

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman Basic JACLYN L. FOSTER
United States Air Force**

ACM S30862 (f rev)

31 October 2006

Sentence adjudged 17 March 2005 by SPCM convened at Malmstrom Air Force Base, Montana. Military Judge: Jack L. Anderson (sitting alone).

Approved sentence: Bad-conduct discharge and confinement for 5 months.

Appellate Counsel for Appellant: Lieutenant Colonel Mark R. Strickland and Major John N. Page III.

Appellate Counsel for the United States: Colonel Gerald R. Bruce and Colonel Gary F. Spencer.

Before

**BROWN, JACOBSON, and SCHOLZ
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. Foster*, ACM S30862 (A.F. Ct. Crim. App. 30 Mar 2006) (unpub. op.). This Court originally returned the case to The Judge Advocate General for remand to the convening authority for a new action, to include language crediting the appellant with 15 days for illegal pretrial confinement, in violation of Article 13, UCMJ, 10 U.S.C. § 813. On 18 May 2006, the convening authority completed a new action in compliance with our holding. This case is now before this Court for further review on its merits.

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

JEFFREY L. NESTER
Clerk of Court