

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman Basic KENNETH J. NEWHOUSE
United States Air Force**

ACM S30325 (f rev)

8 August 2005

Sentence adjudged 6 December 2002 by SPCM convened at Cannon Air Force Base, New Mexico. Military Judge: Gregory E. Pavlik (sitting alone).

Approved sentence: Bad-conduct discharge and confinement for 5 months.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Colonel Carlos L. McDade, Major Terry L. McElyea, Major Andrea M. Gormel, Major Sandra K. Whittington, and Captain Diane M. Paskey.

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

Before

STONE, SMITH, and MATHEWS
Appellate Military Judges

UPON FURTHER REVIEW

PER CURIAM:

This case is before our Court for further review because the original action was set aside. *United States v. Newhouse*, ACM S30325 (A.F. Ct. Crim. App. 18 Apr 2005) (unpub. op.). This court returned the case to The Judge Advocate General for remand to the convening authority for a new action to reflect the pretrial confinement credit awarded the appellant by the military judge. On 2 May 2005, the convening authority completed a new action to comply with our holding.

Apart from the speedy trial issue raised with us originally, the appellant submitted the record and new action for further review on its merits. 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