

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman JOSEPH W. LEE
United States Air Force

ACM S29894 (f rev)

19 October 2007

Sentence adjudged 4 May 2007 by SPCM convened at Goodfellow Air Force Base, Texas. Military Judge: Bryan Watson (sitting alone).

Approved sentence: Confinement for 60 days and reduction to E-1.

Appellate Counsel for the Appellant: Colonel Beverly B. Knott, Colonel Carlos L. McDade, Lieutenant Colonel Timothy W. Murphy, Major Thomas L. Farmer, Major Terry L. McElyea, Major Jeffery A. Vires, Major Sandra K. Whittington, Major L. Martin Powell, Captain Jennifer K. Martwick, Captain John N. Page III, and Captain Patience E. Schermer (Appellate Counsel Upon Further Review Waived by the Appellant).

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Colonel LeEllen Coacher, Colonel Anthony P. Patillo, Lieutenant Colonel Lance B. Sigmon, Lieutenant Colonel Gary F. Spencer, Major John C. Johnson, Major Tracey L. Printer, and Captain Adam Oler.

Before

FRANCIS, SOYBEL, and BRAND
Appellate Military Judges

UPON FURTHER REVIEW

This opinion is subject to editorial correction before final release.

PER CURIAM:

This case is before us for further review after the appellant's earlier conviction was, for the second time, set aside. *United States v. Lee*, 64 M.J. 213 (C.A.A.F. 2006). At a subsequent rehearing, the appellant, consistent with his plea, was convicted of one specification of wrongful possession of child pornography, in violation of Article 134,

UCMJ, 10 U.S.C. § 934. The adjudged and approved sentence consisted of confinement for 60 days and reduction to E-1.

The approved sentence does not meet the threshold trigger requirements established by Article 66(b), UCMJ, 10 U.S.C. § 866(b), for review by this Court. However, our review authority attached at the time of the appellant's original approved sentence, which did meet those requirements, and continues throughout the appellate process, to include review of any rehearing. See *United States v. Davis*, 63 M.J. 171, 177 (C.A.A.F. 2006).

Conclusion

Upon further review, 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, *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