

**UNITED STATES NAVY-MARINE CORPS  
COURT OF CRIMINAL APPEALS  
WASHINGTON, D.C.**

**Before  
E.E. GEISER, L.T. BOOKER, J.K. CARBERRY  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**LARRY D. BLOCKER  
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 200900424  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 13 March 2008.

**Military Judge:** LtCol Jeffrey G. Meeks, USMC.

**Convening Authority:** Commanding General, 1st Marine  
Division (Rein), Camp Pendleton, CA.

**Staff Judge Advocate's Recommendation:** LtCol R.M. Miller,  
USMC.

**For Appellant:** CAPT Diane Karr, JAGC, USN.

**For Appellee:** LCDR Christopher C. Burris, USN; Maj  
Elizabeth A. Harvey, USMC.

**17 December 2009**

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**OPINION OF THE COURT**  
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**AS AN UNPUBLISHED DECISION, THIS OPINION DOES NOT SERVE AS PRECEDENT.**

PER CURIAM:

A military judge sitting as a general court-martial convicted the appellant, consistent with his pleas, of attempted unpremeditated murder and burglary in violation of Articles 80 and 129, Uniform Code of Military Justice, 10 U.S.C. §§ 880 and 929. The military judge sentenced the appellant to confinement for 30 years, reduction to pay grade E-1, forfeiture of all pay and allowances, and a dishonorable discharge. The convening authority (CA) approved the sentence as adjudged but, pursuant to the pretrial agreement, suspended all adjudged confinement in excess of 12 years for the period of confinement plus 12 months. Under the terms of the pretrial agreement, the CA was obligated

to make the period of suspension 12 months from the date of his action. We will take corrective action in our decretal paragraph. See *United States v. Cox*, 46 C.M.R. 69, 72 (C.M.A. 1972).

The appellant now personally asserts that that his sentence is unjustifiably severe.<sup>1</sup> We disagree. After carefully considering the parties' briefs and examining the record of trial, we are convinced that the findings and sentence are correct in law and fact and that following our corrective action no error materially prejudicial to the substantial rights of the appellant remains. Art. 59 (a) and 66(c), UCMJ.

"Sentence appropriateness involves the judicial function of assuring that justice is done and that the accused gets the punishment he deserves." *United States v. Healy*, 26 M.J. 394, 395 (C.M.A. 1988). This requires "'individualized consideration' of the particular accused 'on the basis of the nature and seriousness of the offense and character of the offender.'" *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982) (quoting *United States v. Mamaluy*, 27 C.M.R. 176, 180-81 (C.M.A. 1959)).

During his court-martial, the appellant admitted to arming himself with a 4-inch knife and a loaded pistol and driving more than two and one-half hours from Twentynine Palms, California to Marine Corps Base, Camp Pendleton with the intent to inflict serious bodily injury upon Corporal (Cpl) S. The appellant arrived at Cpl S's home at approximately 0430, entered the home through a first floor window and stabbed Cpl S in the neck as he was waking up and still in bed with his wife sleeping beside him. Cpl S struggled with the appellant and the appellant once again stabbed Cpl S. On this occasion the appellant stabbed Cpl S in an area near his neck with the specific intent to kill him. As a result of the attack, Cpl S suffered injuries that required 3 surgeries, has lost 30% range of motion in his left arm, cannot raise his left arm above his head and is being medically processed from the Marine Corps.

The appellant faced a maximum sentence of life imprisonment without parole, forfeiture of all pay and allowances, reduction to pay grade E-1, and a dishonorable discharge. We have given individualized consideration to the appropriateness of the approved sentence, weighing the nature and seriousness of the offenses, the character and military performance of the appellant, the matters submitted in extenuation and mitigation, and all of the circumstances documented in the record of trial. Based on our review of the entire record, we conclude that the approved sentence to 30 years confinement, reduction to pay grade E-1, forfeiture of all pay and allowances, and a dishonorable discharge is appropriate for this offender and his offenses.

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<sup>1</sup> The assigned error is raised pursuant to *United States v. Grotsefon*, 12 M.J. 431 (C.M.A. 1982).

*United States v. Baier*, 60 M.J. 382 (C.A.A.F. 2005); *Healy*, 26 M.J. at 395; *Snelling*, 14 M.J. at 268.

Accordingly, we affirm the findings and the approved sentence. The supplemental court-martial order shall reflect that the period of suspension ran for 12 months from 7 July 2008, the date of the convening authority's action.

For the Court

R.H. TROIDL  
Clerk of Court