

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Senior Airman CHARNISSA M. SAMPSON
United States Air Force**

ACM 35613

11 January 2005

Sentence adjudged 5 March 2003 by GCM convened at RAF Lakenheath, United Kingdom. Military Judge: Thomas W. Pittman (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 12 months, and reduction to E-1.

Appellate Counsel for Appellant: Captain Jennifer K. Martwick.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Major M. Leeann Summer.

Before

ORR, MOODY, and CONNELLY
Appellate Military Judges

OPINION OF THE COURT

CONNELLY, Judge:

The appellant pled guilty to wrongful distribution and use of 3,4-methylenedioxymethamphetamine (ecstasy) and marijuana, in the form of hashish, on divers occasions, and wrongful use of cocaine, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. A military judge sitting alone as a general court-martial accepted the appellant's pleas and sentenced her to a bad-conduct discharge, confinement for 12 months, and reduction to E-1. The convening authority approved the adjudged sentence, but waived the mandatory forfeitures for a period of six months or release from

confinement, whichever was sooner. On appeal, the appellant alleges her sentence is inappropriately severe.¹

Sentence appropriateness should generally “be judged by ‘individualized consideration’ of the particular accused ‘on the basis of the nature and seriousness of the offense and the 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)). In the case sub judice, the appellant pled guilty to using and distributing various drugs on multiple occasions. Her illegal drug use included ecstasy, marijuana, in the form of hashish, and cocaine. She distributed drugs to other military members, and used drugs not only with servicemembers, but also with civilians in Great Britain. Her actions were prejudicial to good order and discipline and brought discredit to the Air Force.

Evidence of the appellant’s history of depression, difficult upbringing, strained family circumstances, loneliness, and expressed remorse were presented as mitigation. These factors were taken into consideration by the military judge and have been considered by this Court. The maximum punishment that could have been imposed in this case was a dishonorable discharge, confinement for 49 years, forfeiture of all pay and allowances, and reduction to E-1. The adjudged and approved sentence is a small fraction of the maximum sentence and is justified by the appellant’s repeated distribution and abuse of illegal drugs.

The 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, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the findings and sentence are

AFFIRMED.

OFFICIAL

LAQUITTA J. SMITH
Documents Examiner

¹ The issue is raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).