

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman First Class RICHARD M. YOUNG II
United States Air Force

ACM 35965

31 January 2006

Sentence adjudged 14 April 2004 by GCM convened at Elmendorf Air Force Base, Alaska. Military Judge: Timothy D. Wilson (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 3 years, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade and Major Sandra K. Whittington.

Appellate Counsel for the United States: Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, Major Matthew S. Ward, and Major Michelle M. McCluer.

Before

STONE, SMITH, and MATHEWS
Appellate Military Judges

PER CURIAM:

We have reviewed the record of trial, the appellant's assignment of errors, and the government's reply. As to the matter he personally assigns error,¹ we find the evidence legally and factually sufficient to sustain his convictions for aiding and abetting an aggravated assault with a loaded firearm, in violation of Article 77, UCMJ, 10 U.S.C. § 877. *See Manual for Courts-Martial, United States (MCM)*, Part IV, ¶ 1b(2)(b) (2005 ed.);² *United States v. Speer*, 40 M.J. 230 (C.M.A. 1994). We also considered the appellant's claim that his sentence is inappropriately severe. After considering the nature and seriousness of his criminal behavior and all matters in extenuation and mitigation, we find that the appellant's sentence is not inappropriately severe. *See United States v.*

¹ This issue was raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

² This provision is substantially the same in the 2002 edition of the *Manual* that was in effect at the time of trial.

Healy, 26 M.J. 394, 395-96 (C.M.A. 1988); *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982).

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