

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

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**UNITED STATES**

**v.**

**Airman First Class SHANE T. SEIDER  
United States Air Force**

**ACM 35154**

**11 August 2003**

Sentence adjudged 13 March 2002 by GCM convened at Randolph Air Force Base, Texas. Military Judge: Steven A. Hatfield.

Approved sentence: Bad-conduct discharge, confinement for 15 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Major Terry L. McElyea and Captain Jennifer K. Martwick.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Lance B. Sigmon, and Lori M. Jemison (legal intern).

Before

**BRESLIN, STONE, and MOODY  
Appellate Military Judges**

**PER CURIAM:**

The appellant was convicted, contrary to his pleas, of the wrongful use and distribution of cocaine, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. A general court-martial consisting of officer members sentenced the appellant to a bad-conduct discharge, confinement for 15 months, forfeiture of all pay and allowances, and reduction to E-1. The convening authority approved the sentence adjudged.

We reviewed the record of trial for the legal and factual sufficiency of the evidence. Article 66(c), UCMJ, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (2000). Three witnesses testified that the appellant distributed and used cocaine during a card game at the appellant's off-base apartment. One of the three witnesses provided vague testimony about one additional use of cocaine. Exercising our fact-

finding power under Article 66(c), UCMJ, we are convinced beyond a reasonable doubt that the appellant used and distributed cocaine during a card game at the appellant's off-base apartment. We are similarly convinced that this was the basis for the court members' finding of guilt for this specification.

We considered carefully the appellant's argument that his sentence is inappropriately severe, and find it to be without merit. *United States v. Healy*, 26 M.J. 394 (C.M.A. 1988); *United States v. Snelling*, 14 M.J. 267 (C.M.A. 1982).

The findings and sentence are correct in law and fact, the sentence is appropriate, and no error prejudicial to the substantial rights of the appellant was committed. Accordingly, the findings and sentence are

AFFIRMED.

OFFICIAL

FELECIA M. BUTLER, TSgt, USAF  
Chief Court Administrator