

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
SIMS, COOK, and GALLAGHER
Appellate Military Judges

UNITED STATES, Appellee
v.
Specialist JACOB J. GALL
United States Army, Appellant

ARMY 20110992

Headquarters, Fort Drum
Gregory Bockin, Military Judge
Lieutenant Colonel Olga M. Anderson, Staff Judge Advocate (pretrial)
Colonel Michael O. Lacy, Staff Judge Advocate (recommendation)

For Appellant: Major Jacob D. Bashore, Jr., JA; Captain Barbara Snow-Martone, JA.

For Appellee: Pursuant to A.C.C.A Rule 15.2, no response filed.

17 April 2012

SUMMARY DISPOSITION

Per Curiam:

A military judge, sitting as a special court-martial, convicted appellant, pursuant to his plea, of absence without leave, in violation of Article 86, Uniform Code of Military Justice, 10 U.S.C. § 886 [hereinafter UCMJ].¹ Appellant was sentenced to a bad-conduct discharge, confinement for four months, forfeiture of \$800 pay for four months, and reduction in rank to Private E1. The convening authority (CA) approved a sentence of a bad-conduct discharge, confinement for four

¹ Appellant was found not guilty of the charged offense of desertion, but guilty of the lesser included offense of absence without leave.

months, forfeiture of \$800 pay per month for four months, and reduction in rank to Private E1.² This case is before us for review pursuant to Article 66, UCMJ.

Although not raised by appellant, we note that the military judge erred in announcing the sentence, and we will take corrective action in the decretal paragraph. R.C.M. 1003(b)(2) requires a sentence to forfeiture to state the “exact amount in whole dollars to be forfeited each month and the number of months the forfeitures will last.” Because the announced sentence did not include the words “per month,” we find that the amount announced is the total amount to be forfeited. See *United States v. Guerrero*, 25 M.J. 829, 831 (A.C.M.R. 1988) (citations omitted), *aff'd and modified on other grounds*, 28 M.J. 223 (C.M.A. 1989); *United States v. Johnson*, 13 U.S.C.M.A. 127, 32 C.M.R. 127 (1962).

We have reviewed the matters personally raised by appellant pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), and conclude they are without merit. We affirm the findings of guilty. The court affirms, however, only so much of the sentence as provides for a bad-conduct discharge, confinement for four months, forfeiture of \$800.00 pay for one month, and reduction to Private E1. All rights, privileges, and property, of which appellant has been deprived by virtue of that portion of his sentence set aside by this decision, are hereby ordered restored. See UCMJ arts. 58b(c) and 75(a).



FOR THE COURT:

A handwritten signature in black ink, which appears to read "Malcolm H. Squires, Jr.".

MALCOLM H. SQUIRES, JR.
Clerk of Court

² We find the CA approved the sentence as misrepresented on the result of trial, in the defense Rule for Courts-Martial [hereinafter R.C.M.] 1105 matters, and in the promulgating order.