

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman Basic ROBERT K. BURGESS
United States Air Force**

ACM S30587

10 August 2004

Sentence adjudged 12 February 2004 by SPCM convened at Ellsworth Air Force Base, South Dakota. Military Judge: Timothy D. Wilson (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 8 months, and forfeiture of \$795.00 pay per month for 8 months.

Appellate Counsel for Appellant: Lieutenant Colonel Carlos L. McDade, Major Terry L. McElyea, Captain L. Martin Powell, and Captain John N. Page III.

Appellate Counsel for the United States: Colonel LeEllen Coacher.

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.

OFFICIAL

ANGELA M. BRICE
Clerk of Court