

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

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**UNITED STATES**

**v.**

**Senior Airman STEVEN R. MASON  
United States Air Force**

**ACM S30173**

**11 February 2004**

Sentence adjudged 18 June 2002 by SPCM convened at Barksdale Air Force Base, Louisiana. Military Judge: Gregory E. Pavlik (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 75 days, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McLyea, and Captain L. Martin Powell.

Appellate Counsel for the United States: Colonel LeEllen Coacher and Lieutenant Colonel Lance B. Sigmon.

Before

**PRATT, MALLOY, and GRANT**  
Appellate Military Judges

**OPINION OF THE COURT**

**PRATT, Chief Judge:**

A special court-martial, consisting of a military judge sitting alone, convicted the appellant, pursuant to his pleas, of wrongfully using methylenedioxymethamphetamine (more commonly known as ecstasy), in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. His approved sentence consists of a bad-conduct discharge, confinement for 75 days, and reduction to airman basic. On appeal, appellant asks us to modify the findings to properly reflect his guilt.

The specification to which the appellant pled guilty, and of which he was found guilty by the military judge, alleged that he used ecstasy "on one or more occasions." As

the government concedes, the appellant admitted only to one use of ecstasy. Indeed, the parties stipulated that the appellant ingested a single pill of ecstasy at a party at his off-base residence and the government did not introduce any evidence of further ecstasy use.

Under these circumstances, we will modify the findings to reflect the appellant's one-time use of the drug. Article 66(c), UCMJ, 10 U.S.C. § 866(c). We affirm the finding of guilty of the Specification of the Charge, except the words "or more occasions," substituting therefor the word "occasion." Having modified the finding, we recognize our responsibility to reassess the sentence. *United States v. Sales*, 22 M.J. 305 (C.M.A. 1986). In so doing, we note that the appellant has not asked for sentence relief, nor do we find such relief warranted. This minor modification of the finding more accurately reflects his criminal conduct, but in no way does it represent a change in the conduct for which the military judge imposed his sentence.

The findings, as modified, and the sentence, as approved, 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 (C.A.A.F. 2000). Accordingly, the findings, as modified, and the sentence, as approved, are

AFFIRMED.

OFFICIAL

FELECIA M. BUTLER, TSgt, USAF  
Chief Court Administrator