

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman NEIL E. WILLIAMS
United States Air Force**

ACM 34728

1 February 2002

Sentence adjudged 27 July 2001 by GCM convened at Holloman Air Force Base, New Mexico. Military Judge: Gregory E. Pavlik.

Approved sentence: Bad-conduct discharge, confinement for 2 years, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Lieutenant Colonel Beverly B. Knott, Lieutenant Colonel Timothy W. Murphy, and Major Maria A. Fried.

Appellate Counsel for the United States: Colonel Anthony P. Dattilo and Lieutenant Colonel Lance B. Sigmon.

Before

BURD, ROBERTS, and CONNELLY
Appellate Military Judges

OPINION OF THE COURT

CONNELLY, Judge:

The appellant was convicted by a general court-martial of three specifications of assault, two specifications of communicating a threat and one specification of larceny, in violation of Articles 128, 134 and 121, 10 U.S.C. §§ 928, 934, 921. He was sentenced to a bad-conduct discharge, confinement for 2 years, reduction to E-1, and forfeiture of all pay and allowances.

On appeal, the appellant contends, pursuant to *United States v. Grostefon*, 12 M.J. 431 (CMA 1982), that his sentence is inappropriately severe. He requests that his bad-conduct discharge be set aside. We do not find the approved sentence to be inappropriately severe. *United States v. Healy*, 26 M.J. 394 (C.M.A. 1988). Over a

course of five months, the appellant engaged in a course of progressively more serious threats and assaults directed at his wife. This pattern of misconduct culminated in a savage beating of his wife in August 2000 that rendered her bloody and unconscious. The wife suffered significant injury including two facial fractures. The approved sentence is 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. Turner*, 25 M.J. 324, 325 (C.M.A. 1987). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

FELECIA M. BUTLER, SSgt, USAF
Chief Court Administrator