

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman MARY T. MEADE
United States Air Force**

ACM 34764

22 April 2003

Sentence adjudged 7 May 2001 by GCM convened at Langley Air Force Base, Virginia. Military Judge: Mary M. Boone.

Approved sentence: Bad-conduct discharge, confinement for 2 months, forfeiture of all pay and allowances until 26 June 2001 and thereafter forfeiture of \$695.00 pay per month until the bad-conduct discharge is executed, and reduction to E-1.

Appellate Counsel for Appellant: Lieutenant Colonel Timothy W. Murphy.

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

Before

BURD, STONE, and LOVE
Appellate Military Judges

OPINION OF THE COURT

LOVE, Judge:

On 4, 5, and 7 May 2001, the appellant was tried by general court-martial composed of officer and enlisted members at Langley Air Force Base (AFB), Virginia. The appellant was charged with the wrongful use of lysergic acid diethylamide (LSD) on divers occasions and the wrongful use of ecstasy on divers occasions, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. She pled guilty to only using LSD once. The officer and enlisted members found her guilty of only a single use of LSD, consistent with the appellant's pleas. The appellant was sentenced to a bad-conduct discharge, confinement for 2 months, forfeiture of all pay and allowances, and reduction to E-1.

Apart from reducing the forfeitures to be consistent with confinement served, the convening authority otherwise approved the adjudged sentence. The appellant contends that her sentence is inappropriately severe. We disagree and affirm.

I. FACTS

The appellant was a 25-year-old airman serving her first assignment at Langley Air Force Base, Virginia. She had held this assignment for less than a year when she fell in with “the wrong crowd,” which led to a party where she knowingly ingested LSD. During the course of a large-scale investigation of illegal drug use conducted by the Air Force Office of Special Investigations (OSI), another airman identified the appellant as a drug user. When questioned by OSI agents, the appellant admitted that she wrongfully used LSD on one occasion. She denied any other drug abuse.

The appellant claims that her sentence was inappropriately severe for her misconduct. In support of her appeal, the appellant has submitted numerous statements from supervisors, co-workers, and friends attesting to her good character and hard work. She claims the circumstances surrounding her offense were mitigating and that she should not carry the “lifelong stigma” of a bad conduct discharge for one bad decision.

II. SENTENCE SEVERITY

This Court may only affirm those sentences we find are correct in law and fact and determine, on the basis of the entire record, should be approved. Article 66, UCMJ, 10 U.S.C. §866. Our standard of review is whether, considering the entire record, the character of the offender and the nature of the offenses for which she is being sentenced, the sentence adjudged or approved is appropriate. *United States v. Peoples*, 29 M.J. 426 (C.M.A. 1990); *United States v. Snelling*, 14 M.J. 267 (C.M.A. 1982).

In this case, the appellant demonstrated that she had the potential for an outstanding military career and unlimited personal advancement, if she had only abstained from serious misconduct. The terrible consequences that result from even a single instance of drug use, were painstakingly illustrated over the course of the appellant’s three-day court-martial.

The appellant did not receive the maximum sentence possible under the law, nor did she even receive the sentence recommended by trial counsel. The officer and enlisted court members assessed a sentence within the guidelines given to them by the military judge, that they believed was appropriate, given the unique circumstances of the appellant’s case.

The appellant and her counsel made a compelling case for mitigation to the convening authority. However, apart from a modification to the forfeitures necessitated

by the completion of confinement, the convening authority otherwise approved the sentence adjudged.

While we appreciate the appellant's sincere regret about her crime and her dismay over opportunities lost, we do not believe her sentence is unjust under the circumstances. The appellant's sentence is not inappropriately severe. We have ensured, "that justice [was] done and that the accused [got] the punishment that [s]he deserves." *United States v. Healy*, 26 M.J. 394, 395 (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

HEATHER D. LABE
Clerk of Court