UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Major ROBERT M. MCCOLLUM
United States Air Force

ACM 35632

18 April 2005

Sentence adjudged 9 April 2003 by GCM convened at Randolph Air Force Base, Texas. Military Judge: Patrick M. Rosenow.

Approved sentence: Dismissal.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, and Major Jennifer K. Martwick.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Lieutenant Colonel William B. Smith.

Before

PRATT, ORR, and MOODY
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignments of error, and the government's reply thereto. The appellant raises two issues for our consideration.[1] First, the appellant challenges the legal and factual sufficiency of his conviction for conduct unbecoming an officer and gentleman. The test for legal sufficiency is whether, when the evidence is viewed in the light most favorable to the government, any rational factfinder could have found the essential elements of the crime beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). The test for factual sufficiency is whether, after weighing the evidence and making allowances for not having observed the witnesses, we ourselves are convinced of the appellant's guilt beyond a reasonable doubt. *Reed*, 54 M.J. at 41 (citing *United States v. Turner*, 25 M.J. 324, 325 (C.M.A. 1987)).

[1] Both issues were raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

After considering the evidence in the light most favorable to the prosecution, we are convinced beyond a reasonable doubt that the appellant's conviction is legally sufficient. After weighing the evidence in the record of trial and making allowances for not having personally observed the witnesses, we are convinced beyond a reasonable doubt of the appellant's guilt of the litigated offense.

Additionally, the appellant asserts that his sentence is inappropriately severe. Having considered this particular appellant, his record of service, the nature and seriousness of the offenses he committed, and all matters contained in the record of trial, we disagree and affirm. *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