

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

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**UNITED STATES**

**v.**

**Airman First Class TERRENCE Q. GIVENS  
United States Air Force**

**ACM S30881**

**26 May 2006**

Sentence adjudged 16 March 2005 by SPCM convened at Barksdale Air Force Base, Louisiana. Military Judge: Mary M. Boone (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 6 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Major David P. Bennett.

Appellate Counsel for the United States: Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Lieutenant Colonel Michael E. Savage.

Before

STONE, SMITH, and MATHEWS  
Appellate Military Judges

PER CURIAM:

The appellant asks this Court to order new post-trial processing in his case because the record of trial fails to establish the convening authority either received or considered his request for clemency. *See generally* Rule for Courts-Martial 1107(b)(3)(A)(iii). Specifically, the appellant complains that the record does not contain an addendum to the staff judge advocate recommendation. The government notes that the failure to include the addendum in the record was an administrative oversight, but avers an addendum was in fact completed, and by separate motion, moved to file an addendum dated 7 April 2005. We granted the motion on 1 May 2006. This addendum is addressed to the convening authority, correctly lists the appellant's clemency submissions, and includes an endorsement from the convening authority indicating he considered the appellant's documents prior to taking final action.

Reviewing the issue de novo, it is clear the convening authority received, reviewed, and considered the appellant's post-trial clemency submissions. *See United States v. Godreau*, 31 M.J. 809, 811-12 (A.F.C.M.R. 1990). The appellant is not entitled to new post-trial processing.

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