

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

---

**UNITED STATES**

**v.**

**Technical Sergeant WILLIAM J. WORTHINGTON**  
**United States Air Force**

**ACM S30308**

**12 April 2005**

Sentence adjudged 27 November 2002 by SPCM convened at Nellis Air Force Base, Nevada. Military Judge: R. Scott Howard.

Approved sentence: Bad-conduct discharge and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Major Andrew S. Williams, and Major Jennifer K. Martwick.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Spencer R. Fisher (legal intern).

Before

PRATT, ORR, and MOODY  
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignments of error, and the government's reply thereto. The appellant raises two issues for our consideration.<sup>1</sup> First, the appellant challenges the legal and factual sufficiency of his conviction for wrongful use of methamphetamine. The test for legal sufficiency is whether, when the evidence is viewed in the light most favorable to the government, any rational factfinder could have found the essential elements of the crime beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). The test for factual sufficiency is whether, after weighing the evidence and making allowances for not having observed the witnesses, we ourselves are convinced of the appellant's guilt beyond a reasonable doubt. *United States v. Turner*, 25 M.J. 324, 325 (C.M.A. 1987).

---

<sup>1</sup> Both issues were raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

After considering the evidence in the light most favorable to the prosecution, we are convinced beyond a reasonable doubt that the appellant's conviction is legally sufficient. After weighing the evidence in the record of trial and making allowances for not having personally observed the witnesses, we are convinced beyond a reasonable doubt of the appellant's guilt of the litigated offense. *Turner*, 25 M.J. at 325. Additionally, the appellant asserts that he received ineffective assistance of counsel. Pursuant to *Strickland v. Washington*, 466 U.S. 668 (1984), we disagree and affirm.

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

AFFIRMED.

OFFICIAL

ANGELA M. BRICE  
Clerk of Court