

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Second Lieutenant CHRISTOPHER L. AHN
United States Air Force**

ACM 38217 (f rev)

9 May 2014

Sentence adjudged 29 June 2012 by GCM convened at Vandenberg Air Force Base, California. Military Judge: W. Shane Cohen (sitting alone).

Approved Sentence: Dismissal, confinement for 13 months, and a reprimand.

Appellate Counsel for the Appellant: Captain Travis K. Ausland.

Appellate Counsel for the United States: Colonel Don M. Christensen and Gerald R. Bruce, Esquire.

Before

ROAN, HARNEY, and MITCHELL
Appellate Military Judges

OPINION OF THE COURT

This opinion is subject to editorial correction before final release.

MITCHELL, Judge:

A general court-martial composed of a military judge sitting alone convicted the appellant, contrary to his pleas, of one specification of absence without leave; one specification of disrespect to a superior commissioned officer; one specification of dereliction of duty; one specification of false official statement; three specifications of assault upon a person performing security forces duties; and two specifications of conduct unbecoming an officer, in violation of Articles 86, 89, 92, 107, 128, and 133, UCMJ, 10 U.S.C. §§ 886, 889, 892, 907, 928, 933. The adjudged and approved sentence consisted of a dismissal, confinement for 13 months, and a reprimand.

In an earlier opinion, *United States v. Ahn*, ACM 38217 (A.F. Ct. Crim. App. 2013) (unpub. op.), we affirmed the findings in the appellant's case. However, due to errors in the post-trial processing, we set aside the action and remanded the case for new post-trial processing. At that time, we were unable to determine if the appellant was appropriately credited with the military judge's final ruling of a total of 225 days pretrial confinement credit.

On 27 February 2014, the convening authority completed a new action clearly stating that the appellant was credited with 147 days of pretrial confinement credit and 78 days for illegal pretrial confinement credit. The new court-martial order contains this same language. The record is now clear that he was credited with the full amount of pretrial confinement credit ordered by the military judge.

Conclusion

We reaffirm our previous decision and find the approved findings and sentence are correct in law and fact, and no error materially prejudicial to the substantial rights of the appellant occurred. Articles 59(a) and 66(c), UCMJ, 10 U.S.C. §§ 859(a), 866(c). Accordingly, the approved findings and sentence are

AFFIRMED.



FOR THE COURT

A handwritten signature in black ink, appearing to read "L M C", is written over the printed name.

LEAH M. CALAHAN
Deputy Clerk of the Court