

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

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**UNITED STATES**

**v.**

**Captain RONALD A. ROBINSON**  
**United States Air Force**

**ACM 36409**

**28 August 2006**

Sentence adjudged 5 January 2005 by GCM convened at Maxwell Air Force Base, Alabama. Military Judge: Donald A. Plude (sitting alone).

Approved sentence: Dismissal, confinement for 3 months, and a reprimand.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Major Sandra K. Whittington, and Captain Vicki A. Belleau.

Appellate Counsel for the United States: Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, Major Jin-Hwa L. Frazier, and Major Michelle M. McCluer.

Before

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

**PER CURIAM:**

A military judge sitting as a general court-martial convicted the appellant, pursuant to his unconditional pleas of guilty, of two specifications of dereliction of duty, one specification of conduct unbecoming an officer and gentleman, and two specifications of larceny of military property, in violation of Articles 92, 133, and 121, UCMJ, 10 U.S.C. §§ 892, 933, 921. The convening authority approved the findings and sentence as adjudged.

Pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), the appellant claims that he was denied his right to a speedy trial, in violation of Rule for Courts-Martial (R.C.M.) 707(a)(1), when he was arraigned 183 days after preferral of the

charges of dereliction of duty and conduct unbecoming an officer and gentleman.\* He asks this Court to set aside the findings of guilty for these offenses, dismiss them with prejudice, and order a rehearing on the sentence.

### *Speedy Trial*

Whether an appellant has received a speedy trial is a question that we review de novo. *United States v. Cooper*, 58 M.J. 54, 58 (C.A.A.F. 2003); *United States v. Doty*, 51 M.J. 464, 465 (C.A.A.F. 1999).

R.C.M. 707(a) provides, in relevant part, that an accused shall be brought to trial within 120 days after the preferral of charges. In making his claim, however, the appellant forgets R.C.M. 707(e), which provides that a “plea of guilty which results in a finding of guilty waives any speedy trial issue as to that offense.” Because of the language of R.C.M. 707(e) and the appellant’s unconditional pleas of guilty resulting in findings of guilty, we conclude that this speedy trial issue was waived. *See United States v. Mizgala*, 61 M.J. 122, 125 (C.A.A.F. 2005); *United States v. Dubouchet*, 63 M.J. 586, 587 (N.M.Ct.Crim.App. 2006). Therefore, we find no violation of R.C.M. 707, and decline to grant relief.

### *Conclusion*

The 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

LOUIS T. FUSS, TSgt, USAF  
Chief Court Administrator

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\* At trial and before entry of pleas, the appellant moved to dismiss all of the charges and specifications for which he was later convicted at trial, arguing he had been denied his right to a speedy trial, in violation of R.C.M. 707(a)(1). The military judge denied that motion. When the court-martial resumed on 5 January 2005, the appellant pled guilty to the above referenced charges.