

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman JOSHUA O. THOMPSON
United States Air Force

ACM S30980

31 January 2007

Sentence adjudged 7 June 2005 by SPCM convened at Seymour Johnson Air Force Base, North Carolina. Military Judge: Ronald A. Gregory (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 8 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Captain Vicki A. Belleau.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Lieutenant Colonel Robert V. Combs, and Major Kimani R. Eason.

Before

BROWN, BECHTOLD, and BRAND
Appellate Military Judges

PER CURIAM:

The appellant pled guilty by exception to one specification of dereliction of duty and guilty by exception to one specification of violating a lawful general order, both in violation of Article 92, UCMJ, 10 U.S.C. § 892. He was convicted, as charged, by a military judge sitting alone. His approved sentence consists of a bad-conduct discharge, confinement for 8 months, and reduction to E-1.

On appeal, the appellant alleges post-trial processing error because there is no evidence in the record that the convening authority reviewed his clemency matters, as required by Rule for Courts-Martial 1107(b)(3)(A)(iii). The staff judge advocate (SJA) did not prepare an addendum to his recommendation as set out in *United States v. Foy*, 30 M.J. 664, 665-66 (A.F.C.M.R. 1990). The appellant has requested relief from this Court

in the form of sentence reassessment and has asked that the bad-conduct discharge be disapproved. In support of this request, the appellant cites additional minor post-trial processing errors that occurred in this case and submits that “[p]ost-trial errors like this plague the Air Force military justice system at unacceptably high rates and this Court’s pronouncements continue to go unheeded”; and argues that “[s]uch action by this Court will surely send a strong message to take greater care in the post-trial processing of courts-martial.”

The government has responded to the allegation of error by supplementing the record with an affidavit from the SJA establishing that the convening authority did, in fact, consider all matters submitted as part of the appellant’s clemency package prior to taking action. We are satisfied that the convening authority properly reviewed the clemency matters. *See United States v. Godreau*, 31 M.J. 809, 812 (A.F.C.M.R. 1990).

This Court agrees with the appellant that this case represents yet another example of shoddy post-trial processing. However, none of the errors resulted in prejudice to the appellant. While there may be a case that is a fitting vehicle in which to again attempt to get the attention of SJAs regarding the importance of post-trial processing by granting sentence relief, this is not that case.

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, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the findings and sentence are

AFFIRMED.

OFFICIAL

LOUIS T. FUSS, TSgt, USAF
Chief Court Administrator