

CORRECTED COPY

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class CRYSTAL D. DINOVI
United States Air Force**

ACM 35021

17 January 2003

Sentence adjudged 13 December 2001 by GCM convened at Maxwell Air Force Base, Alabama. Military Judge: Ann Shane.

Approved sentence: Bad-conduct discharge, confinement for 4 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Lieutenant Colonel Gilbert J. Andia Jr., Major Jeffrey A. Vires, and Captain Jennifer K. Martwick.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Lance B. Sigmon, and Legal Intern Erica S. Riley.

Before

VAN ORSDOL, STONE, and ORR, V.A.
Appellate Military Judges

OPINION OF THE COURT

ORR, V.A., Judge:

The appellant was convicted, pursuant to her pleas, of one specification of divers use of cocaine and one specification of divers use of 3,4-methylenedioxymethamphetamine (ecstasy) in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. The adjudged and approved sentence consisted of a bad-conduct discharge, confinement for 4 months, forfeiture of all pay and allowances, and reduction to the grade of E-1.

Sentence Appropriateness

Pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A.), the appellant argues that her sentence is inappropriately severe. We disagree and affirm. The Court of Criminal Appeals “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. 1988).

The crime of which the appellant was convicted carried a maximum sentence of a dishonorable discharge, confinement for 10 years, forfeiture of all pay and allowances, and reduction to E-1. A court composed of officer and enlisted members heard the evidence and sentenced the appellant to a bad conduct discharge, 4 months’ confinement, total forfeiture of all pay and allowances, and reduction to E-1. We have reviewed this case and have determined the sentence is appropriate. *See 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 substantial rights of the appellant occurred. Article 66(c), UCMJ. *United States v. Reed*, 54 M.J. 37, 41 (2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

FELECIA M. BUTLER, TSgt, USAF
Chief Court Administrator