

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman Basic TRAVIS A. GUTIERREZ
United States Air Force**

ACM 35661 (f rev)

15 June 2006

Sentence adjudged 6 February 2003 by GCM convened at Minot Air Force Base, North Dakota. Military Judge: Kurt D. Schuman (sitting alone).

Approved sentence: Bad-conduct discharge and confinement for 7 months.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Major Terry L. McElyea, and Major Diane M. Paskey.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Captain C. Taylor Smith.

Before

ORR, JOHNSON, and JACOBSON
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. Gutierrez*, __ M.J. __, ACM 35661 (A.F. Ct. Crim. App. 19 Dec 2005). This court returned the case to The Judge Advocate General for remand to the convening authority for new post-trial processing because the original staff judge advocate's recommendation (SJAR) failed to provide the convening authority with information he had requested. On 1 February 2006, a new SJAR was completed. The appellant subsequently provided additional information to the convening authority and the staff judge advocate provided, on 29 March 2006, an addendum to his new SJAR. On 31 March 2006 the convening authority completed a new action. This case came before this Court for further review with no additional assignments of error.

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

THOMAS T. CRADDOCK, SSgt, USAF
Court Administrator