

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Master Sergeant GREGORY RICHARDSON
United States Air Force**

ACM 35720

31 October 2005

Sentence adjudged 26 June 2003 by GCM convened at Barksdale Air Force Base, Louisiana. Military Judge: Kurt D. Schuman (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 54 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Major Terry L. McElyea, Major Jennifer K. Martwick, and Captain Diane M. Paskey.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Major John C. Johnson.

Before

BROWN, MOODY, and FINCHER
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignments of error, and the government's answer. The appellant contends the evidence is factually and legally insufficient to sustain his conviction. We disagree and affirm.

The appellant's convictions for indecent acts and indecent liberties with BA, in violation of Article 134, UCMJ, 10 U.S.C. § 934, were based largely on her testimony. At trial, the defense vigorously attacked BA's credibility. They highlighted her lack of memory, past lies, and prior inconsistent statements. They provided alibi evidence that contradicted portions of her testimony. They could not, however, overcome the damaging corroboration that came from the appellant himself in his e-mails to BA. After carefully weighing the evidence in the record of trial, we find that a reasonable factfinder

could have found all the essential elements of the offenses beyond a reasonable doubt and we are convinced of the appellant's guilt beyond a reasonable doubt. *See Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *United States v. Turner*, 25 M.J. 324, 325 (C.M.A. 1987); *United States v. Lips*, 22 M.J. 679, 684 (A.F.C.M.R. 1986).

We have examined the appellant's remaining assignment of error¹ and find it has no merit. *United States v. Matias*, 25 M.J. 356, 361 (C.M.A. 1987). 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 findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court

¹ Raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).