

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

No. ACM S32464 (f rev)

UNITED STATES

Appellee

v.

John L. GATERS

Staff Sergeant (E-5), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary

Upon further review

Decided 30 November 2018

Military Judge: L. Martin Powell.

Approved sentence: Bad-conduct discharge, confinement for 30 days, and reduction to E-3. Sentence adjudged 16 February 2017 by SpCM convened at McConnell Air Force Base, Kansas.

For Appellant: Major Rebecca J. Otey, USAF.

Before HUYGEN, MINK, and POSCH, *Appellate Military Judges.*

This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 18.4.

PER CURIAM:

We have this case for further review after returning the record of trial to The Judge Advocate General for remand to the convening authority for new post-trial processing. *United States v. Gaters*, No. ACM S32464, 2018 CCA LEXIS 364 (A.F. Ct. Crim. App. 20 Jul. 2018) (unpub. op.). New post-trial processing and convening authority action have been accomplished.

The approved findings and sentence are correct in law and fact, and no error materially prejudicial to Appellant's substantial rights occurred. Arti-

cles 59(a) and 66(c), Uniform Code of Military Justice, 10 U.S.C. §§ 859(a), 866(c). Accordingly, the approved findings and sentence are **AFFIRMED**.*



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court

* We remind the Government that the final order must resolve Charge II and its Specifications 2 and 3, all of which were dismissed by the military judge conditioned on “approval on appellate review of the findings of guilt of Specifications 1 and 3 of Charge I, and of Charge I.” See *United States v. Alford*, No. ACM 39216, 2018 CCA LEXIS 388, at *1 n.1 (A.F. Ct. Crim. App. 15 Aug. 2018) (unpub. op.) (also involving a conditional dismissal).