

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

No. ACM 39125 (f rev)

UNITED STATES

Appellee

v.

John D. GONZALEZ

Senior Airman (E-4), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary

Upon further review

Decided 21 August 2018

Military Judge: Marvin W. Tubbs II.

Approved sentence: Bad-conduct discharge, confinement for 6 years, and reduction to E-1. Sentence adjudged 21 April 2016 by GCM convened at Scott Air Force Base, Illinois.

For Appellant: Major Mark C. Bruegger, USAF; Major Patrick A. Clary, USAF.

For Appellee: Lieutenant Colonel Joseph J. Kubler, USAF; Major Mary Ellen Payne, USAF; Major J. Ronald Steelman III, USAF; Gerald R. Bruce, Esquire.

Before JOHNSON, MINK, and DENNIS, *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This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 18.4.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 after returning the record of trial to The Judge Advocate General for remand to the convening authority for a new

post-trial process and action due to ineffective assistance of counsel during the post-trial phase. *United States v. Gonzalez*, 2018 CCA LEXIS 145, at *31–40, 44 (A.F. Ct. Crim. App. 22 Mar. 2018).

A new post-trial process and convening authority action have been accomplished with Appellant represented by conflict-free counsel. We find the approved findings and sentence to be correct in law and fact, and no error materially prejudicial to Appellant’s substantial rights remains to be addressed. 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

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court