

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman RASHARD E. WARREN
United States Air Force

ACM 35000

5 February 2003

Sentence adjudged 23 January 2002 by GCM convened at Shaw Air Force Base, South Carolina. Military Judge: Mary M. Boone.

Approved sentence: Bad-conduct discharge, confinement for 9 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Jeffrey A. Vires, Major Patricia A. McHugh, and Major Karen L. Hecker.

Appellate Counsel for the United States: Colonel Anthony P. Dattilo, Lieutenant Colonel Lance B. Sigmon, and Lieutenant Colonel David N. Cooper.

Before

BRESLIN, STONE, and EDWARDS
Appellate Military Judges

OPINION OF THE COURT

STONE, Judge:

The appellant was convicted, in accordance with his pleas, of failure to go to his appointed place of duty on divers occasions, disobeying an order of his superior, disrespecting a non-commissioned officer, dereliction of duty, and use of marijuana, in violation of Articles 86, 91, 92, and 112a UCMJ, 10 U.S.C. §§ 886, 891, 892, 912a. He was sentenced to a bad-conduct discharge, confinement for 9 months, forfeiture of all pay and allowances, and reduction to the grade of E-1. The convening authority approved the adjudged sentence.

Pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), the appellant argues that his adjudged sentence is inappropriately severe and asks this Court to reassess his sentence. 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). Having considered all the circumstances of 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. *United States v. Healy*, 26 M.J. 394 (C.M.A. 1988).

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 (2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

HEATHER D. LABE
Clerk of Court