

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

---

**UNITED STATES**

**v.**

**Airman First Class CHRISTOPHER B. SKINNER  
United States Air Force**

**ACM 36692**

**21 March 2007**

Sentence adjudged 11 January 2006 by GCM convened at Scott Air Force Base, Illinois. Military Judge: Gary M. Jackson.

Approved sentence: Bad-conduct discharge, confinement for 18 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, Captain Timothy M. Cox, and Captain Vicki A. Belleau.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Lieutenant Colonel Robert V. Combs, Major Matthew S. Ward, and Captain Jamie L. Mendelson.

Before

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

**PER CURIAM:**

We examined the record of trial, the assignment of errors, and the government's reply thereto. The appellant argues the trial counsel's findings argument regarding the offense of willful damage of military property in the amount of more than \$500.00 (Charge II and its Specification) was improper. The appellant also argues the evidence is legally and factually insufficient to support his conviction of this Charge and Specification.

We note the trial defense counsel did not object to the trial counsel's argument. Failure to object to improper argument before the military judge begins to instruct the

members on findings constitutes waiver. *United States v. Haney*, 64 M.J. 101, 105 (C.A.A.F. 2006). In the absence of an objection, we review for plain error. *Id.* We find the trial counsel's argument was a fair comment and a reasonable interpretation of the testimony by the prosecution's witness, Technical Sergeant White. It therefore follows that the trial counsel's argument was not error, plain or otherwise. Assuming, arguendo, the trial counsel's argument was erroneous, we hold that the appellant has failed to establish any material prejudice to his substantial rights. In the absence of evidence of material prejudice, the appellant's plain error claim must fail. *See* Mil. R. Evid. 103; *United States v. Bungert*, 62 M.J. 346, 348 (C.A.A.F. 2006).

We also hold that the evidence is legally and factually sufficient to support the appellant's conviction for willfully damaging military property of a value of more than \$500.00. *See United States v. Turner*, 25 M.J. 324, 324-25 (C.M.A. 1987). We, like the court members, are convinced beyond a reasonable doubt that the amount of the damage caused by the appellant to the military property was more than \$500.00.

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

LOUIS T. FUSS, TSgt, USAF  
Chief Court Administrator