

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class FRED T. ROOTERS III
United States Air Force**

ACM 36149 (f rev)

19 June 2006

Sentence adjudged 23 November 2004 by GCM convened at Sheppard Air Force Base, Texas. Military Judge: James L. Flanary (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 8 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, Major Andrew S. Williams, and Captain Kimberly A. Quedensley.

Appellate Counsel for the United States: Colonel Gary F. Spencer, Major Michelle M. McCluer, and Major Heather L. Mazzeno.

Before

STONE, SMITH, and MATHEWS
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. Rooters*, ACM 36149 (A.F. Ct. Crim. App. 22 Feb 2006) (unpub. op.). This Court returned the case to The Judge Advocate General for remand to the convening authority for a new action, to include three days of illegal pretrial confinement credit pursuant to Article 13, UCMJ, 10 U.S.C. § 813. On 10 March 2006, the convening authority completed a new action in compliance with our holding. This case came before this Court for further review with no additional assignments of 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, 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

LOUIS T. FUSS, TSgt, USAF
Chief Court Administrator