

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class GARY W. TAYLOR JR.
United States Air Force**

ACM 34852 (f rev)

20 September 2005

Sentence adjudged 6 September 2001 by GCM convened at Nellis Air Force Base, Nevada. Military Judge: Gregory E. Pavlik.

Approved sentence: Bad-conduct discharge and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Colonel Carlos L. McDade, Major Patrick J. Dolan, Major Terry L. McElyea, Major Jeffrey A. Vires, Major Andrew S. Williams, Major Antony B. Kolenc, Major Sandra K. Whittington, and Captain David P. Bennett.

Appellate Counsel for the United States: Colonel Anthony P. Dattilo, Colonel LeEllen Coacher, Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, Lieutenant Colonel Lance B. Sigmon, Major Shannon J. Kennedy, and Major Nurit Anderson.

Before

BROWN, MOODY, and FINCHER
Appellate Military Judges

UPON FURTHER REVIEW

PER CURIAM:

The appellant was tried before a general court-martial composed of officer and enlisted members. Consistent with his pleas, he was convicted of one specification of wrongfully viewing sexually explicit material on a government computer and two specifications of willful dereliction of duty arising from his position as a respiratory technician at the base hospital, all in violation of Article 92, UCMJ, 10 U.S.C. § 892. He was acquitted of two specifications of wrongful distribution of methylenedioxymethamphetamine (ecstasy), in violation of Article 112a, UCMJ, 10

U.S.C. § 912a. The members sentenced him to a bad-conduct discharge and reduction to E-1. The convening authority approved the sentence as adjudged and forwarded the record for review by this Court under Article 66(c), UCMJ, 10 U.S.C. § 866(c).

On 28 July 2003, this Court approved the findings and sentence. *United States v. Taylor*, ACM 34852 (A.F. Ct. Crim. App 28 Jul 2004) (unpub. op.). On 20 August 2004, the Court of Appeals for the Armed Forces reversed the decision of this Court, set aside the action, and remanded this case for a new post-trial review by a qualified staff judge advocate. *United States v. Taylor*, 60 M.J. 190 (C.A.A.F. 2004) (mem.). The convening authority completed a new action on 10 February 2005. Thereafter, the convening authority forwarded the record for review by this Court under Article 66(c), UCMJ. The appellant has submitted the case on its merits.

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