

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman Basic GREGORY H. PEACE II
United States Air Force

ACM S31328

15 October 2007

Sentence adjudged 21 May 2007 by SPCM convened at Hill Air Force Base, Utah. Military Judge: Ronald A. Gregory (sitting alone).

Approved sentence: Bad-conduct discharge and confinement for 75 days.

Appellate Counsel for the Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Major Shannon A. Bennett.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Major Donna S. Rueppell, and Captain Roberto Ramirez.

Before

SCHOLZ, JACOBSON, and THOMPSON
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

In accordance with his pleas, the appellant was found guilty of use of cocaine, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. The military judge, sitting alone as a special court-martial, sentenced the appellant to a bad-conduct discharge and confinement for 3 months. The convening authority, in accordance with the pretrial agreement, approved the findings and only so much of the sentence as called for a bad-conduct discharge and confinement for 75 days.

The appellant asks that we find the portion of his sentence that includes a bad-conduct discharge to be inappropriately severe.¹ 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

¹ The issue in this case was raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

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). Our duty to assess the appropriateness of a sentence is “highly discretionary,” *United States v. Lacy*, 50 M.J. 286, 287 (C.A.A.F. 1999), but does not authorize us to engage in an exercise of clemency. *United States v. Healy*, 26 M.J. 394 (C.M.A. 1986). We have reviewed the record of trial, the error assigned by the appellant, and the government’s reply. Taking into account all the facts and circumstances surrounding this case, we do not find the appellant’s sentence inappropriately severe. *United States v. Cantrell*, 44 M.J. 711 (A.F. Ct. Crim. App. 1996), *pet. denied*, 48 M.J. 372 (C.A.A.F. 1997). To the contrary, we find that the sentence is appropriate for this offender and his offense. See *United States v. Baier*, 60 M.J. 382 (C.A.A.F. 2005).

Conclusion

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



STEVEN LUCAS, GS-11, DAF
Clerk of the Court