

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

---

**UNITED STATES**

**v.**

**Airman First Class JAMES R. SHANNON  
United States Air Force**

**ACM 36042**

**22 February 2006**

Sentence adjudged 8 July 2004 by GCM convened at Little Rock Air Force Base, Arkansas. Military Judge: Mary M. Boone (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 26 months, and reduction to E-1.

Appellate Counsel for Appellant: Lieutenant Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Major Sandra K. Whittington.

Appellate Counsel for the United States: Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Major Tracey L. Printer.

Before

**ORR, JOHNSON, and JACOBSON  
Appellate Military Judges**

**PER CURIAM:**

We have examined the record of trial, the assignment of error,<sup>1</sup> and the government's response thereto. Finding no error, we affirm.

The appellant contends that the evidence is legally and factually insufficient to sustain his conviction for knowing and wrongful receipt and possession of visual depictions of minors engaging in sexually explicit conduct, in violation of Article 134, UCMJ, 10 U.S.C. § 934. Legal sufficiency is a question of law this Court reviews de

---

<sup>1</sup> The appellant's assignment of error was submitted pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

novo. *United States v. Tollinchi*, 54 M.J. 80, 82 (C.A.A.F. 2000). The test for legal sufficiency is whether, considering the evidence in the light most favorable to the government, any rational trier of fact could have found the elements of the crime beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 318-19 (1979); *United States v. Quintanilla*, 56 M.J. 37, 82 (C.A.A.F. 2001); *United States v. Turner*, 25 M.J. 324 (C.M.A. 1987). The test for factual sufficiency is whether, after weighing the evidence in the record of trial and making allowances for not having personally observed the witnesses, we are ourselves convinced of the appellant's guilt beyond a reasonable doubt. *Turner*, 25 M.J. at 325. We conclude that there is sufficient competent evidence in the record of trial to support the court's findings. The testimony of the agents of the Air Force Office of Special Investigations, the government's expert witness, the stipulation of expected testimony from law enforcement personnel, and the written confession of the appellant provided credible and compelling evidence that the appellant committed the acts alleged, as found by the military judge. We are convinced of the appellant's guilt beyond a reasonable doubt. *See Turner*, 25 M.J. at 324-25; Article 66(c), UCMJ, 10 U.S.C. § 866(c).

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; *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

LOUIS T. FUSS, TSgt, USAF  
Chief Court Administrator