

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class HANS L. CORDOVA
United States Air Force**

ACM S30400

28 February 2005

Sentence adjudged 21 May 2003 by SPCM convened at Offutt Air Force Base, Nebraska. Military Judge: Rodger A. Drew Jr.

Approved sentence: Bad-conduct discharge, confinement for 2 months, and reduction to E-2.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, and Major Andrew S. Williams.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Captain C. Taylor Smith.

Before

MALLOY, JOHNSON, and GRANT
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignment of error, and the government's reply thereto. The military judge did not err when he answered a question from the court members about the viability of another type of discharge action that could be exercised outside of the court-martial. The trial judge's answer was carefully tailored. He appropriately instructed the members to focus on the punishments that were available to them and not to concern themselves with other types of discharges that were not available to them or what some other authority might do if a punitive discharge was not imposed. *United States v. Friedmann*, 53 M.J. 800, 803 (A.F. Ct. Crim. App. 2000).

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