

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

No. ACM 39310 (rem)

UNITED STATES
Appellee

v.

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

On Remand from
The United States Court of Appeals for the Armed Forces
Decided 24 September 2020

Military Judge: Charles E. Wiedie, Jr.

Approved sentence: Dishonorable discharge, confinement for 7 years, forfeiture of all pay and allowances, and reduction to E-1. Sentence adjudged 25 April 2017 by GCM convened at Joint Base Pearl Harbor-Hickam, Hawaii.

For Appellant: Major David A. Schiavone, USAF.

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This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 30.4.

PER CURIAM:

This case is before us for the second time. In Appellant's initial appeal to this court, we affirmed the findings and set aside the sentence. *United States v. Easterly*, No. ACM 39310, 2019 CCA LEXIS 175 (A.F. Ct. Crim. App. 12 Apr. 2019) (unpub. op.). The United States Court of Appeals for the Armed Forces (CAAF) granted review on the issue of whether this court erred when we held

that the military judge committed plain and prejudicial error by failing to instruct the panel *sua sponte* regarding the impact of a punitive discharge on Appellee's potential permanent disability retirement, where Appellee did not request such an instruction. In *United States v. Easterly*, 79 M.J. 325 (C.A.A.F. 2020), the CAAF answered the certified question in the affirmative, affirmed our prior decision as to the findings, set aside our prior decision as to the sentence, and returned the case to The Judge Advocate General of the Air Force for remand to this court for further consideration in light of its decision. Counsel for Appellant submitted the case to this court on its merits with no specific assignments of error other than those raised in the original appeal.

The approved findings were previously affirmed. The approved sentence is 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 sentence is **AF-FIRMED**.



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court

^{*} *Manual for Courts-Martial, United States* (2016 ed.).