UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman CARL L. SHAW
United States Air Force

ACM 37064

31 March 2008

Sentence adjudged 05 June 2007 by GCM convened at Moody Air Force Base, Georgia. Military Judge: Thomas Dukes (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 6 years, forfeiture of all pay and allowances, fine for $124,000.00, and reduction to E-1.

Appellate Counsel for the Appellant: Lieutenant Colonel Mark R. Strickland and Captain Michael A. Burnat.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Lieutenant Colonel John P. Taitt, and Major Matthew S. Ward.

Before

WISE, JACOBSON, and SOYBEL
Appellate Military Judges

PER CURIAM:

Contrary to his pleas, the appellant was found guilty of conspiring to commit larceny and fifteen separate specifications of larceny, in violation of Articles 81 and 121, UCMJ, 10 U.S.C. §§ 881 and 921. The military judge, sitting alone as a general court-martial, sentenced the appellant to a dishonorable discharge, confinement for six years, total forfeitures of all pay and allowances, reduction to E-1, and a fine of $120,000. The convening authority approved the sentence as adjudged.

The appellant asks that we find his sentence to be inappropriately severe. 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). 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; *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. The appellant and his coconspirator managed to file approximately 34 false travel vouchers by exploiting weaknesses in the automated Defense Travel System. In doing so, they stole $306,286.57 from the Air Force. The appellant personally filed approximately 15 separate false vouchers for a total of about $120,000. No evidence was presented at trial indicating that any of these funds had been returned to the government. Taking into account all the facts and circumstances surrounding this case, we do not find the appellant's sentence inappropriately severe. *Snelling*, 14 M.J. at 268. To the contrary, we find that the sentence is appropriate for this offender and his offenses. *United States v. Baier,* 60 M.J. 382 (C.A.AF. 2005); *Healy,* 26 M.J. at 395.

The 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 findings and sentence are

AFFIRMED.

OFFICIAL

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

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