

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

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UNITED STATES

v.

Senior Airman RANDALL D. MCPHERSON  
United States Air Force

ACM 35506

14 March 2005

Sentence adjudged 3 February 2003 by GCM convened at Scott Air Force Base, Illinois. Military Judge: Ann D. Shane (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 5 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, and Major James M. Winner.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Colonel Michael J. Cianci Jr., and Lieutenant Colonel Robert V. Combs.

Before

PRATT, ORR, and MOODY  
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignment of errors, and the government's reply thereto. The record reflects that the appellant knew the elements of wrongful use of ecstasy, methamphetamine, and cocaine "and admitted them freely." *United States v. Felix*, 36 M.J. 903, 909 (A.F.C.M.R. 1993), *aff'd*, 40 M.J. 356 (C.M.A. 1994). We find no "substantial basis in law or fact" for questioning the plea (*United States v. Milton*, 46 M.J. 317, 318 (C.A.A.F. 1997)), and hold that the military judge did not abuse her discretion by accepting it. *See United States v. Eberle*, 44 M.J. 374 (C.A.A.F. 1996).

Furthermore, we hold that the trial defense counsel's failure to object to the alleged unreasonable multiplication of charges waived the issue. *See Rule for Courts-Martial (R.C.M.) 905(e)*. Even if not waived, the three drug specifications do not

misrepresent or exaggerate the appellant's criminality, nor do we find evidence of prosecutorial overreaching. Considering all the factors set forth in *United States v. Quiroz*, 55 M.J. 334, 338 (C.A.A.F. 2001), we hold that these specifications do not constitute an unreasonable multiplication of charges.

Accordingly, we conclude that the approved findings and sentence are correct in law and fact, and no error prejudicial to the substantial rights of the appellant was committed. Article 66(c), UCMJ, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). On the basis of the entire record, the approved findings and sentence are

AFFIRMED.

OFFICIAL

FELECIA M. BUTLER, TSgt, USAF  
Chief Court Administrator