

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

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**No. ACM 40012 (f rev)**

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**UNITED STATES**  
*Appellee*

**v.**

**Sean M. DALEY**  
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 16 May 2022

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*Military Judge:* Colin P. Eichenberger.

*Sentence:* Sentence adjudged 3 December 2020 by GCM convened at Holloman Air Force Base, New Mexico. Sentence entered by military judge on 12 January 2021: Dishonorable discharge, confinement for 24 months, forfeiture of all pay and allowances, and reduction to E-1.

*For Appellant:* Captain David L. Bosner, USAF.

*For Appellee:* Lieutenant Colonel Matthew J. Neil, USAF; Major Abbigayle C. Hunter, USAF; Major John P. Patera, USAF; Mary Ellen Payne, Esquire.

Before JOHNSON, KEY, and MEGINLEY, *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**This is an unpublished opinion and, as such, does not serve as  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:

Appellant's case is before our court for the second time. Our court previously remanded this case to the Chief Trial Judge, Air Force Trial Judiciary, to resolve Appellant's sole assignment of error, a substantial issue with the

completeness of the record of trial—specifically, attachments to the stipulation of fact, Prosecution Exhibit 1, were missing. *United States v. Daley*, No. ACM 40012, 2022 CCA LEXIS 7, at \*5 (A.F. Ct. Crim. App. 5 Jan. 2022) (unpub. op.). On 14 January 2022, the military judge signed a certificate of correction to the record of trial and the record of trial was returned to this court for completion of its appellate review on 1 February 2022. We find the military judge followed the procedures of Rule for Courts-Martial 1112(d) to reconstruct the missing parts of the record, that the defects in the record of trial have been corrected, and Appellant’s assignment of error is now moot.

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), *Manual for Courts-Martial, United States* (2019 ed.).

Accordingly, the findings and sentence are **AFFIRMED**.



FOR THE COURT

*Carol K. Joyce*

CAROL K. JOYCE  
Clerk of the Court