

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

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UNITED STATES

v.

Staff Sergeant LEVERNE ROGERS, JR.  
United States Air Force

ACM 37493 (f rev)

24 November 2010

Sentence adjudged 17 April 2009 by GCM convened at Tyndall Air Force Base, Florida. Military Judge: Terry O'Brien.

Approved sentence: Bad-conduct discharge, confinement for one year, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for the Appellant: Lieutenant Colonel Gail E. Crawford, Major Shannon A. Bennett, and Captain Andrew J. Unsicker.

Appellate Counsel for the United States: Lieutenant Colonel Jeremy S. Weber, Major Naomi N. Porterfield, and Gerald R. Bruce, Esquire.

Before

BRAND, ORR, and WEISS  
Appellate Military Judges

UPON FURTHER REVIEW

This opinion is subject to editorial correction before final release.

PER CURIAM:

This case is before our Court for further review because the original Action was withdrawn. *United States v. Rogers*, ACM 37493 (A.F. Ct. Crim. App. 03 June 2010) (unpub. op.). This Court returned the case to The Judge Advocate General for remand to the convening authority for withdrawal of the action and substitution of a corrected Action and Court-Martial Order. On 17 June 2010, the convening authority withdrew the erroneous action in accordance with our decision. This case came before this Court for further review with no additional assignments of error.

The findings were previously affirmed. *Rogers*, unpub. op. The sentence is 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 sentence is

AFFIRMED.

OFFICIAL



A handwritten signature in blue ink, appearing to read "S. Lucas", is written over the seal.

STEVEN LUCAS  
Clerk of the Court