

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class TYSON J. METZGER
United States Air Force**

ACM 35663

5 January 2004

Sentence adjudged 14 May 2003 by GCM convened at Buckley Air Force Base, Colorado. Military Judge: Gregory E. Pavlik (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 18 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Major Andrew S. Williams, Major Bryan A. Bonner, and Captain David P. Bennett.

Appellate Counsel for the United States: Colonel LeEllen Coacher.

Before

PRATT, MALLOY, and GRANT
Appellate Military Judges

PER CURIAM:

Article 66(c), UCMJ, 10 U.S.C. § 866(c), requires this Court to approve only the sentence, or that part or amount of the sentence, “as it finds correct in law and fact and determines, on the basis of the entire record, should be approved.” The determination of sentence appropriateness “involves the judicial function of assuring that justice is done and that the accused gets the punishment he deserves.” *United States v. Healy*, 26 M.J. 394, 395 (C.M.A. 1988); *United States v. Snelling*, 14 M.J. 267 (C.M.A. 1982). Under the specific facts of this case, we find appropriate only so much of the sentence as provides for a bad-conduct discharge, confinement for 12 months, forfeiture of all pay and allowances, and reduction to E-1.

The findings, as approved, and sentence, as modified, 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 findings, as approved, and sentence, as modified, are

AFFIRMED.

OFFICIAL

FELECIA M. BUTLER, TSgt, USAF
Chief Court Administrator