

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman JOSEPH W. LEE
United States Air Force**

ACM S29894 (f rev)

28 July 2005

Sentence adjudged 20 August 2004 by SPCM convened at Goodfellow Air Force Base, Texas. Military Judge: Barbara E. Shestko and James L. Flanary (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 75 days, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Major Sandra K. Whittington, Major L. Martin Powell, and Captain John N. Page III.

Appellate Counsel for the United States: Lieutenant Colonel Gary F. Spencer, Major John C. Johnson, and Major Tracey L. Printer.

Before

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

UPON REHEARING

PER CURIAM:

We have examined the record of trial, the assignment of error, and the government's reply thereto. Reviewing the military judge's findings of fact and conclusions of law de novo, we conclude that the military judge did not err when he denied the defense request for an expert consultant. *See United States v. Gunkle*, 55 M.J. 26, 31-32 (C.A.A.F. 2001); *United States v. Robinson*, 39 M.J. 88, 89 (C.M.A. 1994); *United States v. Garries*, 22 M.J. 288, 291 (C.M.A. 1986).

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 findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court