

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

No. ACM S32407 (f rev)

UNITED STATES

Appellee

v.

Daniel A. DURAN

Technical Sergeant (E-6), U.S. Air Force, *Appellant*

Upon further review

Decided 18 July 2017

Military Judge: Shelly W. Schools.

Approved sentence: Bad-conduct discharge, confinement for 4 months, and reduction to E-1. Sentence adjudged 10 May 2016 by SpCM convened at Dyess Air Force Base, Texas.

For Appellant: Major Johnathan D. Legg, USAF.

For Appellee: Major Tyler B. Musselman, USAF; Major Meredith L. Steer, USAF; Gerald R. Bruce, Esquire.

Before MAYBERRY, JOHNSON, and SPERANZA, *Appellate Military Judges*.

**This is an unpublished opinion and, as such, does not serve as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

PER CURIAM:

We have this case for further review because the original convening authority's action failed to reflect the deferral of Appellant's reduction to E-1, which was a term of Appellant's pretrial agreement. *United States v. Duran*, No. ACM S32407, 2017 CCA LEXIS 381, at *1–2 (A.F. Ct. Crim. App. 31 May 2017).

Having resolved that issue, we find 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, 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