UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Second Lieutenant WILLIAM R. JONES
United States Air Force

ACM 38028

15 April 2013

Sentence adjudged 29 July 2011 by GCM convened at Laughlin Air Force Base, Texas. Military Judge: Matthew D. Van Dalen.

Approved sentence: Dismissal, confinement for 6 months, and forfeiture of all pay and allowances.

Appellate Counsel for the Appellant: Captain Travis K. Ausland.

Appellate Counsel for the United States: Colonel Don M. Christensen; Lieutenant Colonel Linell A. Letendre; Major Rhea A. Lagano; Major Roberto Ramirez; Captain Erika L. Sleger; and Gerald R. Bruce, Esquire.

Before

GREGORY, HARNEY, and SOYBEL
Appellate Military Judges

PER CURIAM:

A general court-martial composed of officer members convicted the appellant contrary to his pleas of drunk driving, assault consummated by a battery, and conduct unbecoming an officer, in violation of Articles 111, 128, and 133, UCMJ, 10 U.S.C. §§ 911, 928, 933. The court sentenced him to a dismissal, confinement for six months, and forfeiture of all pay and allowances. The convening authority approved the sentence as adjudged. The appellant argues that we should find error in the military judge's denial of a challenge for cause, despite the appellant's decision to not exercise a peremptory challenge. He recently supplemented his assignment of errors with four additional errors submitted pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

Concerning the challenge for cause, we find the issue waived. Failure to exercise a peremptory challenge by the party who makes an unsuccessful challenge for cause waives further review of the challenge. Rule for Courts-Martial 912(f)(4). The appellant challenged a panel member for implied bias, citing primarily his interaction with other squadron commanders on disciplinary matters to include the commander who preferred charges against the appellant. The military judge denied the challenge and provided a detailed explanation for his decision which expressly referenced the liberal grant mandate. Defense counsel elected not to exercise a peremptory challenge. Further, we find no sua sponte duty by the military judge to reverse his detailed findings and excuse the challenged member. *See United States v. Strand*, 59 M.J. 455, 459-60 (C.A.A.F. 2004). We have considered the remaining assignments of error and find them to be without merit. *See United States v. Matias*, 25 M.J. 356, 361 (C.M.A. 1987).

Conclusion

The approved findings and the 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). Accordingly, the approved findings and the sentence are

AFFIRMED.

FOR THE COURT

STEVEN LUCAS
Clerk of the Court