

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

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**UNITED STATES**

**v.**

**Technical Sergeant GARY C. ARCH  
United States Air Force**

**ACM 35547**

**23 September 2004**

Sentence adjudged 10 January 2003 by GCM convened at Shaw Air Force Base, South Carolina. Military Judge: Ann D. Shane (sitting alone).

Approved sentence: Confinement for 12 months and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Lieutenant Colonel Brandon A. Burnett, Major Terry L. McElyea, and Captain L. Martin Powell.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Major M. Leeann Summer.

Before

**PRATT, ORR, and MOODY**  
Appellate Military Judges

**PER CURIAM:**

We have examined the record of trial, the assignment of error, and the government's reply thereto. We conclude that the Secretary of the Air Force did not divest the Commander of 9th Air Force Provisional of authority to convene general courts-martial. *See United States v. Hardy*, ACM 35371 (A.F. Ct. Crim. App. 27 Jul 2004).

The approved findings and sentence are correct in law and fact, and no error prejudicial to the substantial rights of the appellant occurred. Article 66(c), UCMJ, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE  
Clerk of Court