

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Senior Master Sergeant GREGORY L. PARKER
United States Air Force**

ACM 34430 (f rev)

13 January 2005

Sentence adjudged 18 December 2000 by GCM convened at Cannon Air Force Base, New Mexico. Military Judge: Israel B. Willner.

Approved sentence: Confinement for 24 months, forfeiture of all pay and allowances, reduction to E-4, and a reprimand.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Colonel Carlos L. McDade, Major Terry L. McElyea, Major Jefferson B. Brown, and Captain L. Martin Powell.

Appellate Counsel for the United States: Colonel Anthony P. Datillo, Colonel LeEllen Coacher, Lieutenant Colonel Lance B. Sigmon, Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, Lieutenant Colonel Jennifer R. Rider, and Major John C. Johnson.

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 action by the convening authority was set aside by the United States Court of Appeals for the Armed Forces (CAAF). The appellant was convicted by a general court-martial, pursuant to his pleas, of three specifications of wrongful use of cocaine, one specification of failure to pay a just debt, one specification of dereliction of duty, and one specification of failure to go to his place of duty, in violation of Articles 112a, 134, 92, and 86, UCMJ, 10 U.S.C. §§ 912a, 934, 892, 886. A panel of officer and enlisted members sentenced him to confinement for 24 months, forfeiture of all pay and allowances, reduction to E-4, and a

reprimand. The convening authority approved the sentence as adjudged. Pursuant to Article 58b, UCMJ, 10 U.S.C. § 858b, the convening authority waived automatic forfeitures for six months or release from confinement, whichever was sooner, for the benefit of the appellant's daughter. The record was forwarded for review by this Court under Article 66(c), UCMJ, 10 U.S.C. § 866(c).

On 7 October 2003, this Court affirmed the findings and sentence. On 21 July 2004, the CAAF set aside the decision of this Court and the convening authority's action. *United States v. Parker*, 60 M.J. 283 (C.A.A.F. 2004). Our superior court returned the case to The Judge Advocate General for remand to the convening authority for a new action in light of its decision in *United States v. Emminizer*, 56 M.J. 441 (C.A.A.F. 2002). On 22 October 2004, the convening authority completed a new action to comply with *Emminizer*, approving the sentence adjudged but suspending the forfeiture of all pay and allowances for a period of six months. The convening authority then waived the automatic forfeiture of all pay and allowances for a period of six months or release from confinement, whichever is sooner, for the benefit of the appellant's daughter.

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