

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Technical Sergeant ERICA N. PERRY
United States Air Force

ACM 37676 (rem)

23 April 2012

Sentence adjudged 12 March 2010 by GCM convened at Charleston Air Force Base, South Carolina. Military Judge: Terry A. O'Brien (sitting alone).

Approved sentence: No punishment.

Appellate Counsel for the Appellant: Lieutenant Colonel Gail E. Crawford; Major Nicholas W. McCue; and Frank J. Spinner, Esquire (civilian counsel).

Appellate Counsel for the United States: Colonel Don M. Christensen; Major Naomi N. Porterfield; and Gerald R. Bruce, Esquire.

Before

ORR, ROAN, and HARNEY
Appellate Military Judges

UPON REMAND

This opinion is subject to editorial correction before final release.

PER CURIAM:

This case is again before our Court after our superior court set aside our decision and the convening authority's Action in *United States v. Perry*, ACM 37676 (f rev) (A.F. Ct. Crim. App. 4 August 2011) (unpub. op.), *rev'd*, No. 12-0070/AF (Daily Journal 5 January 2012), and remanded it to the convening authority for a new post-trial review and Action.

Following the preparation of a new staff judge advocate recommendation and after reviewing the clemency submissions of the appellant and her counsel, the convening authority withdrew the previous 7 April 2011 Action of his predecessor and approved a new Action on 21 March 2012, approving a sentence of no punishment.

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



A handwritten signature in blue ink, appearing to read "S. Lucas", is written over a faint, light blue circular stamp or watermark.

STEVEN LUCAS
Clerk of the Court