

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman CRANE XU
United States Air Force**

ACM 37722 (f rev)

14 November 2011

Sentence adjudged 22 April 2010 by GCM convened at Goodfellow Air Force Base, Texas. Military Judge: Michael J. O'Sullivan.

Approved sentence: Bad-conduct discharge, confinement for 2 years, and forfeiture of all pay and allowances.

Appellate Counsel for the Appellant: Colonel Erick N. Ecklund, Lieutenant Colonel Gail E. Crawford; and Captain Nathan A. White

Appellate Counsel for the United States: Colonel Don M. Christensen

Before

ORR, GREGORY, and WEISS
Appellate Military Judges

UPON FURTHER REVIEW

This opinion is subject to editorial correction before final release.

PER CURIAM:

This case is again before our Court after our superior court set aside our decision and the convening authority's action in *United States v. Xu*, ACM 37722 (A.F. Ct. Crim. App. 7 December 2010) (unpub. op.), *rev'd*, 70 M.J. 140 (C.A.A.F. 2011) (mem.), and remanded to the convening authority for a new post-trial review and action. *Xu*, 70 M.J. at 140.

Following a new post-trial review, the convening authority accomplished a new action on 29 June 2011, in which she credited the appellant with the grade reduction previously imposed under Article 15, UCMJ, 10 U.S.C. § 815, for an offense also

charged as part of Additional Charge II. The convening authority approved only so much of the sentence as provides for forfeiture of all pay and allowances, confinement for two years, and a bad conduct discharge.*

Counsel for the appellant now submits the appellant's case before this Court on its merits.

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



A blue ink handwritten signature, appearing to read "S. Lucas", is written over a faint horizontal line.

STEVEN LUCAS
Clerk of the Court

* The convening authority did not approve the adjudged reduction in grade.