

**UNITED STATES NAVY-MARINE CORPS
COURT OF CRIMINAL APPEALS
WASHINGTON, D.C.**

**Before
C.L. REISMEIER, F.D. MITCHELL, R.E. BEAL
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**JENNIFER L. BLUNT
AVIATION ORDNANCEMAN AIRMAN (E-3), U.S. NAVY**

**NMCCA 201000258
SPECIAL COURT-MARTIAL**

Sentence Adjudged: 25 January 2010.

Military Judge: CDR Tierney Carlos, JAGC, USN.

Convening Authority: Commanding Officer, Transient
Personnel Unit, Norfolk, VA.

Staff Judge Advocate's Recommendation: LT S.F. Lippoff,
JAGC, USN (17 Mar 2010); LT Kevin M. Walker, JAGC, USN
(5 Nov 2010).

For Appellant: LT James Head, JAGC, USN.

For Appellee: CDR K.D. Hinson, JAGC, USN; Capt M.V.
Balfantz, USMC.

15 February 2011

OPINION OF THE COURT

**IN ACCORDANCE WITH RULE 18.2, NMCCA RULES OF PRACTICE AND PROCEDURE, THIS
OPINION DOES NOT SERVE AS PRECEDENT.**

PER CURIAM:

A military judge sitting as a special court-martial convicted the appellant, consistent with her pleas, of ten specifications of larceny in violation of Article 121, Uniform Code of Military Justice, 10 U.S.C. § 921. The appellant was sentenced to confinement for 11 months, reduction to pay grade E-1, forfeiture of two-thirds of her pay for 11 months,¹ and a bad-

¹ The military judge failed to announce the forfeitures in a whole dollar amount as required by RULE FOR COURTS-MARTIAL 1003 (b) (2), MANUAL FOR COURTS-MARTIAL,

conduct discharge. The convening authority approved the sentence as adjudged, but suspended all confinement in excess of five months in accordance with the pretrial agreement.

This case, submitted without additional assignment of error, is before us a second time for review. On 21 June 2010, the appellant submitted his case for review with two assignments of error averring: (1) that the military judge erred by not announcing forfeitures in a whole dollar amount; and (2) that the convening authority's action did not accurately reflect the correct charges to which the appellant pleaded guilty, nor did it reflect the charges listed on the charge sheet. We found merit in both of these assigned errors and, on 16 September 2010, set aside the convening authority's action dated 13 April 2010. The record was returned to the Judge Advocate General for submission to an appropriate convening authority for proper post-trial processing in compliance with RULES FOR COURTS-MARTIAL 1106 and 1107, MANUAL FOR COURTS-MARTIAL, UNITED STATES (2008 ed.), with further direction that the record be returned to the court for completion of appellate review. On 9 December 2010, the convening authority approved the sentence and with the exception of the bad-conduct discharge, ordered it executed. The court-martial order correctly lists the charges of which the appellant was found guilty, and remedied the judge's error by calculating the dollar amount of the forfeitures.² The appellant's assignments of error are now moot.

After a thorough review of the record, we are satisfied that no error materially prejudicial to the substantial rights of the appellant occurred, and we therefore affirm the findings and the approved sentence. Arts. 59(a) and 66(c), UCMJ.

For the Court

R.H. TROIDL
Clerk of Court

UNITED STATES (2008 ed.). The appellant originally raised this as an assignment of error.

² The convening authority correctly calculated the appellant's forfeitures to be \$964.00 (two-thirds of an E-1's pay) per month for 11 months.