

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman ANDREW J. VALLEJO
United States Air Force

ACM 35842 (f rev)

30 June 2008

Sentence adjudged 20 November 2003 by GCM convened at Osan Air Base, Republic of Korea. Military Judge: David F. Brash.

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

Appellate Counsel for the Appellant: Colonel Carlos L. McDade, Lieutenant Colonel Mark R. Strickland, Major Terry L. McElyea, Major Sandra K. Whittington, Major David P. Bennett, and Captain Griffin S. Dunham.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, Lieutenant Colonel Gary F. Spencer, Major Matthew S. Ward, Major Stacey J. Vetter, Captain Daniel J. Breen, and Captain Jefferson E. McBride.

Before

BRAND, FRANCIS, and JACKSON
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

This case is before us on the merits for further review. In *United States v. Vallejo*, ACM 35842 (f rev) (A.F. Ct. Crim. App. 14 Sep 2007) (unpub. op.), this Court found error, set aside the convening authority's action, and returned the case for new post-trial processing. That has been accomplished.

Conclusion

Upon further review, 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.

Senior Judge BRAND did not participate.

OFFICIAL



STEVEN LUCAS, YA-02, DAF
Clerk of the Court