

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

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UNITED STATES

v.

Airman JUSTIN D. TEMPLE  
United States Air Force

ACM S31209

03 September 2008

Sentence adjudged 19 September 2006 by SPCM convened at Luke Air Force Base, Arizona. Military Judge: Christopher Santoro (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 97 days, and reduction to E-1.

Appellate Counsel for the Appellant: Lieutenant Colonel Mark R. Strickland and Captain Timothy M. Cox.

Appellate Counsel for the United States: Colonel Gerald R. Bruce.

Before

WISE, FRANCIS, and BRAND  
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

In this case, the overall delay of 652 days between the time the case was docketed at the Air Force Court of Criminal Appeals and completion of review by this Court is facially unreasonable. Because the delay is facially unreasonable, we examine the four factors set forth in *Barker v. Wingo*, 407 U.S. 514, 530 (1972). These factors are: (1) the length of the delay; (2) the reasons for the delay; (3) the appellant's assertion of the right to timely review and appeal; and (4) prejudice. *See also United States v. Moreno*, 63 M.J. 129, 135-36 (C.A.A.F. 2005). When we assume error, but are able to directly conclude that any error was harmless beyond a reasonable doubt, we do not need engage in a separate analysis of each factor. *United States v. Allison*, 63 M.J. 365, 370 (C.A.A.F. 2006). This approach is appropriate in the appellant's case.

Having considered the totality of the circumstances and entire record, we conclude that any denial of the appellant's right to speedy post-trial review and appeal was harmless beyond a reasonable doubt and that no relief is warranted.

*Conclusion*

The approved findings 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.

Senior Judge BRAND did not participate.

OFFICIAL



*Christina E. Parsons*  
CHRISTINA E. PARSONS, TSgt, USAF  
Deputy, Clerk of the Court