

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Staff Sergeant MATTHEW J. DEAN
United States Air Force

ACM 36200

28 April 2006

Sentence adjudged 7 December 2004 by GCM convened at Schriever Air Force Base, Colorado. Military Judge: Kurt D. Schuman (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 16 years, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Major Sandra K. Whittington.

Appellate Counsel for the United States: Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Major Nurit Anderson.

Before

STONE, SMITH, and MATHEWS
Appellate Military Judges

PER CURIAM:

We have reviewed the record of trial, the appellant's assignment of error, and the government's reply thereto. The appellant contends that his sentence of a dishonorable discharge, confinement for 16 years, and reduction to E-1, is inappropriately severe for his offenses.¹ The appellant was convicted, in accordance with his pleas, of divers instances of sodomy of a five-year-old, wrongfully and knowingly possessing child pornography, and divers instances of indecent acts with a child, in violation of Articles 125 and 134, UCMJ, 10 U.S.C. §§ 925, 934. Given the grave nature of these offenses, the appellant's character as disclosed in the record, and all matters in extenuation and mitigation, we disagree. See *United States v. Baier*, 60 M.J. 382, 384-85 (C.A.A.F. 2005); *United States v. Peoples*, 29 M.J. 426, 427 (C.M.A. 1990); *United States v.*

¹ This assignment of error was raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

Snelling, 14 M.J. 267, 268 (C.M.A. 1982); *United States v. Bauerbach*, 55 M.J. 501, 506 (Army Ct. Crim. App 2001).

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, 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