

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

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**UNITED STATES**

**v.**

**Senior Airman CHRISTOPHER S. STERLING**  
**United States Air Force**

**ACM 37298 (frev)**

**14 September 2009**

Sentence adjudged 08 July 2008 by GCM convened at Travis Air Force Base, California. Military Judge: William M. Burd (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 18 months, reduction to E-1, and a reprimand.

Appellate Counsel for the Appellant: Lieutenant Colonel Maria A. Fried, Major Shannon A. Bennett, Major Michael A. Burnat, and Major Imelda L. Paredes.

Appellate Counsel for the United States: Colonel Douglas P. Cordova, Major Jeremy S. Weber, Captain Michael T. Rakowski, and Gerald R. Bruce, Esquire.

Before

**BRAND, HELGET, and GREGORY**  
Appellate Military Judges

This opinion is subject to editorial correction before final release.

**PER CURIAM:**

In accordance with his pleas, the appellant was found guilty of one specification of violating a lawful order, one specification of wrongfully possessing psilocin mushrooms with intent to distribute, two specifications of wrongfully distributing cocaine, two specifications of wrongfully using cocaine, one specification of wrongfully possessing cocaine, and one specification of wrongfully using oxycotin, in violation of Articles 92

and 112a, UCMJ, 10 U.S.C. §§ 892, 912a.\* The approved sentence consists of a bad-conduct discharge, confinement for 18 months, reduction to E-1, and a reprimand.

This case is before our Court for the second time. In *United States v. Sterling*, ACM 37298 (A. F. Ct. Crim. App. 9 Jun 2009) (unpub. op.), we affirmed the findings. However, because the Action failed to include the additional 75 days of pretrial confinement credit awarded by the military judge, we returned the record to the Judge Advocate General for remand to the convening authority to withdraw the erroneous Action, substitute a corrected Action, and promulgate a corrected Court-Martial Order.

On 23 June 2009, the Action and Court-Martial Order were accomplished in accordance with the Court's directions.

### *Conclusion*

The approved findings were previously affirmed by this Court. The approved sentence is 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 sentence is

AFFIRMED.

OFFICIAL



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

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\* Psilocin mushrooms is a Schedule I controlled substance, and oxycotin is a Schedule II controlled substance.