

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

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**No. ACM 40375 (f rev)**

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**UNITED STATES**

*Appellee*

**v.**

**Oscar F. GONZALEZ**

Airman First Class (E-3), U.S. Air Force, *Appellant*

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Appeal from the United States Air Force Trial Judiciary

*Upon Further Review*

Decided 11 December 2023

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*Military Judge:* Pilar G. Wennrich.

*Sentence:* Sentence adjudged on 21 July 2022 by GCM convened at Joint Base Charleston, South Carolina. Sentence entered by military judge on 20 September 2022: Bad-conduct discharge, confinement for 6 months, forfeiture of all pay and allowances for 6 months, and reduction to E-1.

*For Appellant:* Major Jenna M. Arroyo, USAF; Major Jarett F. Merk, USAF.

*For Appellee:* Captain Olivia B. Hoff, USAF; Mary Ellen Payne, Esquire.  
Before JOHNSON, CADOTTE, and MASON, *Appellate Military Judges.*

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**This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 30.4.**

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PER CURIAM:

A military judge sitting as a general court-martial convicted Appellant, in accordance with his pleas and pursuant to a plea agreement, of one specification of battery upon a spouse and one specification of assault consummated by a battery, in violation of Article 128, Uniform Code of Military Justice (UCMJ),

10 U.S.C. § 928 (*Manual for Courts-Martial, United States*, 2019 ed.). The military judge sentenced Appellant to a bad-conduct discharge, confinement for six months, forfeiture of all pay and allowances for six months, and reduction to the grade of E-1. The convening authority took no action on the findings or sentence.

Appellant's case is before us a second time. This case was originally submitted for our review with one assignment of error concerning two missing attachments to Prosecution Exhibit 1, the stipulation of fact. On 8 September 2023, this court remanded the case to the Chief Trial Judge, Air Force Trial Judiciary, to account for the missing attachments. *United States v. Gonzalez*, No. ACM 40375, 2023 CCA LEXIS 378, at \*5 (A.F. Ct. Crim. App. 8 Sep. 2023) (unpub. op.). On 29 September 2023, a detailed military judge issued a certificate of correction attaching the two missing attachments to the record of trial. Appellant's case was then returned to this court.

The record of trial is now complete. On 21 November 2023, Appellant again submitted his case for our review, this time without further assignment of error.

The findings and sentence as entered are correct in law and fact, and no error materially prejudicial to the substantial rights of Appellant occurred. Articles 59(a) and 66(d), UCMJ, 10 U.S.C. §§ 859(a), 866(d). Accordingly, the findings and the sentence are **AFFIRMED**.



FOR THE COURT

*Carol K. Joyce*

CAROL K. JOYCE  
Clerk of the Court