

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman Basic BILLY C. SHEPPARD JR.
United States Air Force**

ACM 35656

24 May 2005

Sentence adjudged 1 July 2003 by GCM convened at Malmstrom Air Force Base, Montana. Military Judge: Jack L. Anderson (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 11 months, and forfeiture of all pay and allowances.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, and Major L. Martin Powell.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Major Tracey L. Printer.

Before

ORR, GRANT, and ZANOTTI
Appellate Military Judges

PER CURIAM:

A general court-martial consisting of a military judge sitting alone found the appellant guilty, in accordance with his pleas, of one specification of making a false official statement, two specifications of larceny, and one specification of obstructing justice, in violation of Articles 107, 121, and 134, UCMJ, 10 U.S.C. §§ 907, 921, 934. He was sentenced to a bad-conduct discharge, confinement for 11 months, and total forfeitures. The convening authority approved the adjudged sentence.

Pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), 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, the nature and seriousness of the offense, the appellant’s record of service, and all matters contained in the record of trial. *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 all the circumstances of the appellant’s offenses, in light of his military record and the matters contained in the record of trial, we find the sentence to be appropriate.

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