

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

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**UNITED STATES**

**v.**

**Airman MICHAEL A. CUCUZZA  
United States Air Force**

**ACM S30403 (f rev)**

**31 May 2006**

Sentence adjudged 18 April 2003 by SPCM convened at Columbus Air Force Base, Mississippi. Military Judge: Kevin P. Koehler (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 8 months, forfeiture of \$767.00 pay per month for 8 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Major Antony B. Kolenc, Major Sandra K. Whittington, and Major N. Anniece Barber.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, Major Kevin P. Stiens, and Major Heather L. Mazzeno.

Before

**ORR, JOHNSON, and JACOBSON  
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. Cucuzza*, ACM S30403 (A.F. Ct. Crim. App. 31 Aug 2005) (unpub. op.). This Court returned the case to The Judge Advocate General for remand to the convening authority for new post-trial processing because the original staff judge advocate's recommendation (SJAR) did not inform the convening authority that the appellant had been subjected to pretrial restraint. On 17 November 2005, a new SJAR was completed and on 23 January 2006, the convening authority completed a new action

to comply with our holding. This case came before us for further review with no additional assignments of error asserted.

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

THOMAS T. CRADDOCK, SSgt, USAF  
Court Administrator