

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
MERCK, CURRIE, and NOVAK
Appellate Military Judges

UNITED STATES, Appellee
v.
Specialist RON M. SHRIVER
United States Army, Appellant

ARMY 20000589

24th Infantry Division (Mech) and Fort Riley
R. F. Holland, Military Judge

For Appellant: Major Jonathan F. Potter, JA; Captain Katherine A. Lehmann, JA (on brief).

For Appellee: Lieutenant Colonel Edith M. Rob, JA.

14 March 2001

MEMORANDUM OPINION

Per Curiam:

Pursuant to his pleas, appellant was found guilty by a military judge, sitting as a special court-martial, of sale of military property of the United States, wrongful disposition of military property of the United States, larceny, and reckless endangerment, in violation of Articles 108, 121, and 134, Uniform Code of Military Justice, 10 U.S.C. 908, 921, and 934 [hereinafter UCMJ]. The convening authority approved the adjudged sentence of a bad-conduct discharge, confinement for five months, forfeiture of \$800.00 pay per month for five months and reduction to Private E1.

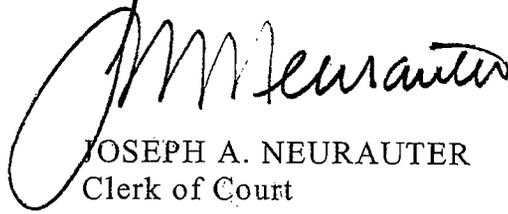
This case is before the court for mandatory review pursuant to Article 66, UCMJ. We have considered the record of trial, the matter raised by appellant pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), and the government's response. Although not raised as an assignment of error, we note that the forfeiture adjudged and approved by the convening authority exceeds the jurisdictional limitation of a special court-martial. We will grant relief accordingly.

The findings of guilty are affirmed. After considering the excessive forfeiture error and the entire record, the court affirms only so much of the sentence as

SHRIVER – ARMY 20000589

provides for a bad-conduct discharge, confinement for five months, forfeiture of \$650.00 pay per month for five months and reduction to Private E1.

FOR THE COURT:



JOSEPH A. NEURAUTER
Clerk of Court