

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class JEREMY D. MAYS
United States Air Force**

ACM 35310 (f rev)

25 August 2005

Sentence adjudged 29 July 2002 by GCM convened at Dyess Air Force Base, Texas. Military Judge: Kurt D. Schuman (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 4 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Colonel Carlos L. McDade, Lieutenant Colonel Mark R. Strickland, Major Terry L. McElyea, Major Kyle R. Jacobson, and Captain Christopher S. Morgan.

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

Before

BROWN, ORR, and MOODY
Appellate Military Judges

**OPINION OF THE COURT
UPON FURTHER REVIEW**

PER CURIAM:

A military judge sitting alone as a general court-martial found the appellant guilty, in accordance with his pleas, of dereliction of duty in violation of Article 92, UCMJ, 10 U.S.C. § 892, and wrongful use of methamphetamine in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. The military judge sentenced the appellant to a bad-conduct discharge, confinement for 4 months, and reduction to E-1. The convening authority approved the sentence as adjudged and forwarded the record for review by this Court under Article 66(c), UCMJ, 10 U.S.C. § 866(c).

On 25 August 2004, this Court returned the record of trial to The Judge Advocate General for remand to the convening authority because his staff judge advocate failed to advise him of the appellant's 141 days of pretrial restraint. On 21 June 2005, the convening authority completed a new action approving the sentence as adjudged. Thereafter, the convening authority forwarded the record for review by this Court under Article 66(c), UCMJ. On appeal, the appellant acknowledged that the convening authority accomplished a new action and did not assert any additional assignments of error.

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 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court