

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

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**UNITED STATES**

**v.**

**Airman First Class JAMES W. WEST  
United States Air Force**

**ACM S30699 (f rev)**

**9 January 2007**

Sentence adjudged 26 July 2004 by SPCM convened at Langley Air Force Base, Virginia. Military Judge: Lance B. Sigmon (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 30 days, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Lieutenant Colonel Mark R. Strickland, Major Sandra K. Whittington, and Major John N. Page III.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, Major Carrie E. Wolf, and Major Kimani R. Eason.

Before

**BROWN, MATHEWS, and THOMPSON**  
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. West*, ACM S30699 (A.F. Ct. Crim. App. 23 Jan 2006) (unpub. op.). We returned the case to The Judge Advocate General for remand to the convening authority to clarify the ambiguous and erroneous action. On 28 June 2006, the convening authority completed a new action in compliance with our holding. This case came before this Court for further review with no additional assignments of 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

LOUIS T. FUSS, TSgt, USAF  
Chief Court Administrator