

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

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UNITED STATES

v.

Airman Basic RANDOLPH L. STEPHENS, JR.  
United States Air Force

ACM 36570

19 September 2007

Sentence adjudged 10 November 2005 by GCM convened at Pope Air Force Base, North Carolina. Military Judge: Gary Jackson.

Approved sentence: Bad-conduct discharge and confinement for 1 year.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, Major Kimberly Quedensley, and Captain Anthony D. Ortiz.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Major Matthew S. Ward, and Captain Jamie L. Mendelson.

Before

SCHOLZ, JACOBSON, and THOMPSON  
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

Contrary to his pleas, the appellant was found guilty of wrongful appropriation and forgery, in violation of Articles 121 and 123, UCMJ, 10 U.S.C. §§ 921, 923. A general court-martial comprised of officer members sentenced the appellant to a bad-conduct discharge and confinement for 1 year. The convening authority approved the sentence as adjudged. On appeal, the appellant asserts his sentence is inappropriately severe.<sup>1</sup> We find the assignment of error to be without merit and affirm.

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.

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<sup>1</sup> Filed pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).


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). We may also take into account disparities between sentences adjudged for similar offenses. *United States v. Wacha*, 55 M.J. 266, 267 (C.A.A.F. 2001). 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 (C.A.A.F. 1999); *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988). After carefully examining the submissions of counsel and taking into account all the facts and circumstances surrounding the crimes of which the appellant was found guilty, we do not find the appellant’s sentence inappropriately severe. *Snelling*, 14 M.J. at 268.

*Conclusion*

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 approved findings and sentence are

AFFIRMED.

OFFICIAL



STEVEN LUCAS, GS-11, DAF  
Clerk of Court