

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman TERRY E. NORTHINGTON
United States Air Force**

ACM 35667

11 August 2004

Sentence adjudged 9 July 2003 by GCM convened at Malmstrom Air Force Base, Montana. Military Judge: R. Scott Howard (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 30 months, and reduction to E-1.

Appellate Counsel for Appellant: Major Terry L. McElyea and Captain Diane M. Paskey.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Major M. LeeAnn Summer.

Before

STONE, GENT, and SMITH
Appellate Military Judges

PER CURIAM:

We examined the record of trial, the assignment of errors, and the government's reply thereto. The appellant asserts that trial counsel's sentencing argument was improper. We hold that the trial counsel's argument did not materially prejudice a substantial right of the appellant. *United States v. Rodriguez*, 60 M.J. 87 (C.A.A.F. 2004).

The 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). On the basis of the entire record, the findings and sentence are

AFFIRMED.

OFFICIAL

FELECIA M. BUTLER, TSgt, USAF
Chief Court Administrator