

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

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**UNITED STATES**

**v.**

**Staff Sergeant EDWARD A. R. RUALO**  
**United States Air Force**

**ACM 35889**

**3 February 2006**

Sentence adjudged 22 January 2004 by GCM convened at McGuire Air Force Base, New Jersey. Military Judge: Harvey A. Kornstein (sitting alone).

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

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Lieutenant Colonel Mark R. Strickland, Major Terry L. McElyea, and Major Sandra K. Whittington.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Major Amy E. Hutchens.

Before

MOODY, JOHNSON, and ZANOTTI  
Appellate Military Judges

OPINION OF THE COURT

This opinion is subject to editorial correction before final release.

ZANOTTI, Judge:

A general court-martial consisting of a military judge found the appellant guilty, contrary to his pleas, of one specification of communicating indecent language to a child under the age of 16 on divers occasions, one specification of indecent assault on divers occasions, and two specifications of indecent liberties with a child under the age of 16, all in violation of Article 134, UCMJ, 10 U.S.C. § 934. The victim in these specifications was a 15-year-old female who babysat for the appellant. The appellant was found not

guilty of two specifications of maltreatment of subordinates, in violation of Article 93, UCMJ, 10 U.S.C. § 893, and two specifications of indecent assault, in violation of Article 134, UCMJ. These offenses were alleged to have occurred against three adult women. He was sentenced to a bad-conduct discharge, confinement for 30 months, forfeiture of all pay and allowances and reduction to E-1. The convening authority approved the findings and adjudged sentence, except for the forfeitures of all pay and allowances.

Before this court, the appellant argues that his sentence is inappropriately severe and asks this Court to reassess his sentence. We disagree and affirm.

This Court “may affirm only such findings of guilty and the sentence or such part or amount of the sentence, as it finds correct in law and fact and determines, on the basis of the entire record, should be approved.” Article 66(c), UCMJ, 10 U.S.C. § 866(c). In order to determine the appropriateness of the sentence, this Court must consider the particular appellant and the nature and seriousness of the offense. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982). The consideration of a grant of clemency, or mercy, is a separate analysis, not part of the Court’s charter. *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988). Having considered this appellant, all the circumstances of the appellant’s offenses and the matters contained in the record of trial, we find the sentence to be appropriate. *See Id.; Snelling*, 14 M.J. at 268.

The approved findings and sentence are correct in law and fact, and no error prejudicial to the appellant’s substantial rights 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

ANGELA M. BRICE  
Clerk of Court