

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Staff Sergeant TIMOTHY J. LAJAUNIE
United States Air Force

ACM 35104 (f rev)

2 August 2005

Sentence adjudged 6 August 2001 by GCM convened at Peterson Air Force Base, Colorado. Military Judge: Patrick M. Rosenow (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 54 months, forfeiture of all pay and allowances,¹ and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Major Maria A. Fried, and Major Antony B. Kolenc.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Lance B. Sigmon, Lieutenant Colonel Robert V. Combs, Major Linette I. Romer, and Major Shannon J. Kennedy.

Before

BROWN, ORR, and MOODY
Appellate Military Judges

UPON FURTHER REVIEW

PER CURIAM:

This case is before our Court for further review because the original action was set aside. *United States v. Lajaunie*, 60 M.J. 280 (C.A.A.F. 2004) (mem.). Our superior court returned the case to The Judge Advocate General for remand to the convening authority for a new action in light of its decision in *United States v. Emminizer*, 56 M.J. 441 (C.A.A.F. 2002). On 22 September 2004, the convening authority completed a new action to comply with *Emminizer*.

¹ Except for forfeiture of pay and allowances during the period 20 August 2001 to 19 February 2002, which was disapproved by the convening authority to allow the implementation of waived forfeitures.

We have received no filings by the parties within the established time limits set by the rules of this Court, and therefore, we have reviewed this case on its merits. Our review discloses no substantive error. 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

ANGELA M. BRICE
Clerk of Court