

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class MARK S. DENEGRE
United States Air Force**

ACM 36031 (f rev)

23 April 2007

Sentence adjudged 29 June 2004 by GCM at Holloman Air Force Base, New Mexico. Military Judge: Barbara G. Brand (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 2 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, Major Sandra K. Whittington, Major James M. Winner, and Captain Anthony D. Ortiz.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Colonel Gary F. Spencer, Major John C. Johnson, and Major C. Taylor Smith.

Before

**BROWN, THOMPSON, and WISE
Appellate Military Judges**

UPON FURTHER REVIEW

PER CURIAM:

This case is before our Court for further review because the addendum to the original staff judge advocate's recommendation (SJAR) contained new matter which was not served on the trial defense counsel. *United States v. Denegre*, ACM 36031 (A.F. Ct. Crim. App. 18 Apr 2006) (unpub. op.). We returned the case to The Judge Advocate General for remand to the convening authority for new post-trial processing. A new SJAR and addendum were properly completed and on 29 January 2007, the convening authority completed a new action. 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

LAQUITTA J. SMITH
Documents Examiner