

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Senior Airman JOSE F. GARCIA
United States Air Force**

ACM S30099 (f rev)

30 August 2004

Sentence adjudged 21 February 2002 by SPCM convened at Moody Air Force Base, Georgia. Military Judge: Gregory P. Holder (sitting alone).

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

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Major Jeffrey A. Vires, and Major James M. Winner.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Lance B. Sigmon, and Major John D. Douglas.

Before

PRATT, ORR, and MOODY
Appellate Military Judges

UPON FURTHER REVIEW

PER CURIAM:

This case is before us upon further review after this Court remanded the case to the convening authority for a new post-trial recommendation and action. *United States v. Garcia*, ACM S30099 (A.F. Ct. Crim. App. 5 Dec 2003) (unpub. op.). We have received no filings by the parties within the established time limits set by the rules of this Court, and therefore, we have reviewed this case 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

ANGELA M. BRICE
Clerk of Court