

**UNITED STATES NAVY-MARINE CORPS
COURT OF CRIMINAL APPEALS
WASHINGTON, D.C.**

**Before
F.D. MITCHELL, J.A. MAKSYM, R.E. BEAL
Appellate Military Judges**

UNITED STATES OF AMERICA

v.

**KEVIN T. ROMANOSKY
FIREMAN (E-3), U.S. NAVY**

**NMCCA 201000009
GENERAL COURT-MARTIAL**

Sentence Adjudged: 2 November 2009.
Military Judge: CAPT Bruce MacKenzie, JAGC, USN.
Convening Authority: Commander, Navy Region Midwest, Great Lakes, IL.
Staff Judge Advocate's Recommendation: LT K.S. Ray, JAGC, USN.
For Appellant: Capt Bow Bottomly, USMC.
For Appellee: Mr. Brian Keller, Esq.

12 August 2010

OPINION OF THE COURT

**IN ACCORDANCE WITH RULE 18.2, NMCCA RULES OF PRACTICE AND PROCEDURE, THIS
OPINION DOES NOT SERVE AS PRECEDENT.**

PER CURIAM:

After careful consideration of the record, submitted without assignment of error, we affirm the findings and sentence as approved by the convening authority. Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c).

BEAL, Judge (dissenting):

For the reasons stated in my dissent to *United States v. Medina*, 68 M.J. 587, 596 (N.M.Ct.Crim.App. 2009), *rev. granted*, ___ M.J. ___ (C.A.A.F. Mar 30, 2010), I would set aside the conviction for aggravated sexual assault alleged under Specification 1 of the Charge. I would affirm the convictions for indecent acts alleged under Specifications 2 and 4 under the Charge, and authorize a rehearing on sentence.

For the Court

R.H. TROIDL
Clerk of Court