

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Technical Sergeant KIRK V. BRIGGS
United States Air Force**

ACM 35123 (f rev)

14 October 2005

Sentence adjudged 29 March 2002 by GCM convened at Travis Air Force Base, California. Military Judge: Bryan T. Wheeler.

Approved sentence: Dishonorable discharge, confinement for 5 years, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Colonel Carlos L. McDade, Major Terry L. McElyea, Major Maria A. Fried, Major Sandra K. Whittington, Major Andrew S. Williams, and Major Jennifer K. Martwick.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, Lieutenant Colonel Lance B. Sigmon, Lieutenant Colonel Gary F. Spencer, Major John D. Douglas, and Major Kevin P. Stiens.

Before

STONE, MOODY, and MATHEWS
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. Briggs*, ACM 35123 (recon) (A.F. Ct. Crim. App. 26 Aug 2004) (unpub. op.). This Court returned the case to The Judge Advocate General for remand to the convening authority for a new action in light of the decision in *United States v. Emminizer*, 56 M.J. 441 (C.A.A.F. 2002). On 18 January 2005, the convening authority completed a new action to comply with *Emminizer*, disapproving the adjudged forfeiture

of all pay and allowances and waiving the automatic forfeitures for six months or release from confinement, whichever was sooner, for the benefit of the appellant's dependents.

The appellant submitted the record and new action for further review on its merits. Our review discloses no substantive 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

ANGELA M. BRICE
Clerk of Court