

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Staff Sergeant MATTHEW J. BROWN
United States Air Force

ACM 35677

31 October 2005

Sentence adjudged 6 March 2003 by GCM convened at Peterson Air Force Base, Colorado. Military Judge: James L. Flanary.

Approved sentence: Dishonorable discharge, confinement for 12 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Major Terry L. McElyea, Major Rachel E. VanLandingham, Major James M. Winner, and Major Jennifer K. Martwick.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, Major John C. Johnson, and Samantha M. Brock (legal intern).

Before

BROWN, MOODY, and FINCHER
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignment of errors, and the government's answer thereto. We conclude that any rational trier of fact, when viewing the evidence in the light most favorable to the government, could have found the appellant guilty of all elements of rape beyond a reasonable doubt. *See Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). *See also United States v. Leak*, 61 M.J. 234, 245-46 (C.A.A.F. 2005). Furthermore, after weighing the evidence and making allowances for not having observed the witnesses, this Court is convinced of the appellant's guilt beyond a reasonable doubt. *See Reed*, 54 M.J. at 41 (citing *United States v. Turner*, 25 M.J. 324, 325 (C.M.A. 1987)). We hold that the conviction is both legally and factually sufficient. As to the second

assignment of error, the sentence adjudged and approved is not inappropriately severe. *See United States v. Healy*, 26 M.J. 394 (C.M.A. 1988); *United States v. Snelling*, 14 M.J. 267 (C.M.A. 1982).

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); *Reed*, 54 M.J. at 41. Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court