

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman JUSTIN D. MILLER
United States Air Force

ACM S30659

20 September 2005

Sentence adjudged 14 May 2004 by SPCM convened at McGuire Air Force Base, New Jersey. Military Judge: Kevin P. Koehler (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 8 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Major Terry L. McElyea, and Captain John D. Page III.

Appellate Counsel for the United States: Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Major Michelle M. McCluer.

Before

BROWN, MOODY, and FINCHER
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignment of errors, and the government's reply. The appellant contends and the government agrees that allowing the trial counsel to prepare the post-trial staff judge advocate's recommendation to the convening authority was error. Article 6(c), UCMJ, 10 U.S.C. § 806(c). *See United States v. Johnson-Saunders*, 48 M.J. 74 (C.A.A.F. 1998). We also agree and find that a new action and new post-trial processing are required.¹

¹ Because the appellant's other two assignments of error deal with post-trial processing as well, we need not address them in light of this decision.

The record of trial is returned to The Judge Advocate General for remand to the convening authority for a new action consistent with this opinion. Thereafter, Article 66(c), UCMJ, 10 U.S.C. § 866(c), shall apply.

OFFICIAL

ANGELA M. BRICE
Clerk of Court