

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman First Class JARED A. DOWELL
United States Air Force

ACM 36426

16 February 2007

Sentence adjudged 6 June 2005 by GCM convened at Pope Air Force Base, North Carolina. Military Judge: Kevin P. Koehler (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 Nurit Anderson.

Before

BROWN, BECHTOLD, and BRAND
Appellate Military Judges

PER CURIAM:

The appellant was convicted, in accordance with his pleas, by a military judge sitting alone as a general court-martial, of one specification of wrongful use of cocaine, one specification of wrongful use of marijuana, and one specification of wrongful use of Percocet, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. His approved sentence consists of a bad-conduct discharge, confinement for 4 months, and reduction to E-1. On appeal, he contends his bad-conduct discharge is inappropriately severe.

“Article 66(c), UCMJ, [10 U.S.C. § 866(c)], requires this Court to approve only that sentence, or such part or amount of the sentence, as it finds correct in law and fact and determines should be approved.” *United States v. Amador*, 61 M.J. 619, 626 (A.F. Ct. Crim. App. 2005), *pet. denied*, 63 M.J. 183 (C.A.A.F. 2006). “The determination of

sentence appropriateness ‘involves the judicial function of assuring that justice is done and that the accused gets the punishment he deserves.’” *Amador*, 61 M.J. at 626 (quoting *United States v. Healy*, 26 M.J. 394, 395 (C.M.A. 1988)). Sentence appropriateness is judged by individualized consideration of the particular appellant on the basis of the nature and seriousness of the offense, the appellant’s record of service, the character of the offender, and all matters contained in the record of trial. *Amador*, 61 M.J. at 626 (citing *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982); *United States v. Mamaluy*, 27 C.M.R. 176, 180-81 (C.M.A. 1959)). We have given individualized consideration to this particular appellant and carefully reviewed all the facts and circumstances of this case. We do not find the appellant’s sentence inappropriately severe. We are convinced the sentence is appropriate.

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; *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