

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

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**UNITED STATES**

**v.**

**Staff Sergeant ALANDRIC HOLMAN  
United States Air Force**

**ACM 36583**

**6 February 2007**

Sentence adjudged 6 October 2005 by GCM convened at Davis-Monthan Air Force Base, Arizona. Military Judge: Print R. Maggard.

Approved sentence: Bad-conduct discharge, confinement for 8 years, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Major John N. Page III.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Lieutenant Colonel Robert V. Combs, and Major Matthew S. Ward.

Before

**BROWN, JACOBSON, and SCHOLZ**  
Appellate Military Judges

**PER CURIAM:**

We examined the record of trial, the assignments of error, (including the documents submitted by the appellant in support of the assignments of error),<sup>1</sup> and the government's reply thereto. We hold that the military judge did not abuse his discretion when he permitted the trial counsel to present, during sentencing, portions of recordings of appellant discussing, *inter alia*, uncharged misconduct. See Rules for Courts-Martial 1001(b)(4) and 1001(d); Mil. R. Evid. 403; *United States v. Nourse*, 55 M.J. 229, 231-32 (C.A.A.F. 2001); *United States v. Taylor*, 53 M.J. 195, 199 (C.A.A.F. 2000); *United States v. Shupe*, 36 M.J. 431, 436 (C.M.A. 1993); *United States v. Hallum*, 31 M.J. 254, 255-56 (C.M.A. 1990); *United States v. Silva*, 21 M.J. 336 (C.M.A. 1986).

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<sup>1</sup> On 18 October 2006, this Court granted the appellant's motion to submit these documents.

We also hold that the evidence is legally and factually sufficient to support the appellant's conviction of solicitation (Specification 1 of the Additional Charge). *See United States v. Higgins*, 40 M.J. 67 (C.M.A. 1994); *United States v. Turner*, 25 M.J. 324, 324-25 (C.M.A. 1987).

Furthermore, we find that the appellant failed to establish his entitlement to additional sentence credit beyond that already awarded by the military judge. We, like the military judge, conclude the appellant is only entitled to ten days credit for illegal pretrial punishment. The appellant's additional complaints fail to establish that he was subject to pretrial punishment or unnecessarily rigorous conditions warranting additional credits. *See* Article 13, UCMJ, 10 U.S.C. § 813; *United States v. King*, 61 M.J. 225, 227 (C.A.A.F. 2005); *United States v. Starr*, 53 M.J. 380, 382 (C.A.A.F. 2000).

Finally, we do not find the appellant's sentence to be inappropriately severe. *See United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982); *see also United States v. Wacha*, 55 M.J. 266, 267 (C.A.A.F. 2001); *United States v. Lacy*, 50 M.J. 286, 288 (C.A.A.F. 1999); *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988).

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 approved findings and sentence are

AFFIRMED.

OFFICIAL

LAQUITTA J. SMITH  
Documents Examiner