

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class JAMES M. ROTUNDA JR.
United States Air Force**

ACM S30816

24 February 2005

Sentence adjudged 11 December 2002 by SPCM convened at RAF Lakenheath, United Kingdom. Military Judge: Linda S. Murnane (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 8 months, and reduction to E-1.

Appellate Counsel for Appellant: Major Terry L. McElyea and Major Andrew S. Williams.

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

Before

STONE, GENT, and SMITH
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the single assignment of error, and the government's answer thereto. The appellant asserts that his sentence is inappropriately severe pursuant to *United States v. Grostefon*, 12 M.J. 431, 436 (C.M.A. 1982). We have considered this issue and found it to be without merit. See *United States v. Matias*, 25 M.J. 356, 361 (C.M.A. 1987). 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).
Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court