

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

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**UNITED STATES**

**v.**

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

**ACM S30749 (f rev)**

**31 October 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, 60 days hard labor without confinement, 60 days restriction to Dyess Air Force Base, Texas, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Lieutenant Colonel Mark R. Strickland, Major Christopher S. Morgan, Captain Anthony D. Ortiz, and Captain Griffin S. Dunham.

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

Before

**ORR, FRANCIS, and SOYBEL**  
Appellate Military Judges

**UPON FURTHER REVIEW**

**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. On 22 November 2004, 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 did not appear in his action. As a result, we set aside the action of the convening authority and returned the record of trial to The Judge Advocate General for remand to the convening authority for a new action. *United States v. Riley*, ACM S30749 (A.F. Ct. Crim. App. 23 Feb 2006) (unpub. op.).

On 15 May 2006, the convening authority completed a new action approving the findings and the sentence. The new action also contains the terms of the appellant's deferred reduction in rank. Thereafter, the convening authority forwarded the record for review by this Court under Article 66(c), UCMJ, 10 U.S.C. § 866(c). On 11 October 2006, the appellant submitted his brief to this Court acknowledging that the substituted action remedied the appellant's original assignment of error. We agree.

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

JEFFREY L. NESTER  
Clerk of Court