

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman MATTHEW L. BORSETH
United States Air Force**

ACM 36203 (f rev)

20 July 2006

Sentence adjudged 28 December 2004 by GCM convened at Scott Air Force Base, Illinois. Military Judge: Kevin P. Koehler (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 11 months, and reduction to E-1.

Appellate Counsel for Appellant: Lieutenant Colonel Mark R. Strickland and Captain Christopher S. Morgan.

Appellate Counsel for the United States: Colonel Gary F. Spencer.

Before

**BROWN, MOODY, and SCHOLZ
Appellate Military Judges**

UPON FURTHER REVIEW

PER CURIAM:

This case is before our Court for further review because the original action was set aside. *United States v. Borseth*, ACM 36203 (A.F. Ct. Crim. App. 27 Feb 2006) (unpub. op.). This court returned the case to The Judge Advocate General for remand to the convening authority for a new action which includes the 14 days of illegal pretrial confinement credit awarded by the military judge. On 14 March 2006, the convening authority completed a new action to comply with our holding. This case came before this Court for further review with no additional assignments of error.

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

LOUIS T. FUSS, TSgt, USAF
Chief Court Administrator