

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class ROBERT E. RUSH III
United States Air Force**

ACM 35856

16 May 2005

Sentence adjudged 9 December 2003 by GCM convened at McChord Air Force Base, Washington. Military Judge: Timothy D. Wilson (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 27 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Major Terry L. McElyea, Major Sandra K. Whittington, Major Bryan A. Bonner, and Captain David P. Bennett.

Appellate Counsel for the United States: Lieutenant Colonel Gary F. Spencer.

Before

STONE, GENT, and SMITH
Appellate Military Judges

PER CURIAM:

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.

Judge SMITH did not participate.

OFFICIAL

ANGELA M. BRICE
Clerk of Court