

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
COOK, TELLITOCCHI, and HAIGHT
Appellate Military Judges

UNITED STATES, Appellee
v.
Private First Class ESGAR RUIZFERNANDEZ
United States Army, Appellant

ARMY 20140358

Headquarters, Fort Stewart
John T. Rothwell, Military Judge
Colonel Francisco A. Vila, Staff Judge Advocate (pretrial and recommendation)
Lieutenant Colonel Peter R. Hayden, Staff Judge Advocate, (new recommendation)

For Appellant: Major Yolanda McCray Jones, JA; Captain Payum Doroodian, JA.

For Appellee: Pursuant to A.C.C.A. Rule 15.2, no response filed.

25 March 2015

SUMMARY DISPOSITION ON FURTHER REVIEW

Per Curiam:

On 24 November 2014, this court set aside the convening authority's action¹ in this case and returned the record to The Judge Advocate General for remand to the same or a different convening authority for a new staff judge advocate recommendation (SJAR) and convening authority action. *United States v. Ruizfernandez*, ARMY 20140358, 2014 CCA LEXIS 871 (Army Ct. Crim. App. 24 Nov. 2014) (summ. disp.).² This new action was completed on 26 February 2015,

¹ In the original action, the convening authority approved the adjudged sentence of a bad-conduct discharge, confinement for sixty days, and reduction to the grade of E-1, and also credited appellant with nineteen days of confinement.

² In our initial 24 November 2015 summary decision, we noted that the convening authority had failed to take action on appellant's request for a deferment of automatic forfeitures as required by Rule for Courts-Martial 1101(c)(3).

and the convening authority again approved the adjudged sentence and also took appropriate action on appellant's deferment request.³ The record is now before us for further review.

We have considered the entire record, including those issues personally raised by appellant pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982) in his initial pleading to this court.⁴ None of these issues merit discussion or relief.

Therefore, on consideration of the entire record, we hold the findings of guilty and the sentence as approved by the convening authority correct in law and fact. Accordingly, those findings of guilty and the sentence are AFFIRMED.



FOR THE COURT:

A handwritten signature in black ink, appearing to read "Malcolm H. Squires, Jr.", is written over the printed name.

MALCOLM H. SQUIRES, JR.
Clerk of Court

³ The military judge convicted appellant, pursuant to his plea, of one specification of absence without leave for more than 30 days and terminated by apprehension, in violation of Article 86, Uniform Code of Military Justice, 10 U.S.C. § 886.

⁴ Upon receipt of the new review and action, no further pleadings were filed by appellate counsel.