

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Staff Sergeant HECTOR SAUSEDA
United States Air Force

ACM 35484 (f rev)

21 November 2005

Sentence adjudged 20 November 2002 by GCM convened at Davis-Monthan Air Force Base, Arizona. Military Judge: R. Scott Howard (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 42 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Lieutenant Colonel Mark R. Strickland, Major Andrew S. Williams, Major Sandra K. Whittington, Major James M. Winner, and Captain Diane M. Paskey.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Major Michelle M. McCluer.

Before

ORR, JOHNSON, and JACOBSON
Appellate Military Judges

UPON FURTHER REVIEW

PER CURIAM:

This case is before this Court for a second time. Initially, a general court-martial composed of a military judge sitting alone convicted the appellant, consistent with his pleas, of one specification of conspiracy to commit larceny and two specifications of larceny, in violation of Articles 81 and 121, UCMJ, 10 U.S.C. §§ 881, 921. The military judge accepted the appellant's pleas and sentenced him to a bad-conduct discharge, confinement for 42 months, forfeiture of all pay and allowances, and reduction to E-1. The convening authority approved the sentence as adjudged, waived mandatory

forfeitures pursuant to Article 58b(b), UCMJ, 10 U.S.C. § 858b(b), and forwarded the record for review by this Court under Article 66(c), UCMJ, 10 U.S.C. § 866(c).

On 3 June 2005, this Court set aside the action because the convening authority did not first modify, disapprove, or suspend the adjudged forfeitures before waiving automatic forfeitures, as required by *United States v. Emminizer*, 56 M.J. 441 (C.A.A.F. 2002). Accordingly, consistent with *United States v. Lajaunie*, 60 M.J. 280 (C.A.A.F. 2004), this Court returned the record of trial to The Judge Advocate General for remand to the convening authority for a new action.

On 19 July 2005, the convening authority signed a new action which corrects the previous error. The appellant now submits the record for further review on its merits. Our review discloses no substantive 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; *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court