

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

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**UNITED STATES**

**v.**

**Master Sergeant MARVIN L. LINDER  
United States Air Force**

**ACM 35401 (f rev)**

**26 May 2005**

Sentence adjudged 4 March 2002 by GCM convened at Spangdahlem Air Base, Germany. Military Judge: Linda S. Murnane.

Approved sentence: Dishonorable discharge, confinement for 4 years, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Colonel Carlos L. McDade, Major Terry L. McElyea, Major Sandra K. Whittington, Major Jennifer K. Martwick, and Captain John N. Page III.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Gary F. Spencer, and Lieutenant Colonel Stephen J. Maher.

Before

**PRATT, ORR, and MOODY**  
Appellate Military Judges

**UPON FURTHER REVIEW**

**PER CURIAM:**

This case is before this Court for the second time. Initially, we returned this case for remand to the convening authority for a new action, in accordance with *United States v. Emminizer*, 56 M.J. 441 (C.A.A.F. 2002). See *United States v. Linder*, ACM 35401 (A.F. Ct. Crim. App. 20 Dec 2004) (unpub. op.). A new action was accomplished on 3 February 2005, and the case was returned to this Court for further review. The appellant, through counsel, has submitted no additional assignment of errors for our consideration.

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