

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Captain SHANNON R. BULLMAN
United States Air Force

ACM 34403 (f rev)

8 July 2002

Sentence adjudged 28 June 2000 by GCM convened at Osan Air Base, Republic of Korea. Military Judge: Michael A. Kilroy.

Approved sentence: Dismissal.

Appellate Counsel for Appellant: Colonel James R. Wise, Colonel Beverly B. Knott, Lieutenant Colonel Timothy W. Murphy, Captain Patrick J. Dolan, and Captain Patience E. Schermer.

Appellate Counsel for the United States: Colonel Anthony P. Dattilo, Lieutenant Colonel Lance B. Sigmon, and Major Jennifer R. Rider.

Before

BURD, ROBERTS, and PECINOVSKY
Appellate Military Judges

UPON FURTHER REVIEW

PER CURIAM:

This case has been remanded to us for further review by the United States Court of Appeals for the Armed Forces (CAAF). Originally, this case was submitted to us on its merits. We affirmed the approved findings, with minor modifications, and the sentence on 20 April 2001. On 26 March 2002, the CAAF found the appellant's guilty plea to one of eight offenses to which he had pled guilty improvident. Upon remand, our options are to either dismiss the affected specification and reassess the sentence or order a rehearing.

We are confident we can reassess the sentence if we dismiss the affected specification. *United States v. Eversole*, 53 M.J. 132 (2000); *United States v. Harris*, 53 M.J. 86 (2000). Given this confidence, it would be a waste of judicial resources to order

a rehearing. Therefore, we modify the approved findings by ordering Specification 1 of Charge III dismissed.

In reassessing the sentence, we conclude that the dismissed offense was a minor part of the appellant's serious criminal financial irresponsibility. As such, the appellant would have received the same sentence even without the dismissed offense. *Harris*, 53 M.J. at 88. We find the approved sentence nonetheless appropriate.

The approved findings, as modified, and sentence, as reassessed, are correct in law and fact. Article 66(c) UCMJ, 10 U.S.C. § 866 (c); *United States v. Turner* 25 M.J. 324, 325 (C.M.A. 1987). Accordingly, the approved findings, as modified, and the sentence are

AFFIRMED.

OFFICIAL

FELECIA M. BUTLER, TSgt, USAF
Chief Court Administrator