

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

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**UNITED STATES**

**v.**

**Captain MICHAEL C. BROWN**  
**United States Air Force**

**ACM 32906 (f rev)**

**24 March 2003**

Sentence adjudged 16 August 2002 by GCM convened at Maxwell Air Force Base, Alabama. Military Judge: Ann D. Shane.

Approved sentence: Forfeiture of \$2,115.00 pay per month for 12 months and a reprimand.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, and Major Jefferson B. Brown.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Lance B. Sigmon, and Major Linette I. Romer.

Before

BURD, EDWARDS, and ORR, W.E.  
Appellate Military Judges

UPON FURTHER REVIEW

PER CURIAM:

We have examined the record of trial, the assignment of errors\*, and the government's reply thereto and have concluded that no error prejudicial to the substantial rights of the appellant was committed. Article 59(a), UCMJ, 10 U.S.C. § 859(a).

The appellant claims there is legally and factually insufficient evidence to support Specification 3 of Charge I. We previously ruled to the contrary and this part of our previous decision was affirmed by our superior court. *United States v. Brown*, 55 M.J.

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\* The appellant has raised two issues pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

375 (2001). Even if we were so inclined, we have no jurisdiction to reverse our superior court. *See United States v. Riley*, 55 M.J. 185 (2001).

The appellant claims his sentence upon rehearing is inappropriately severe. We disagree. The appellant's sentence is not inappropriately severe. *United States v. Healy*, 26 M.J. 394, 395 (C.M.A. 1988). Accordingly, the findings of guilty and the sentence are

AFFIRMED.

OFFICIAL

DEIRDRE A. KOKORA, Major, USAF  
Chief Commissioner