

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Senior Airman MICHAEL K. VITT
United States Air Force**

ACM 36248

24 August 2006

Sentence adjudged 7 December 2004 by GCM convened at Seymour Johnson Air Force Base, North Carolina. Military Judge: Bruce T. Smith (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 25 years, forfeiture of all pay and allowances, a fine of \$2,000.00, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Major David P. Bennett.

Appellate Counsel for the United States: Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Captain Jefferson E. McBride.

Before

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

PER CURIAM:

We have examined the record of trial, the assignment of error, and the government's reply thereto. We hold that the approved sentence is not inappropriately severe. *See United States v. Healy*, 26 M.J. 394, 395 (C.M.A. 1988).

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.

OFFICIAL

LOUIS T. FUSS, TSgt, USAF
Chief Court Administrator