

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class SAMULE R. BLEVINS
United States Air Force**

ACM 35630 (f rev)

30 August 2005

Sentence adjudged 20 May 2003 by GCM convened at Charleston Air Force Base, South Carolina. Military Judge: Thomas G. Crossan, Jr. (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 54 months, reduction to E-1, a fine of \$3000.00, and to serve additional confinement for 6 months if the fine is not paid.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Colonel Carlos L. McDade, Major Terry L. McElyea, Major Jennifer K. Martwick, and Captain Anthony D. Ortiz.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Gary F. Spencer, Lieutenant Robert V. Combs, and Major John C. Johnson.

Before

BROWN, MOODY, and FINCHER
Appellate Military Judges

UPON FURTHER REVIEW

PER CURIAM:

In our previous opinion, this Court returned the case to the convening authority for a new action in accordance with *United States v. Emminizer*, 56 M.J. 441 (C.A.A.F. 2002) and *United States v. Lajaunie*, 60 M.J. 280 (C.A.A.F. 2004). *United States v. Blevins*, ACM 35630 (A.F. Ct. Crim. App. 28 Mar 2005) (unpub. op). The record of trial has been returned to us, alleging one assignment of error: Whether the convening authority erred in the action after this court reassessed the appellant's confinement from 54 months to 42 months. We resolve this assignment of error adversely to the appellant.

Further, we have examined the new action and conclude that it satisfies the requirements of *Emminizer*.

Therefore, the sentence, as reassessed, is as follows: Bad-conduct discharge, confinement for 42 months, reduction to E-1, and a fine of \$3000.00. We hold that the approved findings and the sentence, as reassessed, 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). On the basis of the entire record, the approved findings, and the sentence, as reassessed, are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court