

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

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**No. ACM S32425**

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**UNITED STATES**  
*Appellee*

**v.**

**Terry L. DIZE**  
Airman Basic (E-1), U.S. Air Force, *Appellant*

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Appeal from the United States Air Force Trial Judiciary  
Decided 5 September 2017

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*Military Judge:* Matthew P. Stoffel.

*Approved sentence:* Bad-conduct discharge. Sentence adjudged 20 May 2016 by SpCM convened at Shaw Air Force Base, South Carolina.

*For Appellant:* Major Mark C. Bruegger, USAF; Major Rebecca J. Otey, USAF.

*For Appellee:* Major Meredith L. Steer, USAF; Gerald R. Bruce, Esquire.  
Before MAYBERRY, JOHNSON, and MINK, *Appellate Military Judges*.

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**This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 18.4.**

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PER CURIAM:

The approved findings and sentence are correct in law and fact, and no error materially prejudicial to Appellant's substantial rights occurred. Articles

59(a) and 66(c), Uniform Code of Military Justice (UCMJ), 10 U.S.C. §§ 859(a), 866(c). Accordingly, the approved findings and sentence are **AFFIRMED**.\*



FOR THE COURT

A handwritten signature in black ink, appearing to read "Kurt J. Brubaker".

KURT J. BRUBAKER  
Clerk of the Court

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\* Although Appellant raises no specific assignments of error, he notes the record of trial was docketed with this court 35 days after the convening authority took action, exceeding the 30-day threshold for a presumptively unreasonable post-trial delay. *United States v. Moreno*, 63 M.J. 129, 142 (C.A.A.F. 2006). However, he avers he suffered no prejudice from the delay, and we agree. Accordingly, having considered the relevant factors identified in *Moreno*, 63 M.J. at 135, and finding no adverse impact on the public's perception of the fairness or integrity of the military justice system, we find no violation of Appellant's due process rights. *See United States v. Toohey*, 63 M.J. 353, 362 (C.A.A.F. 2006). We have also considered whether relief for post-trial delay in the absence of a due process violation pursuant to our authority under Article 66(c), UCMJ, is appropriate, and find it is not. *See United States v. Tardif*, 57 M.J. 219, 225 (C.A.A.F. 2002); *United States v. Gay*, 74 M.J. 736, 744 (A.F. Ct. Crim. App. 2015), *aff'd*, 75 M.J. 264 (C.A.A.F. 2016).