

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class JEAN A. STARKWEATHER
United States Air Force**

ACM 35165 (f rev)

25 May 2005

Sentence adjudged 7 December 2004 by GCM convened at Keesler Air Force Base, Mississippi. Military Judge: W. Thomas Cumbie.

Approved sentence: Bad-conduct discharge and confinement for 3 months.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Colonel Carlos L. McDade, Major Terry L. McElyea, Major Jeffrey A. Vires, Major Antony B. Kolenc, and Major Sandra K. Whittington.

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

Before

PRATT, ORR, and MOODY
Appellate Military Judges

UPON FURTHER REVIEW

PER CURIAM:

This case is before this Court for a second time. Initially, a general court-martial composed of a military judge sitting alone convicted the appellant, consistent with his pleas, of distribution and possession of child pornography, in violation of Article 134, UCMJ, 10 U.S.C. § 934. The military judge accepted the appellant's pleas and sentenced him to a bad-conduct discharge, confinement for 10 months, forfeiture of all pay and allowances, 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 30 September 2004, this Court affirmed the findings of guilty as to distribution of child pornography, but set aside the findings of guilty as to possession of child pornography. The case was returned to the convening authority. Thereafter, the convening authority dismissed the possession of child pornography specification and ordered a sentence rehearing on the remaining specification of distribution of child pornography. On 7 December 2004, a panel of officer members sentenced the appellant to a bad-conduct discharge and confinement for 3 months. The convening authority approved the sentence as adjudged.

The appellant has submitted the record for further review on its merits. Our review discloses no substantive 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