

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

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UNITED STATES

v.

Senior Airman JAMIE F. SANTOS  
United States Air Force

ACM 37223

26 February 2009

Sentence adjudged 18 March 2008 by GCM convened at Hurlburt Field, Florida. Military Judge: W. Thomas Cumbie (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 54 months, and reduction to E-1.

Appellate Counsel for the Appellant: Major Shannon A. Bennett, Major Lance J. Wood, and Captain Grover H. Baxley.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Major Jeremy S. Weber, and Captain Coretta E. Gray.

Before

FRANCIS, HEIMANN, and THOMPSON  
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

Consistent with the appellant's pleas, a military judge sitting as a general court-martial found him guilty of 37 specifications, which included disobeying a general regulation, forgery, selling and attempting to sell government property, wrongful disposition of government property, larceny, and wrongful appropriation, in violation of Articles 80, 92, 108, 121, and 123, UCMJ, 10 U.S.C. §§ 880, 892, 908, 921, 923. The adjudged and approved sentence consists of a bad-conduct discharge, confinement for 54 months, and reduction to E-1.

The appellant raises one issue before this Court. He asks the Court to order new post-trial processing because the record does not reflect that the convening authority considered his post-trial clemency submissions. In response to this assertion, the appellee submitted an affidavit from the convening authority indicating that he considered the appellant's clemency submission.

We review post-trial processing issues de novo. *United States v. Kho*, 54 M.J. 63, 65 (C.A.A.F. 2000); *United States v. Sheffield*, 60 M.J. 591, 593 (A.F. Ct. Crim. App. 2004). Prior to taking final action, the convening authority must consider matters submitted by the accused under Rule for Courts-Martial (R.C.M.) 1105. R.C.M. 1107(b)(3)(A)(iii); *United States v. Craig*, 28 M.J. 321, 324-25 (C.M.A. 1989).

Having considered the affidavit from the convening authority, we are satisfied that the convening authority was provided and considered the attachments listed on the trial defense counsel's clemency submission prior to taking action.

*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 approved findings and sentence are

AFFIRMED.

Judge THOMPSON did not participate.

OFFICIAL



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