

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

No. ACM 39596 (f rev)

UNITED STATES
Appellee

v.

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

Appeal from the United States Air Force Trial Judiciary
Upon Further Review

Decided 13 November 2020

Military Judge: Andrew Kalavanos (arraignment); L. Martin Powell.

Approved sentence: Bad-conduct discharge, confinement for 6 months, and reduction to E-1. Sentence adjudged 3 August 2018 by GCM convened at MacDill Air Force Base, Florida.

For Appellant: Major M. Dedra Campbell, USAF.

Before J. JOHNSON, KEY, and RAMÍREZ, *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This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 30.4.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:

Appellant's case is before this court for the second time. In *United States v. Smith*, No. ACM 39596, 2020 CCA LEXIS 214 (A.F. Ct. Crim. App. 25 Jun. 2020) (unpub. op.), we affirmed the findings and sentence. However, because the action failed to include 14 days of confinement credit ordered by the military judge for illegal pretrial confinement, we returned the record to the Judge

Advocate General for remand to the convening authority to withdraw the incomplete action, substitute a corrected action, and issue a corrected court-martial order.

On 7 July 2020, the convening authority withdrew the action and substituted a corrected action in accordance with the court's direction. Appellant has not raised any additional issues for our consideration upon further review, and we find the corrected action and court-martial order are complete.

The approved findings and sentence were previously affirmed by this court, and no error materially prejudicial to the substantial rights of Appellant occurred. Articles 59(a) and 66(c), UCMJ, 10 U.S.C. §§ 859(a), 866(c), *Manual for Courts-Martial, United States* (2016 ed.). Accordingly, our review pursuant to Article 66(c), UCMJ, is complete.



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court