UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman SABRINA M. WRIGHT
United States Air Force

ACM S31676

10 June 2010

Sentence adjudged 17 April 2009 by SPCM convened at McChord Air Force Base, Washington. Military Judge: Don M. Christensen.

Approved sentence: Bad-conduct discharge, confinement for 15 days, and reduction to E-1.

Appellate Counsel for the Appellant: Major Shannon A. Bennett and Captain Michael S. Kerr.

Appellate Counsel for the United States: Colonel Douglas P. Cordova, Lieutenant Colonel Jeremy S. Weber, Major Coretta E. Gray, and Gerald R. Bruce, Esquire.

Before

BRAND, JACKSON, and THOMPSON
Appellate Military Judges

PER CURIAM:

Pursuant to her pleas, a military judge found the appellant guilty of one specification of wrongful use of methamphetamine, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. A panel of officers sitting as a special court-martial sentenced the appellant to a bad-conduct discharge, 15 days of confinement, and reduction to the grade of E-1. The convening authority approved the sentence as adjudged.

The appellant asks this Court to disapprove the bad-conduct discharge. As the basis for her request, she opines that, in light of her crime, her rehabilitative potential,

and her stated remorse, her sentence to a bad-conduct discharge is inappropriately severe.[*] We disagree and affirm the findings and the sentence.

Background

During the third week of September 2008, the appellant attempted to commit suicide by ingesting five methamphetamine pills and drinking copious amounts of alcohol. Shortly thereafter, she was randomly selected to provide a urine sample for drug testing. She provided a urine sample, the sample was sent to the Air Force Drug Testing Laboratory, and it subsequently tested positive for methamphetamine. At trial, the appellant providently pled to and was found guilty of a one-time use of methamphetamine.

Inappropriately Severe Sentence

We review sentence appropriateness de novo. *United States v. Baier*, 60 M.J. 382, 383-84 (C.A.A.F. 2005). We make such determinations in light of the character of the offender, the nature and seriousness of her offense, and the entire record of trial. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982); *United States v. Bare*, 63 M.J. 707, 714 (A.F. Ct. Crim. App. 2006), *aff'd*, 65 M.J. 35 (C.A.A.F. 2007). Additionally, while we have a great deal of discretion in determining whether a particular sentence is appropriate, we are not authorized to engage in exercises of clemency. *United States v. Lacy*, 50 M.J. 286, 287-88 (C.A.A.F. 1999); *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988).

The appellant, by her actions, has compromised her standing as a military member. While she is to be applauded for her acceptance of responsibility and remorse, the fact remains that she committed a serious offense. After carefully examining the submissions of counsel, the appellant's military record, and taking into account all the facts and circumstances surrounding the offense of which she was found guilty, we do not find that the appellant's sentence, one which includes a bad-conduct discharge, is inappropriately severe.

Conclusion

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).

[*] This issue is filed pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

STEVEN LUCAS, YA-02, DAF
Clerk of the Court