

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

<b>UNITED STATES,</b>	)	<b>ACM 37998</b>
<b>Appellee</b>	)	
	)	
<b>v.</b>	)	
	)	<b>ORDER</b>
<b>Staff Sergeant (E-5)</b>	)	
<b>STEPHEN P. GUEDRY,</b>	)	
<b>USAF,</b>	)	
<b>Appellant</b>	)	

A general court-martial composed of a military judge convicted the appellant, consistent with his pleas, of wrongfully and knowingly possessing one or more visual depictions of minors engaging in sexually explicit conduct, in violation of Article 134, UCMJ, 10 U.S.C. § 934. Officer members then adjudged a sentence consisting of a bad conduct discharge, confinement for 2 years, forfeitures of all pay and allowances and reduction to the grade of E-1. Pursuant to a pretrial agreement, the convening authority lowered the confinement to 18 months and approved the remainder of the sentence as adjudged.

The original record of trial docketed with this Court is missing Prosecution Exhibit 2, which contains the images of child pornography possessed by the appellant and shown to the members during the court-martial. We are unable to conduct our review under Article 66(c), UCMJ, when the record of trial is not complete. *See* Article 54 (c)(1)(A), UCMJ; Rule for Courts-Martial 1103(b)(2)(A) and (D)(v); *United States v. Henry*, 53 M.J. 108, 110 (C.A.A.F. 2000) (the requirement that a record of trial be complete is one of jurisdictional proportion that cannot be waived and an incomplete record cannot support a sentence that includes a punitive discharge or confinement in excess of 6 months).

Accordingly, it is by the Court on this 28<sup>th</sup> day of February 2013,

**ORDERED:**

That, on or before 11 March 2013, the Government produce a copy of Prosecution Exhibit 2 for inclusion in the original record of trial.

FOR THE COURT



FOR THE COURT

A handwritten signature in black ink, which appears to read "Laquitta J. Smith".

LAQUITTA J. SMITH  
Appellate Paralegal Specialist