

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

---

**UNITED STATES**

**v.**

**Senior Airman NICHOLAS J. LOMELY  
United States Air Force**

**ACM S31726**

**27 May 2010**

Sentence adjudged 08 September 2009 by SPCM convened at Beale Air Force Base, California. Military Judge: Vance H. Spath (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 90 days, and reduction to E-1.

Appellate Counsel for the Appellant: Major Shannon A. Bennett, Major Michael A. Burnat, and Major Darrin K. Johns.

Appellate Counsel for the United States: Colonel Douglas P. Cordova and Gerald R. Bruce, Esquire.

Before

**BRAND, HELGET, and GREGORY  
Appellate Military Judges**

This opinion is subject to editorial correction before final release.

**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



A handwritten signature in blue ink, appearing to read "S. Lucas", is written over the seal and extends to the right.

STEVEN LUCAS, YA-02, DAF  
Clerk of the Court