

**UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS**

No. ACM S32816

UNITED STATES
Appellee

v.

Nicolas L. THOMPSON
Airman First Class (E-3), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary
Decided 23 December 2025

Military Judge: Jeremy L. Mooney (arraignment); Lance R. Smith (trial).

Sentence: Sentence adjudged 10 September 2024 by SPCM convened at Aviano Air Base, Italy. Sentence entered by the military judge on 30 October 2024: Bad-conduct discharge, confinement for 100 days, forfeiture of \$1,340.00 pay per month for 3 months, reduction to E-1, and a reprimand.

For Appellant: Lieutenant Colonel Jarett Merk, USAF; Major Samantha M. Castanien, USAF.

For Appellee: Major Vanessa Bairos, USAF.

Before DOUGLAS, MASON, and MCCALL, *Appellate Military Judges*.

**This is an unpublished opinion and, as such, does not serve as
precedent under AFCCA Rule of Practice and Procedure 30.4**

PER CURIAM:

The findings as entered are correct in law. Article 66(d), Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 866(d) (*Manual for Courts-Martial, United States* (2024 ed.)). In addition, the sentence as entered is correct in law

and fact, and no error materially prejudicial to the substantial rights of Appellant occurred. Articles 59(a) and 66(d), UCMJ, 10 U.S.C. §§ 859(a), 866(d) (*Manual for Courts-Martial, United States* (2019 ed.)).^{1,2} Accordingly, the findings and sentence are **AFFIRMED**.



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court

¹ We note that the case was not docketed with the court within 150 days, but rather at 192 days. This delay is facially unreasonable. *United States v. Livak*, 80 M.J. 631, 633 (A.F. Ct. Crim. App. 2020). However, Appellant does not assert prejudice and we find no relief is warranted.

² The record of trial includes an accurate verbatim recording of the court-martial properly reflecting that Judge Smith replaced Judge Mooney, Rule for Courts-Martial (R.C.M.) 1112(b)(1); however, the certified verbatim transcript incorrectly identifies Judge Mooney as the presiding military judge for the Article 39(a), UCMJ, 10 U.S.C. § 839(a), hearing on 10 September 2024. *See* R.C.M. 1114(a). Appellant does not assert prejudice and we find none.