

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman JOSHUA A. SCHMETZER
United States Air Force

ACM 35121

26 August 2003

Sentence adjudged 7 February 2002 by GCM convened at Hurlburt Field, Florida. Military Judge: James L. Flanary.

Approved sentence: Dishonorable discharge, confinement for 2 years, reduction to E-1, and a reprimand.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, and Major Maria A. Fried.

Appellate Counsel for the United States: Colonel LeEllen Coacher and Lieutenant Colonel Lance B. Sigmon.

Before

BURD, ORR, W.E., and GENT
Appellate Military Judges

BURD, Senior Judge:

The appellant has made one claim in his Assignment of Errors, i.e., that his sentence is inappropriately severe. We agree. *United States v. Healy*, 26 M.J. 394 (C.M.A. 1988). Therefore, we will modify the sentence.

We affirm only so much of the approved sentence as provides for a bad-conduct discharge, confinement for 2 years, reduction to E-1, and a reprimand. The findings, as approved, and sentence, as modified, are correct in law and fact. Article 66(c), UCMJ, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (2000) and cases cited therein. Accordingly, the findings, as approved, and the sentence, as modified, are

AFFIRMED.

OFFICIAL

HEATHER D. LABE
Clerk of Court