

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

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**UNITED STATES**

**v.**

**Technical Sergeant ROBERT L. SEITTER  
United States Air Force**

**ACM 34973 (f rev)**

**29 June 2005**

Sentence adjudged 6 November 2001 by GCM convened at Kadena Air Base, Japan. Military Judge: Kurt D. Schuman.

Approved sentence: Bad-conduct discharge, confinement for 6 months, forfeiture of all pay and allowances, and reduction to E-2.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Colonel Carlos L. McDade, Major Terry L. McElyea, Major Kyle R. Jacobson, Major Sandra K. Whittington, Major Jennifer K. Martwick, and Captain David P. Bennett.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Lance B. Sigmon, Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, Major John D. Douglas, and Major Steven R. Kaufman.

Before

MALLOY, ORR, and JOHNSON  
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. Seitter*, 60 M.J. 349 (C.A.A.F. 2004) (mem.). Our superior court returned the case to The Judge Advocate General for remand to the convening authority for a new action in light of its decision in *United States v. Emminizer*, 56 M.J. 441 (C.A.A.F. 2002). On 4 January 2005, the convening authority completed a new action to comply with *Emminizer*, waiving the automatic forfeitures for six months from 27

November 2001 through 5 May 2002 for the benefit of the appellant's wife and deferring the adjudged forfeitures from 20 November 2001 through 5 May 2002.

The appellant submitted the record and new action 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, 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

ANGELA M. BRICE  
Clerk of Court