

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class SCOTT J. VEENSTRA
United States Air Force**

ACM 35160 (f rev)

27 September 2005

Sentence adjudged 23 September 2004 by GCM convened at Langley Air Force Base, Virginia. Military Judge: Kevin P. Koehler.

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

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Major Sandra K. Whittington, and Captain Anthony D. Ortiz.

Appellate Counsel for the United States: Lieutenant Colonel Gary F. Spencer, Major Michelle M. McCluer, and Major Tracey L. Printer.

Before

**BROWN, MOODY, and FINCHER
Appellate Military Judges**

UPON FURTHER REVIEW

PER CURIAM:

We have examined the record of trial, the assignment of error, and the government's reply thereto. This case was originally tried on 26 March 2002. This Court subsequently set aside the finding of guilt and the sentence, authorizing a rehearing. *United States v. Veenstra*, ACM 35160 (A.F. Ct. Crim. App. 25 Feb 2004) (unpub. op.). The rehearing occurred on 23 September 2004. Apparently, the record of the original trial was not attached to the record of the rehearing, as required by Rule for Courts-Martial (R.C.M.) 1103(b)(3)(A)(iii). As a consequence, the appellant contends that the record is incomplete, precluding approval of the bad-conduct discharge. R.C.M. 1103(f)(1). *See United States v. Henry*, 53 M.J. 108, 110-11 (C.A.A.F. 2000).

However, we note that, since the submission of the appellant's brief, the original record has been properly appended. Insofar as the appellant has asserted no actual prejudice, we hold that any error in the government having failed initially to append the original record is harmless.

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