

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Technical Sergeant JOHN A. DAGGETT
United States Air Force

ACM 36333

19 September 2006

Sentence adjudged 16 March 2005 by GCM convened at Elmendorf Air Force Base, Alaska. Military Judge: Jack L. Anderson.

Approved sentence: Bad-conduct discharge, confinement for 30 months, total forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall and Major David P. Bennett.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Major Kimani R. Eason.

Before

ORR, MATHEWS, and THOMPSON
Appellate Military Judges

PER CURIAM:

In accordance with his pleas, the appellant was found guilty of one specification of dereliction of duty, three specifications of larceny, and five specifications of making false statements on credit card applications, in violation of Articles 92, 121, and 134, UCMJ, 10 U.S.C. §§ 892, 921, 934. A general court-martial comprised of officer members sentenced the appellant to a bad-conduct discharge, confinement for 3 years 9 months, forfeiture of all pay and allowances, and reduction to E-1. The convening authority approved the adjudged findings, suspended the first 6 months of forfeitures and, pursuant to the pretrial agreement, reduced the confinement to 30 months but otherwise approved the sentence. On

appeal, the appellant asserts his sentence is inappropriately severe. We find the assignment of error to be without merit and affirm.

This Court has the authority to review sentences pursuant to Article 66(c), UCMJ, 10 U.S.C. § 866(c), and to reduce or modify sentences we find inappropriately severe. Generally, we make this determination in light of the character of the offender and the seriousness of his offense. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982). We may also take into account disparities between sentences adjudged for similar offenses. *United States v. Wacha*, 55 M.J. 266, 267 (C.A.A.F. 2001). Our duty to assess the appropriateness of a sentence is “highly discretionary,” but does not authorize us to engage in an exercise of clemency. *United States v. Lacy*, 50 M.J. 286, 287-88 (C.A.A.F. 1999); *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1986). After carefully examining the submissions of counsel and taking into account all the facts and circumstances surrounding the crimes of which the appellant was found guilty, we do not find the appellant’s sentence inappropriately severe.

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; *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

LOUIS T. FUSS, TSgt, USAF
Chief Court Administrator