

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Senior Airman ERIC D. RILEY
United States Air Force**

ACM S30749

23 February 2006

Sentence adjudged 29 September 2004 by SPCM convened at Dyess Air Force Base, Texas. Military Judge: Mary M. Boone.

Approved sentence: Bad-conduct discharge, hard labor without confinement for 60 days, restriction to Dyess Air Force Base, Texas, for 60 days, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Lieutenant Colonel Mark R. Strickland, and Captain Christopher S. Morgan.

Appellate Counsel for the United States: Lieutenant Colonel Gary F. Spencer and Lieutenant Colonel Robert V. Combs.

Before

ORR, JOHNSON, and JACOBSON
Appellate Military Judges

PER CURIAM:

Contrary to his plea, the appellant was convicted of wrongful use of methamphetamine in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. The convening authority approved the adjudged sentence and deferred the adjudged reduction in rank until the date of the action; however, the terms of the deferment do not appear in his action. Hence, the action of the convening authority is set aside. We return the record of trial to The Judge Advocate General for remand to the convening authority for a new action. *See* Article 57, UCMJ, 10 U.S.C. § 857; Air Force Instruction 51-201, *Administration of Military Justice*, ¶ 9.8.4 (26 Nov 2003); Rule for Courts-Martial 1107(g). Thereafter, Article 66, UCMJ, 10 U.S.C. § 866, shall apply.

OFFICIAL

LOUIS T. FUSS
Chief Court Administrator