

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman DANIEL M. FESSENDEN
United States Air Force**

ACM S31204

21 May 2007

Sentence adjudged 21 September 2006 by SPCM convened at Offutt Air Force Base, Nebraska. Military Judge: W. Thomas Cumbie (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 4 months, and reduction to E-1.

Appellate Counsel for Appellant: Lieutenant Colonel Mark R. Strickland and Captain Christopher L. Ferretti.

Appellate Counsel for the United States: Colonel Gerald R. Bruce.

Before

**BROWN, FRANCIS, and SOYBEL
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

**LAQUITTA J. SMITH
Court Administrator**