

discretion by denying the appellant's challenge for cause of a panel member. *United States v. Miles*, 58 M.J. 192 (C.A.A.F. 2003). Our superior court returned the case to the convening authority and authorized a rehearing on the sentence. The appellant was recalled from appellate leave and a sentence rehearing was held on 13 November 2003. A panel of officers sentenced the appellant to a bad-conduct discharge, confinement for 4 months, forfeiture of all pay and allowances, and reduction to E-1. The convening authority approved confinement for 3 months and the remainder of the adjudged sentence.

The appellant has submitted the record and new action for further review 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; *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

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class CHRISTOPHER T. MILES
United States Air Force**

ACM 34094 (f rev)

30 July 2004

Sentence adjudged 13 November 2003 by GCM convened at MacDill Air Force Base, Florida. Military Judge: Steven B. Thompson.

Approved sentence: Bad-conduct discharge, confinement for 3 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Major Terry L. McElyea and Captain Jennifer K. Martwick.

Appellate Counsel for the United States: Colonel LeEllen Coacher.

Before

PRATT, ORR, and MOODY
Appellate Military Judges

UPON FURTHER REVIEW

PER CURIAM:

This case is before our Court for further review because the original sentence was set aside by the United States Court of Appeals for the Armed Forces (CAAF). On 8 February 2000, the appellant was convicted, pursuant to his plea, by a general court-martial of wrongful use of cocaine, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. A panel of officer and enlisted members sentenced him to a bad-conduct discharge, confinement for 3 months, forfeiture of all pay and allowances, and reduction to E-1. The convening authority approved the sentence as adjudged, and forwarded the record for review by this Court under Article 66(c), UCMJ, 10 U.S.C. § 866(c).

This Court affirmed the findings and sentence. On 10 April 2003, the CAAF affirmed the findings, but set aside the sentence holding that the military judge abused his