

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Senior Airman JANICE M. WASHINGTON
United States Air Force**

ACM S29570 (f rev)

12 May 2003

Sentence adjudged 17 July 2002 by SPCM convened at Altus Air Force Base, Oklahoma. Military Judge: Mary Boone and Israel B. Willner.

Approved sentence: Reduction to E-2.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Lieutenant Colonel Timothy W. Murphy, Major Jefferson B. Brown, Major Maria A. Fried, and Captain Patience Schermer.

Appellate Counsel for the United States: Colonel LeEllen Coacher and Lieutenant Colonel Lance B. Sigmon.

Before

BURD, ORR, W.E., and ORR, V.A.
Appellate Military Judges

UPON FURTHER REVIEW

PER CURIAM:

This is the second time we reviewed this case. *See United States v. Washington*, ACM S29570 (A.F. Ct. Crim. App. 27 Nov 2000) (unpub. op.). At trial, the appellant pled guilty to one specification of larceny, Article 121, UCMJ, 10 U.S.C. § 921, and officer members sentenced her to a bad-conduct discharge, restriction to the base for 2 months, and reduction to the grade of E-2. This Court upheld the appellant's conviction and sentence. After our first consideration, the United States Court of Appeals for the Armed Forces (CAAF) affirmed the findings but set aside the sentence. *United States v. Washington*, 55 M.J. 441 (2001). The case was then returned to The Judge Advocate General of the Air Force. In the decretal paragraph of their decision, CAAF stated that a rehearing on sentence may be ordered. When The Judge Advocate General sent the case

to this Court for further review, the appellant filed a petition for extraordinary relief to CAAF insisting that the case must be sent to the convening authority before we may review it. CAAF granted the appellant's petition and directed that this Court return the case to The Judge Advocate General without further action, consistent with their original decision. Accordingly, the case was ultimately returned to the convening authority, who ordered a rehearing on sentence. With that hearing completed, the record has been returned to us for review.

A panel of officers at the rehearing sentenced the appellant to be reduced to the grade of E-1 and to forfeit \$737.00 of her pay per month for 3 months. The convening authority approved only a reduction to E-2. Ordinarily, this Court would not review a case with an approved sentence consisting solely of a reduction to E-2. However, since the case was remanded to us from CAAF, we still retain jurisdiction under our Rules of Practice and Procedure.¹ United States Air Force Court of Criminal Appeals, Rules of Practice and Procedure, Rule 2.1. (1 Sep 2000).

The approved findings and sentence are correct in law and fact, and no error prejudicial to the substantial rights of the appellant occurred. Article 66(c), UCMJ; *United States v. Reed*, 54 M.J. 37, 41 (2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

FELECIA M. BUTLER, TSgt, USAF
Chief Court Administrator

¹ Ancillary Jurisdiction. This Court retains jurisdiction over cases initially reviewed under Article 66, UCMJ, 10 U.S.C. § 866, which are remanded for further proceedings, notwithstanding any subsequent reduction of the sentence below the level requiring the Judge Advocate General to refer the case to this Court pursuant to Art. 66(b), UCMJ.