

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

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**UNITED STATES**

**v.**

**Airman First Class SAMUEL L. LAMPHIER  
United States Air Force**

**ACM 37918**

**28 August 2012**

Sentence adjudged 13 April 2011 by GCM convened at Offutt Air Force Base, Nebraska. Military Judge: William C. Muldoon (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 18 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for the Appellant: Captain Ja Rai A. Williams.

Appellate Counsel for the United States: Colonel Don M. Christensen; Lieutenant Colonel Linell A. Letendre; Major Charles G. Warren; Captain Brian C. Mason; and Gerald R. Bruce, Esquire.

Before

**ROAN, WEISS, and SARAGOSA**  
Appellate Military Judges

This opinion is subject to editorial correction before final release.

**PER CURIAM:**

The appellant was convicted, in accordance with his pleas, of one specification of attempting to view visual depictions of minors engaging in sexually explicit conduct, in violation of Article 80, UCMJ, 10 U.S.C. § 880, and one specification of failure to obey a lawful general order, in violation of Article 92, UCMJ, 10 U.S.C. § 892. The approved sentence consists of a bad-conduct discharge, confinement for 18 months, forfeiture of all

pay and allowances, and reduction to the grade of E-1.<sup>1</sup> On appeal, the appellant asserts that his sentence is inappropriately severe.<sup>2</sup>

The appellant was deployed to Al Udeid Air Base, Qatar, between 11 March 2010 and 21 April 2010, where he was subject to General Order 1B, dated 13 March 2006, which prohibits the introduction, possession, transfer, or display of pornographic or sexually explicit photographs, video tapes or CDs, movies, or similar representation. While deployed, the appellant used “Limewire” and “Frostwire” media sharing software to search for child pornography. He used specific search terms designed to locate images and videos containing sexually explicit depictions of children. As a result, he downloaded and saved several images and videos with titles indicating sexually explicit conduct involving children.

We review sentence appropriateness de novo. *United States v. Baier*, 60 M.J. 382, 383-84 (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. Lacy*, 50 M.J. 286, 288 (C.A.A.F. 1999); *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988).

This Court has carefully examined the submissions of counsel, the entire record of trial, the character of the appellant, the appellant’s military record, the nature and seriousness of the offenses, and taken into account all the facts and circumstances surrounding the offenses of which he was found guilty. We do not find that the appellant’s sentence is inappropriately severe.

### *Conclusion*

The approved findings, and the 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).

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<sup>1</sup> Although the military judge adjudged a sentence including 20 months of confinement, IAW the pretrial agreement, the convening authority agreed not to approve confinement in excess of of eighteen months.


<sup>2</sup> This issue is raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

Accordingly the findings and the sentence are

AFFIRMED.

OFFICIAL



  
STEVEN LUCAS  
Clerk of the Court