

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

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**UNITED STATES**

**v.**

**Staff Sergeant MELVIN R. MIDDLETON  
United States Air Force**

**ACM 36212**

**8 September 2006**

Sentence adjudged 18 January 2005 by GCM at Dyess Air Force Base, Texas. Military Judge: Barbara E. Shestko and Barbara G. Brand (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 7 years, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Captain Anthony D. Ortiz.

Appellate Counsel for the United States: Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Major Jin-Hwa L. Frazier.

Before

**BROWN, JACOBSON, and SCHOLZ**  
Appellate Military Judges

**PER CURIAM:**

We reviewed the record of trial, the error the appellant personally assigns\*, and the government's reply. After considering the nature and seriousness of the appellant's criminal behavior and all matters in extenuation and mitigation, we find that the appellant's sentence is not inappropriately severe. *See United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988); *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982).

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\* This issue was raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (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); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

LOUIS T. FUSS, TSgt, USAF  
Chief Court Administrator