

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Technical Sergeant GREGORY MOUNTS
United States Air Force**

ACM 35619

27 June 2005

Sentence adjudged 26 March 2003 by GCM convened at Holloman Air Force Base, New Mexico. Military Judge: Steven B. Thompson (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 7 years, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Major Sandra K. Whittington, and Major L. Martin Powell.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Captain Amy E. Hutchens.

Before

**MOODY, JOHNSON, and ZANOTTI
Appellate Military Judges**

PER CURIAM:

A general court-martial consisting of a military judge sitting alone found the appellant guilty, in accordance with his pleas, of four specifications of indecent acts upon a child and one specification of indecent liberties with a child in violation of Article 134, UCMJ, 10 U.S.C. § 934. The appellant was sentenced to a dishonorable discharge, confinement for 8 years, and reduction to E-1. In response to the appellant's clemency request for a reduction in the term of his confinement so that he could be eligible to attend a certain sexual offender treatment program, the convening authority approved the sentence but reduced the confinement to 7 years. The convening authority also exercised his authority under Article 58b, UCMJ, 10 U.S.C. § 858b, to waive the mandatory forfeitures for the benefit of the appellant's wife and children.

Before this Court, the appellant argues that his sentence is inappropriately severe. We disagree and affirm.

This Court “may affirm only such findings of guilty and the sentence or such 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.” Article 66(c), UCMJ, 10 U.S.C. § 866(c). In order to determine the appropriateness of the sentence, this Court must consider the particular appellant, the nature and seriousness of the offense, the appellant’s record of service, and all matters contained in the record of trial. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982). The consideration of a grant of clemency or mercy is a separate analysis not part of this Court’s charter. *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988). Having considered all the circumstances of the appellant’s offenses, and in light of his military record and the matters contained in the record of trial, we find the sentence to be appropriate.

The approved findings and sentence are correct in law and fact, and no error prejudicial to the appellant’s substantial rights 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