

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

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**UNITED STATES**

**v.**

**Major WILLIAM A. MCNEILL  
United States Air Force**

**ACM 35671**

**19 October 2005**

Sentence adjudged 27 March 2003 by GCM convened at Ellsworth Air Force Base, South Dakota. Military Judge: Anne E. Burman (sitting alone).

Approved sentence: Dismissal and confinement for 24 months.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Major Rachel E. VanLandingham, Major James M. Winner, and Major Jennifer K. Martwick.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Robert V. Combs, and Major Michelle M. McCluer.

Before

**ORR, JOHNSON, and JACOBSON  
Appellate Military Judges**

**PER CURIAM:**

In accordance with his pleas, the appellant was found guilty of two specifications of violating a lawful general regulation, one specification of failure to obey a lawful order, and one specification of dereliction of duty, in violation of Article 92, UCMJ, 10 U.S.C. § 892. He was also convicted, in accordance with his pleas, of one specification of conduct unbecoming an officer and two specifications of fraternization, in violation of Articles 133 and 134, UCMJ, 10 U.S.C. §§ 933, 934. The military judge sitting alone as a general court-martial sentenced the appellant to a dismissal and confinement for 24 months. The convening authority approved the findings and sentence as adjudged, but deferred and waived automatic forfeitures for the benefit of the appellant's dependent wife and children. On appeal, the appellant asks that we find his sentence inappropriately severe.

This Court has the authority to review sentences pursuant to Article 66(c), UCMJ, 10 U.S.C. § 866(c), and to reduce or modify sentences we find inappropriately severe. Generally, we make this determination in light of the character of the offender and the seriousness of his offenses. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982). We may also take into account disparities between sentences adjudged for similar offenses. *United States v. Wacha*, 55 M.J. 266, 267 (C.A.A.F. 2001). Our duty to assess the appropriateness of a sentence is “highly discretionary,” but does not authorize us to engage in an exercise of clemency. *United States v. Lacy*, 50 M.J. 286, 287 (C.A.A.F. 1999); *United States v. Healy*, 26 M.J. 394 (C.M.A. 1988).

The appellant was a squadron commander at the time he committed the crimes to which he pled guilty at trial. The subjects of his sexual conquests were young female Airmen assigned to his command. He engaged in sexual acts with his subordinate Airmen in the base dining facility and several semi-public areas both on and near Ellsworth Air Force Base. Moreover, he had sex in the apartment of a subordinate member of his squadron who was deployed, as well as in his own marital bedroom. He committed these offenses despite the fact that a superior commander, the squadron’s first sergeant, several other senior noncommissioned officers, and at least one junior Airman attempted to counsel him in regard to his inappropriate behavior. After carefully examining the submissions of counsel and taking into account all the facts and circumstances surrounding the crimes to which the appellant pled guilty, we certainly do not find the appellant’s sentence inappropriately severe. *See Snelling*, 14 M.J. at 268.

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; *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE  
Clerk of Court