

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman DAVID I. BELCHER, II
United States Air Force

ACM 36322 (f rev)

06 February 2008

Sentence adjudged 25 April 2005 by GCM convened at Wright-Patterson Air Force Base, Ohio. Military Judge: Steven A. Hatfield (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 158 days, and reduction to E-1.

Appellate Counsel for the Appellant: Lieutenant Colonel Mark R. Strickland, Captain Vicki A. Belleau, and Captain Christopher S. Morgan.

Appellate Counsel for the United States: Colonel Gerald R. Bruce and Colonel Gary F. Spencer.

Before

SCHOLZ, JACOBSON, and THOMPSON
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

This case is before our Court for further review because the original action was set aside. *United States v. Belcher*, ACM 36322 (A.F. Ct. Crim. App. 16 May 2006) (unpub. op.). We found the appellant was entitled to new post-trial processing because the trial counsel prepared and signed the Staff Judge Advocate's Recommendation (SJAR) to the Convening Authority which is prohibited by Rule for Courts-Martial (R.C.M.) 1106. We returned the case to The Judge Advocate General for remand to the convening authority for a new recommendation and action on the sentence. On 26 June 2006 a new SJAR was completed in compliance with R.C.M. 1106. The Staff Judge Advocate prepared an Addendum to the SJAR, stating the SJAR had been served on the trial defense counsel on 27 June 2006 and on the accused on 9 July 2006. Neither the accused nor his trial

defense counsel submitted matters to the Convening Authority and a new action was completed on 17 August 2006.

Conclusion

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



STEVEN LUCAS, GS-11, DAF
Clerk of the Court