

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

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UNITED STATES

v.

**Airman AARON J. MCDEVITT**  
**United States Air Force**

**ACM 37024**

**20 August 2008**

Sentence adjudged 03 April 2007 by GCM convened at Keesler Air Force Base, Mississippi. Military Judge: Gary M. Jackson (sitting alone).

Approved sentence: Dishonorable discharge, confinement for 1 year, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for the Appellant: Lieutenant Colonel Mark R. Strickland and Captain Tiaundra Sorrell.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Major Donna S. Rueppell, and Captain Brett A. Landry.

Before

WISE, BRAND, and FRANCIS  
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

In accordance with his pleas, the appellant was convicted of one specification of wrongful divers uses of cocaine and one specification of wrongful divers distributions of cocaine, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. The approved sentence consists of a dishonorable discharge, confinement for one year, forfeitures of all pay and allowances, and reduction to E-1.

On appeal, the appellant avers his sentence to a dishonorable discharge is inappropriately severe. Disagreeing with the appellant, we affirm.

### *Background*

The appellant used cocaine on numerous occasions, often times with other airmen. Additionally, he was the one who supplied the cocaine to three different active duty airmen on numerous occasions. As the appellant stated in his unsworn statement at court, the individuals came to him for the cocaine.

### *Sentence Appropriateness*

We “may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as [we find] correct in law and fact and determine[], on the basis of the entire record, should be approved.” Article 66(c), UCMJ, 10 U.S.C. § 866(c). We assess sentence appropriateness by considering the particular appellant, the nature and seriousness of the offense, the appellant’s record of service, and all matters contained in the record of trial. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982); *United States v. Rangel*, 64 M.J. 678, 686 (A.F. Ct. Crim. App. 2007).

After a careful review of the record of trial, to include the appellant’s post-trial submissions, we conclude the appellant’s sentence was not inappropriately severe.

However, we note the promulgating order fails to state a finding for Specification 2 of the Charge. Preparation of a corrected court-martial order is hereby directed. *See United States v. Smith*, 30 M.J. 1022, 1028 (A.F.C.M.R. 1990).

### *Conclusion*

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

AFFIRMED.

OFFICIAL



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