

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

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**UNITED STATES**

**v.**

**Airman First Class TIMOTHY C. ATIENZA  
United States Air Force**

**ACM 35785**

**23 November 2004**

Sentence adjudged 19 August 2003 by GCM convened at Nellis Air Force Base, Nevada. Military Judge: Anne L. Burman (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 42 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 Andrew S. Williams, and Captain Jennifer K. Martwick.

Appellate Counsel for the United States: Lieutenant Colonel Gary F. Spencer.

Before

STONE, GENT, and SMITH  
Appellate Military Judges

PER CURIAM:

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

ANGELA M. BRICE  
Clerk of Court