

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class JERIN N. HAAS
United States Air Force**

ACM 35504

21 March 2005

Sentence adjudged 24 September 2002 by GCM convened at Cannon Air Force Base, New Mexico. Military Judge: Gregory E. Pavlik (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 20 months, forfeiture of all pay and allowances, and reduction to E-1.

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

Appellate Counsel for the United States: Colonel LeEllen Coacher and Lieutenant Colonel Robert V. Combs.

Before

**MALLOY, JOHNSON, and GRANT
Appellate Military Judges**

PER CURIAM:

We have examined the record of trial, the assignment of error, the declaration, and the government's reply thereto. The appellant requests sentence relief because of the delay in the post-trial processing of his case. A total of 155 days elapsed from the date the court-martial adjudged the sentence to the date of the convening authority's action on sentence.

The Court of Appeals for the Armed Forces has long recognized an appellant's right to a timely review of the findings and sentence. *United States v. Williams*, 55 M.J. 302, 305 (C.A.A.F. 2001); *United States v. Tucker*, 26 C.M.R. 367, 369 (C.M.A. 1958). Our superior court has also held that a Court of Criminal Appeals has authority under Article 66(c), UCMJ, 10 U.S.C. § 866(c), to grant appropriate relief for unreasonable and

unexplained post-trial delays without a predicate showing of specific prejudice. *United States v. Bodkins*, 60 M.J. 322, 324 (C.A.A.F. 2004) (citing *United States v. Tardif*, 57 M.J. 219, 224 (C.A.A.F. 2002)).

Although the appellant's case should have been processed more expeditiously, we cannot say the delay was unreasonable or unexplained. The trial participants were assigned to five different bases across the continental United States (Randolph Air Force Base (AFB), Texas; Goodfellow AFB, Texas; Bolling AFB, District of Columbia; Cannon AFB, New Mexico; and Minot AFB, North Dakota). The convening authority and his legal staff are located at Barksdale AFB, Louisiana, and the appellant was confined at the Miramar Naval Consolidated Brig in San Diego, California. The court reporter was not assigned to Cannon AFB and had additional court-martial responsibilities during the transcription of the appellant's record of trial. Although trial defense counsel avers he made at least three attempts to expedite the post-trial processing of his client's case by inquiring about the delay, it does not appear that he absolutely minimized the amount of time in his control when he submitted matters. Having considered all the facts and circumstances reflected in the record, we are convinced the delay was not unreasonable or unexplained. Accordingly, we decline to grant relief.

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; *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court