

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

No. ACM 39304 (f rev)

UNITED STATES
Appellee

v.

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

Appeal from the United States Air Force Trial Judiciary
Upon further review
Decided 29 April 2019

Military Judge: Joseph S. Imburgia.

Approved sentence: No punishment. Sentence adjudged 4 April 2017 by GCM convened at Dyess Air Force Base, Texas.

For Appellant: Major Mark J. Schwartz, USAF.

For Appellee: Lieutenant Colonel Joseph J. Kubler, USAF; Lieutenant Colonel G. Matt Osborn, USAF; Mary Ellen Payne, Esquire.

Before JOHNSON, DENNIS, and LEWIS, *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This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 18.4.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:

Appellant was originally convicted, contrary to her pleas, of one specification of drunk on duty and one specification of wrongful use of cocaine in violation of Articles 112 and 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. §§ 912, 912a. The adjudged and approved sentence consisted solely of a dismissal.

In *United States v. Khalji*, No. ACM 39304, 2019 CCA LEXIS 38 (A.F. Ct. Crim. App. 31 Jan. 2019) (unpub. op.), this court set aside and dismissed with prejudice Appellant's conviction for wrongful use of cocaine. We also set aside the sentence but authorized a rehearing. The case was returned to the convening authority for action consistent with our opinion.

On 27 March 2019, the convening authority once again approved Appellant's conviction for drunk on duty but, having found a rehearing on the sentence impracticable, approved a sentence of no punishment in accordance with Rule for Courts-Martial 1107(e)(2)(C)(iii).

Upon further review, the approved findings and sentence are correct in law and fact, and no error materially prejudicial to Appellant's substantial rights occurred. Articles 59(a) and 66(c), UCMJ, 10 U.S.C. §§ 859(a), 866(c) (2016). Accordingly, the approved finding and sentence are **AFFIRMED**.



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court