence as provides for a dishonorable discharge and reduction to the grade of E-1. All rights, privileges, and property of which the accused has been deprived by virtue of the portion of the sentence set aside by our decision are ordered restored.

Judge MORRIS and Judge JUETTEN concur.

FOR THE COURT:



JAMES W. HERRING, JR.
Clerk of Court