

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Senior Airman GARETH A. SMITH
United States Air Force**

ACM 37672 (f rev)

14 July 2011

Sentence adjudged 10 March 2010 by GCM convened at Osan Air Base, Republic of Korea. Military Judge: Mark L. Allred (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 15 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for the Appellant: Lieutenant Colonel Gail E. Crawford and Major Phillip T. Korman.

Appellate Counsel for the United States: Colonel Don M. Christensen and Gerald R. Bruce, Esquire.

Before

BRAND, ORR, and WEISS
Appellate Military Judges

UPON FURTHER REVIEW

This opinion is subject to editorial correction before final release.

PER CURIAM:

In accordance with his pleas of guilty to one charge and three specifications of false official statements in violation of Article 107, UCMJ, 10 U.S.C. § 907, and one charge and three specifications of larceny in violation of Article 121, UCMJ, 10 U.S.C. § 921, a military judge sitting as a general court-martial sentenced the appellant to a bad-conduct discharge, 16 months of confinement, forfeiture of all pay and allowances, and

reduction to E-1. The convening authority approved a bad-conduct discharge, confinement for 15 months, forfeiture of all pay and allowances, and reduction to E-1.¹

This case is before our Court for the second time. In *United States v. Smith*, ACM 37672 (A.F. Ct. Crim. App. 9 March 2011) (unpub. op.), we set aside the convening authority's action and returned the record to The Judge Advocate General for remand to the convening authority for a new action because the approved sentence did not comply with the terms of the pretrial agreement regarding suspension, deferment, and waiver of the adjudged and automatic forfeitures.

On 12 May 2011, the Action and Court-Martial Order were accomplished in accordance with this Court's directions. Appellant has not raised any other issues.

Conclusion

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, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL



STEVEN LUCAS
Clerk of the Court

¹ The pretrial agreement provided that confinement would not exceed 15 months.