

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

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**UNITED STATES**

**v.**

**Airman First Class RONALD W. WENSLEY  
United States Air Force**

**ACM 35116 ( f rev)**

**13 January 2005**

Sentence adjudged 17 January 2002 by GCM convened at Tinker Air Force Base, Oklahoma. Military Judge: Patrick M. Rosenow (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 19 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Major Terry L. McElyea, Major Patricia A. McHugh, and Captain Jennifer K. Martwick.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, Lieutenant Colonel William B. Smith, and Major Matthew J. Mulbarger.

Before

**PRATT, ORR, and MOODY**  
Appellate Military Judges

**UPON FURTHER REVIEW**

**PER CURIAM:**

This case is before our Court for further review because the original action of the convening authority was set aside by the United States Court of Appeals for the Armed Forces (CAAF). The appellant was convicted by a general court-martial, pursuant to his pleas, of wrongful use and distribution of 3, 4-methylenedioxymethamphetamine (also known as ecstasy) and lysergic acid diethylamide (also known as LSD) on divers occasions, one specification of unlawful entry of a dormitory room, one specification of wrongful appropriation of an automobile, and one specification of failure to go to his place of duty, in violation of Articles 112a, 134, 121, and 86, UCMJ, 10 U.S.C. §§ 912a, 934, 921, 886. A military judge sentenced him to a dishonorable discharge, confinement

for 2 years, forfeiture of all pay and allowances, and reduction to E-1. The convening authority approved the sentence as adjudged, but reduced the period of confinement to 19 months. Pursuant to Article 58b, UCMJ, 10 U.S.C. § 858b, the convening authority waived automatic forfeitures for six months for the benefit of the appellant's wife. This case was forwarded for review by this Court under Article 66(c), UCMJ, 10 U.S.C. § 866(c).

On 24 December 2003, this Court affirmed the findings and sentence. On 21 July 2004, the CAAF set aside the decision of this Court and the convening authority's action. *United States v. Wensley*, 60 M.J. 285 (C.A.A.F. 2004). Our superior court returned the case to The Judge Advocate General for remand to the convening authority for a new action in light of its decision in *United States v. Emminizer*, 56 M.J. 441 (C.A.A.F. 2002). On 16 August 2004, the convening authority completed a new action to comply with *Emminizer*, disapproving the adjudged forfeitures from 31 January 2002 to 30 July 2002 and approving the remainder of the sentence. Additionally, the convening authority waived the automatic forfeiture of all pay and allowances for a period of six months for the benefit of the appellant's wife.

The appellant has submitted the record and new action 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