

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class CHRISTIAN L. DAVIS
United States Air Force**

ACM 38077

30 May 2013

Sentence adjudged 28 November 2011 by GCM convened at Cannon Air Force Base, New Mexico. Military Judge: J. Wesley Moore (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 8 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for the Appellant: Major Anthony D. Ortiz and Captain Luke D. Wilson.

Appellate Counsel for the United States: Colonel Don M. Christensen; Lieutenant Colonel C. Taylor Smith; Captain Erika L. Sleger; and Gerald R. Bruce, Esquire.

Before

STONE, GREGORY, and HARNEY
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

A general court-martial composed of military judge alone convicted the appellant in accordance with his pleas of knowing and wrongful possession of visual depictions of minors engaged in sexually explicit conduct, in violation of Article 134, UCMJ, 10 U.S.C. § 934.* The court adjudged a bad-conduct discharge, confinement for nine months, forfeiture of all pay and allowances, and reduction to the lowest enlisted grade. The convening authority approved eight months of confinement and the

* The specification alleged, in the disjunctive, both Clauses 1 and 2 of the terminal element of Article 134, UCMJ, 10 U.S.C. § 934.

remainder of the sentence as adjudged. The appellant assigned as error that the record was not substantially verbatim because an admitted exhibit was omitted. Government appellate counsel contacted the base legal office that prepared the record, located the missing exhibit, and submitted it by separate motion. The issue is now moot.

Conclusion

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). Accordingly, the approved findings and sentence are

AFFIRMED.



FOR THE COURT

STEVEN LUCAS
Clerk of the Court