

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

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**UNITED STATES**

**v.**

**Senior Airman TODD W. JONES**  
**United States Air Force**

**ACM 36028 (f rev)**

**26 May 2006**

Sentence adjudged 4 May 2004 by GCM convened at Eglin Air Force Base, Florida. Military Judge: Linda S. Murnane and Lance B. Sigmon (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 42 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, Major Sandra K. Whittington, and Captain Gregory M. Gagne.

Appellate Counsel for the United States: Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Major Heather L. Mazzeno.

Before

**STONE, SMITH, and MATHEWS**  
Appellate Military Judges

**UPON FURTHER REVIEW**

**PER CURIAM:**

This case is before us on its merits upon further review after this Court remanded the case to the convening authority for a new action and promulgating order. *United States v. Jones*, ACM 36028 (A.F. Ct. Crim. App. 31 Jan 2006) (unpub. op.). The approved findings and sentence are correct in law and fact, and no error prejudicial to the

substantial rights of the appellant occurred.<sup>1</sup> 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

LOUIS T. FUSS, TSgt, USAF  
Chief Court Administrator

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<sup>1</sup> At trial, the appellant was awarded 11 days of credit for illegal pretrial confinement. The parties recognized he was properly confined for an additional 14 days, and thus entitled to an additional 14 days of administrative credit pursuant to *United States v. Allen*, 17 M.J. 126 (C.M.A. 1984). We note that the convening authority credited the appellant with 26 days of confinement against his sentence, as opposed to the 11 days we ordered in our 31 January 2006 decision. In accordance with Rule for Courts-Martial 1107(f)(4)(F), a convening authority is only required to include credit for illegal pretrial confinement in the final action. Nonetheless, we do not find material prejudice to the appellant's substantial rights. Article 59(a), UCMJ, 10 U.S.C. § 859(a).