

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

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**UNITED STATES**

**v.**

**Airman Basic CHRISTOPHER E. EATON  
United States Air Force**

**ACM 35680**

**11 August 2005**

Sentence adjudged 30 June 2003 by GCM convened at Travis Air Force Base, California. Military Judge: R. Scott Howard.

Approved sentence: Dishonorable discharge, confinement for 9 months, and forfeiture of all pay and allowances.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Major Harold M. Vaught, and Captain Diane M. Paskey.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Major M. Leeann Summer.

Before

**STONE, SMITH, and MATHEWS**  
Appellate Military Judges

**PER CURIAM:**

We have examined the record of trial, the assignment of error, and the government's reply thereto. We find the appellant's sentence is not inappropriately severe. Article 66(c), UCMJ, 10 U.S.C. § 866(c), requires that we affirm only so much of the sentence as we find "should be approved." In determining sentence appropriateness, we must exercise our judicial powers to assure that justice is done and that the appellant receives the punishment he or she deserves. Performing this function does not authorize this Court to exercise clemency. *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988). The primary manner in which we discharge this responsibility is to give "individualized consideration" to an appellant, to include the nature and seriousness of the offenses and the character of the appellant's service. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982).

The appellant contends that a dishonorable discharge is inappropriately harsh for what he asserts amounts to a “barracks theft” case. While we are mindful that a dishonorable discharge is a severe punishment, we are also mindful of the fact that the appellant abused a position of trust to gain access to his victim’s room and acted with premeditation and deliberation. We have also given individualized consideration to the appellant’s substantial disciplinary record and prior court-martial conviction. Taking into account all matters in aggravation, extenuation, and mitigation, and applying the legal standard stated above to the facts of this case, we find the appellant’s sentence is not inappropriately severe.

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

ANGELA M. BRICE  
Clerk of Court