

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman WILLIAM G. KLAYMAN
United States Air Force

ACM 36881

12 October 2007

Sentence adjudged 17 August 2006 by GCM convened at McGuire Air Force Base, New Jersey. Military Judge: Jennifer Whittier (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 2 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, Major Matthew S. Ward, and Captain Daniel J. Breen.

Before

SCHOLZ, JACOBSON, and THOMPSON
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

The appellant asserts that the dishonorable discharge adjudged in his case is inappropriately severe. We have reviewed the record of trial, the error assigned by the appellant, and the government's reply. In determining the appropriateness of a sentence, this Court exercises its "highly discretionary" powers to assure that justice is done and the appellant receives the punishment he deserves. *United States v. Lacy*, 50 M.J. 286, 287 (C.A.A.F. 1999). 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 "on the basis of the nature and seriousness of the offense

and the character of the offender.” *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982) (quoting *United States v. Mamaluy*, 27 C.M.R. 176, 180-81 (C.M.A. 1959)).

According to the stipulation of fact and admissions by the appellant during the providence inquiry, the appellant, over a two-year period, actively sought out underage females in internet chat rooms and engaged them in obscene conversations. He broadcast live pictures of himself masturbating “about 50 times.” At his request, 30-40 girls that he believed to be underage sent him nude photos of themselves over the internet. During sexually explicit online chats with a police officer the appellant believed to be a 13-year-old girl, the appellant identified himself as a member of the United States Air Force. After a careful review of the appellant’s case, we hold that the appellant’s sentence is not inappropriately severe.

Conclusion

The 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



STEVEN LUCAS, GS-11, DAF
Clerk of the Court