

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman First Class KELVIN L. JOHNSON II
United States Air Force

ACM 35739 (f rev)

31 March 2006

Sentence adjudged 26 August 2003 by GCM convened at Ellsworth Air Force Base, South Dakota. Military Judge: Jack L. Anderson.

Approved sentence: Bad-conduct discharge, confinement for 4 months, forfeiture of two-thirds pay per month for 28 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Colonel Carlos L. McDade, Major Terry L. McElyea, and Major David P. Bennett.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, Major James K. Floyd, and Clayton O'Connor (legal intern).

Before

BROWN, MOODY, and FINCHER
Appellate Military Judges

UPON FURTHER REVIEW

PER CURIAM:

A new action and promulgating order having been accomplished, this case is returned to this Court for further review in accordance with Article 66(c), UCMJ, 10 U.S.C. § 866(c). *See United States v. Johnson*, ACM 35739 (A.F. Ct. Crim. App. 4 Nov 2005) (unpub. op.). We hold that the following sentence is appropriate for the offenses of which the appellant was convicted: Bad-conduct discharge, confinement for 4 months, forfeiture of \$767.00 pay per month for 28 months, and reduction to E-1. *See* Rule for Courts-Martial 1003(b)(2) (“a sentence to forfeiture shall state the exact amount in whole dollars to be forfeited each month and the number of months the forfeitures will last”).

The approved findings and sentence, as modified, 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 approved findings and sentence, as modified, are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court