

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman First Class NATHAN D. ROBINETT
United States Air Force

ACM 37306

16 July 2009

Sentence adjudged 18 July 2008 by GCM convened at Eielson Air Force Base, Alaska. Military Judge: Gregory O. Friedland.

Approved sentence: Bad-conduct discharge, confinement for 1 year, a fine payable to the United States in the amount of \$5,000.00 with additional confinement of 3 months if said fine is not paid by 15 December 2008, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for the Appellant: Major Shannon A. Bennett, Major Michael A. Burnat, Major Lance J. Wood, and Major Imelda L. Paredes.

Appellate Counsel for the United States: Major Jeremy S. Weber, Major Steven R. Kaufman, and Gerald R. Bruce, Esquire.

Before

FRANCIS, JACKSON, and THOMPSON
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

Consistent with his pleas, the appellant was convicted of two specifications of making a false official statement, two specifications of willfully damaging private property, three specifications of wrongful appropriation, and four specifications of larceny, in violation of Articles 107, 109, and 121, UCMJ, 10 U.S.C. §§ 907, 909, 921. The approved sentence consists of a bad-conduct discharge, confinement for one year, forfeiture of all pay and allowances, reduction to E-1, and a \$5,000 fine, with additional confinement for three months if the fine was not timely paid. The appellant asserts that

the portion of the approved sentence extending to a bad-conduct discharge is inappropriately severe.*

Sentence Appropriateness

This Court reviews sentence appropriateness de novo. *United States v. Baier*, 60 M.J. 382, 384 (C.A.A.F. 2005); *United States v. Christian*, 63 M.J. 714, 717 (A.F. Ct. Crim. App. 2006), *aff'd*, 66 M.J. 291 (C.A.A.F. 2008). We make such determinations in light of the character of the offender, the nature and seriousness of his offenses, and the entire record of trial. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982); *United States v. Rangel*, 64 M.J. 678, 686 (A.F. Ct. Crim. App.), *aff'd*, 65 M.J. 310 (C.A.A.F. 2007).

Applying the above, we find that the appellant's sentence, to include the approved bad-conduct discharge, is not inappropriately severe. The appellant was a thief who stole or misappropriated thousands of dollars worth of personal property from his fellow airmen, caused even more damage by vandalizing their vehicles, and then lied to investigators to cover up his crimes. Nor were these crimes his first offenses. Evidence properly introduced at trial indicates he previously received both a letter of reprimand and punishment under Article 15, UCMJ, 10 U.S.C. § 815, for other, albeit less serious, misconduct.

Given the seriousness of the appellant's offenses and their impact on the victims, and considering the appellant's time in service, military record and all other matters in the record of trial, including those presented by the appellant during sentencing, we find the approved sentence fair, just, and appropriate.

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).

* This issue is raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL



STEVEN LUCAS, YA-02, DAF
Clerk of the Court