

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

No. ACM 39288 (f rev)

UNITED STATES

Appellee

v.

Philip H. AIKEN

Senior Airman (E-4), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary

Upon further review

Decided 11 October 2018

Military Judge: Patricia A. Gruen.

Approved sentence: Bad-conduct discharge, confinement for 13 months, and reduction to E-1. Sentence adjudged 9 May 2017 by GCM convened at Andersen Air Force Base, Guam.

For Appellant: Major Todd M. Swensen, USAF.

For Appellee: Lieutenant Colonel Joseph J. Kubler, USAF; Captain Michael T. Bunnell, USAF; Mary Ellen Payne, Esquire.

Before HARDING, HUYGEN, 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**This is an unpublished opinion and, as such, does not serve as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 and action. *United States v. Aiken*, No. ACM 39288, 2018 CCA LEXIS 366 (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. Articles 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