

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman Basic ANDRE S. JAMES
United States Air Force

ACM 36740 (f rev)

9 November 2007

Sentence adjudged 24 March 2006 by GCM convened at Little Rock Air Force Base, Arkansas. Military Judge: Steven A. Hatfield (sitting alone).

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

Appellate Counsel for the Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Captain Timothy M. Cox.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Lieutenant Colonel Robert V. Combs, and Captain Daniel J. Breen.

Before

SCHOLZ, JACOBSON, and THOMPSON
Appellate Military Judges

UPON FURTHER REVIEW

This opinion is subject to editorial correction before final release.

PER CURIAM:

This case is before our Court for further review because the original action was set aside. *United States v. James*, ACM 36740 (A.F. Ct. Crim. App. 16 Feb 2007) (unpub. op.). We found that the appellant was entitled to new post-trial processing because information that amounted to new matter was forwarded to the Convening Authority without prior service upon the appellant. We returned the case to The Judge Advocate General for remand to the convening authority for a new recommendation and action on the sentence. On 4 April 2007 a new Staff Judge Advocate Recommendation was completed, and on 27 July 2007 the convening authority completed a new action. The

case was returned to this Court on 19 August 2007, and came before us for further review on 22 October 2007 with no additional assignments of error.

Conclusion

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



STEVEN LUCAS, GS-11, DAF
Clerk of the Court