UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman Basic JARRED R. TRINKLE
United States Air Force

ACM 37603

17 December 2010

Sentence adjudged 09 December 2009 by GCM convened at Little Rock Air Force Base, Arkansas. Military Judge: W. Thomas Cumbie.

Approved sentence: Bad-conduct discharge, confinement for 2 years, and forfeiture of all pay and allowances.

Appellate Counsel for the Appellant: Lieutenant Colonel Gail E. Crawford and Captain Nicholas W. McCue.

Appellate Counsel for the United States: Major Deanna Daly, Major Coretta E. Gray, and Gerald R. Bruce, Esquire.

Before

BRAND, GREGORY, and ROAN
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

A general court-martial composed of officer members convicted the appellant in accordance with his pleas of five specifications of wrongfully using multiple controlled substances and one specification of wrongfully possessing cocaine all in violation of Article 112a, UCMJ, 10 U.S.C. § 912a.[1] The court sentenced him to a bad-conduct discharge, confinement for two years, and total forfeitures. A pretrial agreement capped the confinement at 24 months, and the convening authority approved the sentence as adjudged. The appellant argues that his sentence is inappropriately severe.

[1]Specifications one through five of the charge allege, in order, wrongful use of (1) ecstasy, (2) cocaine, (3) methamphetamine, (4) marijuana, and (5) heroin. All but the use of marijuana was on divers occasions.

The appellant entered active duty in September 2008. When questioned by investigators in June 2009, he admitted to using cocaine, heroin, ecstasy, and methamphetamine ten or more times, and to using marijuana a couple of times. The appellant's brief military career also included several disciplinary actions for underage drinking and being late for work. After his admissions to law enforcement, and at his request, the appellant entered drug rehabilitation, but he was disenrolled before completion after being caught using illegal drugs in the rehabilitation facility. Citing his cooperation with investigators and his willingness to seek treatment, the appellant argues that his sentence is too severe.[2]

We review sentence appropriateness de novo. *See United States v. Baier*, 60 M.J. 382, 383-84 (C.A.A.F. 2005). We make such determinations in light of the character of the offender, the nature and seriousness of his offenses, and the entire record of trial. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982); *United States v. Bare*, 63 M.J. 707, 714 (A.F. Ct. Crim. App. 2006). Additionally, while we have a great deal of discretion in determining whether a particular sentence is appropriate, we are not authorized to engage in exercises of clemency. *United States v. Lacy*, 50 M.J. 286, 288 (C.A.A.F. 1999); *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988).

While the matters cited by appellant are appropriate considerations in clemency, they do not show that his sentence is inappropriately severe. These matters were properly before the court-martial that sentenced him as well as the convening authority that approved the sentence. Having considered the sentence de novo in light of the character of this offender, the nature and seriousness of his offenses, and the entire record of trial, we find the appellant's sentence appropriate.

Conclusion

Accordingly, we conclude the 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).

[2] This issue is raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

Accordingly, the findings and the sentence are

AFFIRMED.

OFFICIAL

STEVEN LUCAS
Clerk of the Court