

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

No. ACM 39834 (f rev)

UNITED STATES

Appellee

v.

Wendy A. BARNES

Captain (O-3), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary

Upon further review

Decided 1 March 2022

Military Judge: Bryon T. Gleisner; Andrew R. Norton (remand).

Sentence: Sentence adjudged on 17 September 2019 by GCM convened at Keesler Air Force Base, Mississippi. Sentence entered by military judge on 4 December 2019 and reentered on 11 May 2021: Dismissal, forfeiture of \$500.00 pay per month for 3 months, and a reprimand.

For Appellant: Major Christopher C. Newton, USAF; Captain Thomas R. Govan Jr., USAF.

For Appellee: Lieutenant Colonel Matthew J. Neil, USAF; Mary Ellen Payne, Esquire.

Before LEWIS, RAMÍREZ, and CADOTTE, *Appellate Military Judges*.

This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 30.4.

PER CURIAM:

This case is before our court for the second time. Previously, Appellant raised two assignments of error, both alleging that trial defense counsel provided ineffective assistance of counsel. *United States v. Barnes*, No. ACM 39834, 2021 CCA LEXIS 177, at *2 (A.F. Ct. Crim. App. 16 Apr. 2021) (unpub. op.). We reviewed Appellant’s assignments of error and decided they did not warrant relief. *Id.* at *22. However, we remanded the case to the Chief Trial Judge, Air Force Trial Judiciary, to resolve a substantial issue with the convening authority’s decision memorandum, as we found the action taken on Appellant’s adjudged sentence was ambiguous and incomplete. *Id.* at *28–29.

On 29 April 2021, in accordance with the court’s direction, the convening authority withdrew the previous Decision on Action memorandum and substituted a corrected Decision on Action memorandum. In the new memorandum, the convening authority approved the adjudged sentence in its entirety. On 11 May 2021, the military judge issued a corrected entry of judgment (EoJ).

The case was re-docketed with the court on 25 May 2021. On 20 January 2022, Appellant resubmitted her case without raising any additional issues for our consideration. We find the corrected Decision on Action memorandum and corrected EoJ comply with our prior decision.

Upon further review, the findings and sentence as reentered are correct in law and fact, and no error materially prejudicial to the substantial rights of Appellant occurred. Articles 59(a) and 66(d), Uniform Code of Military Justice, 10 U.S.C. §§ 859(a), 866(d), *Manual for Courts-Martial, United States* (2019 ed.). Accordingly, the findings and sentence are **AFFIRMED**.



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court