

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Senior Airman TRAVIS L. MCBRYDE
United States Air Force**

ACM 38109

25 June 2013

Sentence adjudged 12 January 2012 by GCM convened at Fort George G. Meade, Maryland. Military Judge: Michael Coco.

Approved Sentence: Dishonorable discharge, confinement for 54 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for the Appellant: Major Anthony D. Ortiz; Captain Travis K. Ausland; and Dwight H. Sullivan, Esquire.

Appellate Counsel for the United States: Colonel Don M. Christensen; Lieutenant Colonel Lawrence H. Schaefer; and Gerald R. Bruce, Esquire.

Before

STONE, GREGORY, and SANTORO
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

At a general court-martial, the appellant pled guilty to engaging in sexual intercourse and fellatio on multiple occasions with a child under the age of 16 and communicating indecent language to six other children, in violation of Articles 120 and 134, UCMJ, 10 U.S.C. §§ 920, 934.¹ Officer members sentenced him to a dishonorable discharge, confinement for 6 years, forfeiture of all pay and allowances, and reduction to E-1. Consistent with the terms of a pre-trial agreement, the convening authority reduced

¹ Additional allegations of making a false official statement, commission of lewd acts with a minor, taking indecent liberties with a minor, and communicating indecent language to an additional minor were withdrawn following the appellant's guilty pleas, pursuant to a pre-trial agreement.

the confinement to 54 months but otherwise approved the sentence. Before us, pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), the appellant argues that had the court-martial heard the testimony of the alleged victims, he “may not have entered pleas of guilty to some of the offenses.”

The appellant entered unconditional guilty pleas. Rule for Courts-Martial 910(j) states that “a plea of guilty which results in a finding of guilty waives any objection, whether or not previously raised, insofar as the objection relates to the factual issue of guilt of the offense(s) to which the plea was made.” *See also United States v. Bradley*, 68 M.J. 279 (C.A.A.F. 2010) and cases cited therein. The appellant has not asserted any factual or legal challenge to his unconditional guilty plea – and its accompanying six-page stipulation of fact and 244-page attachment – and we discern none from the record. Moreover, we find no “substantial conflict between the plea and the accused’s statements or other evidence.” *United States v. Watson*, 71 M.J. 54 (C.A.A.F. 2012). The “mere possibility” of a conflict is insufficient to invalidate a guilty plea. *United States v. Garcia*, 44 M.J. 496, 498 (C.A.A.F. 1996). We are ourselves satisfied that the findings and sentence are factually and legally sufficient.

Conclusion

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 the sentence are

AFFIRMED.



FOR THE COURT

STEVEN LUCAS
Clerk of the Court