

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

---

**UNITED STATES**

**v.**

**Technical Sergeant EMMITT W. SCHOOLCRAFT  
United States Air Force**

**ACM 35332**

**24 February 2005**

Sentence adjudged 14 August 2002 by GCM convened at Fairchild Air Force Base, Washington. Military Judge: Jack L. Anderson (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 5 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Major Andrew S. Williams, Major L. Martin Powell, and Major Jennifer K. Martwick.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Major Shannon J. Kennedy, and Major John C. Johnson.

Before

**MALLOY, JOHNSON, and GRANT  
Appellate Military Judges**

**PER CURIAM:**

We have examined the record of trial, the assignments of error, and the government's reply thereto. The appellant was properly convicted of attempting to communicate indecent language and communicating indecent language, under circumstances that were prejudicial to good order and discipline in the armed forces or of a nature to bring discredit upon the armed forces, in violation of Article 134, UCMJ, 10 U.S.C. § 934. *United States v. French*, 31 M.J. 57 (C.M.A. 1990); *United States v. Caver*, 41 M.J. 556 (N.M. Ct. Crim. App. 1994).

We have carefully considered the appellant's argument that a bad-conduct discharge is inappropriate given the nature of his offenses, his outstanding record, and his years of service. This Court may only affirm those findings and sentence that we find are

correct in law and fact and determine, based on the entire record of trial, should be affirmed. Article 66(c), UCMJ, 10 U.S.C. § 866(c). In exercising our authority under Article 66(c), UCMJ, we must ensure that justice is done and the appellant receives the punishment he deserves. Performing this function does not allow us to grant clemency. *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988). The primary manner in which we discharge this duty is to give “individualized consideration” to an appellant “on the basis of the nature and seriousness of the offense and the character” of the appellant. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982) (quoting *United States v. Mamaluy*, 27 C.M.R. 176, 180-81 (C.M.A. 1959)). After carefully considering the entire record, and applying this standard, we conclude that a bad-conduct discharge is an appropriate component of the appellant’s sentence and should be affirmed. *United States v. Baier*, No. 04-0340/MC (3 Jan 2005).

The findings and approved sentence 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 and the sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE  
Clerk of Court