

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

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**UNITED STATES**

**v.**

**Airman First Class EDGAR L. DONWELL  
United States Air Force**

**ACM S32050**

**10 September 2013**

Sentence adjudged 2 April 2012 by SPCM convened at Tinker Air Force Base, Oklahoma. Military Judge: Joe W. Moore (sitting alone).

Approved Sentence: Bad-conduct discharge, confinement for 30 days, and reduction to E-1.

Appellate Counsel for the Appellant: Captain Christopher D. James.

Appellate Counsel for the United States: Colonel Don M. Christensen; Major Matthew F. Blue; and Gerald R. Bruce, Esq.

Before

**ROAN, MARKSTEINER, and WIEDIE  
Appellate Military Judges**

**OPINION OF THE COURT**

This opinion is subject to editorial correction before final release.

**PER CURIAM:**

At arraignment before a special court-martial composed of a military judge sitting alone, the appellant entered pleas of guilty to three specifications of making a false official statement, in violation of Article 107, UCMJ, 10 U.S.C. § 907; one specification of larceny and one specification of wrongful appropriation as a lesser included offense of a second larceny specification, in violation of Article 121, UCMJ, 10 U.S.C. § 921; and one specification of unlawfully entering the room of another Airman under Article 134, UCMJ, 10 U.S.C. § 934. The military judge accepted his pleas and, after trial on the merits, also convicted him contrary to his plea of the second larceny specification. The

adjudged and approved sentence consisted of a bad-conduct discharge, confinement for 30 days, and reduction to the grade of E-1.

On appeal, the appellant argues that his sentence is inappropriately severe.<sup>1</sup>

We review the appropriateness of the approved sentence de novo. *United States v. Baier*, 60 M.J. 382, 384 (C.A.A.F. 2005). We make such determinations in light of the character of the offender, the nature and seriousness of his offenses, and the entire record of trial. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982); *United States v. Bare*, 63 M.J. 707, 714 (A.F. Ct. Crim. App. 2006), aff'd, 65 M.J. 35 (C.A.A.F. 2007). Additionally, while we have a great deal of discretion in determining whether a particular sentence is appropriate, we are not authorized to engage in exercises of clemency. *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988). Upon individualized consideration of the appellant's character, the nature and seriousness of his offenses, and the entire record of trial, we find the adjudged and approved sentence appropriate.

#### *Conclusion*

The approved findings and sentence are correct in law and fact, and no error prejudicial to the substantial rights of the appellant occurred. Articles 59(a) and 66(c), UCMJ, 10 U.S.C. §§ 859(a), 866(c). Accordingly, the approved findings and sentence are

AFFIRMED.



FOR THE COURT

STEVEN LUCAS

Clerk of the Court

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<sup>1</sup> This issue was raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).