

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Staff Sergeant HAROLD J. STUCKMAN JR.
United States Air Force

ACM S31045

17 July 2007

Sentence adjudged 15 December 2005 by SPCM convened at Malmstrom Air Force Base, Montana. Military Judge: Carl L. Reed II (sitting alone).

Approved sentence: Bad-conduct discharge and reduction to E-3.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, Lieutenant Colonel Darla G. Orndorff, and Major Anniece Barber.

Appellate Counsel for the United States: Colonel Gerald R. Bruce and Major Matthew S. Ward.

Before

JACOBSON, PETROW, and ZANOTTI
Appellate Military Judges

PER CURIAM:

A general court-martial consisting of a military judge found the appellant guilty, in accordance with his pleas, of three specifications of larceny, in violation of Article 121, UCMJ, 10 U.S.C. § 921. He was sentenced to a bad-conduct discharge and reduction to the grade of E-3. The convening authority approved the sentence as adjudged.

Pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), the appellant argues that his approved sentence is inappropriately severe. We disagree and affirm.

This Court “may affirm only such findings of guilty and the sentence or such part or amount of the sentence, as it finds correct in law and fact and determines, on the basis of the entire record, should be approved.” Article 66(c), UCMJ, 10 U.S.C. § 866(c). In order to determine the appropriateness of the sentence, this Court must consider the

particular appellant, the nature and seriousness of the offense, the appellant's record of service, and all matters contained in the record of trial. *United States v. Snelling*, 14 M.J. 267 (C.M.A. 1982). The consideration of a grant of clemency, or mercy, is a separate analysis, not part of the Court's charter. *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988). Having considered all the circumstances of the appellant's offenses, in light of his military record and the matters contained in the record of trial, we find the sentence to be appropriate for this appellant and his offenses. *Id.*

The approved findings and sentence are correct in law and fact, and no error prejudicial to the appellant's substantial rights 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

Judge PETROW did not participate.

OFFICIAL



MARTHA E. COBLE-BEACH, TSgt, USAF
Court Administrator