

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

---

**UNITED STATES**

**v.**

**Airman First Class JASON G. CAMPBELL  
United States Air Force**

**ACM S31031**

**21 March 2007**

Sentence adjudged 17 November 2005 by SPCM convened at Schriever Air Force Base, Colorado. Military Judge: Barbara E. Shestko (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 4 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Major Anniece Barber.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Lieutenant Colonel Robert V. Combs, and Major Kimani R. Eason.

Before

**BROWN, BECHTOLD, and BRAND  
Appellate Military Judges**

**PER CURIAM:**

The appellant was convicted, in accordance with his pleas, of one specification of attempted larceny on divers occasions, one specification of larceny, and one specification of wrongfully opening mail belonging to another, in violation of Articles 80, 121 and 134, UCMJ, 10 U.S.C. §§ 880, 921, 934. His approved sentence consists of a bad-conduct discharge, confinement for 4 months, and reduction to the grade of E-1.

The appellant submitted a lengthy clemency package requesting enrollment in the Return to Duty Program (RTDP). In support of this request, the trial defense counsel provided a five-page letter explaining the program and the convening authority's options. Included in the clemency package were 12 letters supporting the appellant's enrollment and an agreement to abide by the conditions of the RTDP signed by the appellant. There

was no legal error raised by the appellant in his post-trial submissions. The staff judge advocate (SJA) prepared a very short addendum to the original recommendation informing the convening authority that he must consider the matters submitted by the appellant and he specifically listed those submissions. The SJA did not address the appellant's request for enrollment in the RTDP nor did he inform the convening authority of his options with regard to the RTDP. On appeal, the appellant alleges the SJA erred when he failed to mention or address the appellant's clemency request for enrollment into the RTDP.

We review post-trial processing issues do novo. *United States v. Bakcsi*, 64 M.J. 544 (A.F. Ct. Crim. App. 2006). When the defense submits matters for the convening authority's consideration, the SJA should prepare an addendum to the staff judge advocate's recommendation (SJAR) stating that matters submitted by the defense are attached to the addendum and the convening authority must consider these matters before taking action on the case. *United States v. Foy*, 30 M.J. 664, 665-66 (A.F.C.M.R. 1990). If there are no legal errors alleged in the defense matters, no further comment is required in the addendum. *Id.* at 666. More to the point, the SJAR does not have to address a request by the appellant for enrollment in the RTDP. *See United States v. Mulray*, ACM S30410 (A.F. Ct. Crim. App. 2005) (unpub. op.); *United States v. Spencer*, ACM S30204 (A.F. Ct. Crim. App. 2004) (unpub. op.).

The approved 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, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the findings and sentence are

AFFIRMED.

OFFICIAL

LOUIS T. FUSS, TSgt, USAF  
Chief Court Administrator