

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class KEVIN J. PENOUILH
United States Air Force**

ACM S30494 (f rev)

12 January 2006

Sentence adjudged 28 October 2003 by SPCM convened at Dover Air Force Base, Delaware. Military Judge: Lance B. Sigmon.

Approved sentence: Bad-conduct discharge, confinement for 1 month, forfeiture of \$767.00 pay per month for 1 month, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Major Sandra K. Whittington, Major James M. Winner, and Captain Anthony D. Ortiz.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, Major Kevin P. Stiens, and Major Lane A. Thurgood.

Before

BROWN, MOODY, and FINCHER
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. Penouilh*, ACM S30494 (A.F. Ct. Crim. App. 15 Apr 2005) (unpub. op.). This Court returned the case to The Judge Advocate General for remand to the convening authority for new post-trial processing. On 13 July 2005, the case was forwarded to our Court for review under Article 66, UCMJ, 10 U.S.C. § 866.

The appellant 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