

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Technical Sergeant LORI E. WITT
United States Air Force**

ACM S31257

19 October 2007

Sentence adjudged 17 November 2006 by SPCM convened at Davis-Monthan Air Force Base, Arizona. Military Judge: Charles Wiedie.

Approved sentence: Bad-conduct discharge, hard labor without confinement for 45 days, restriction for 45 days, and reduction to E-1.

Appellate Counsel for the Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, Lieutenant Colonel Maria A. Fried, and Captain Anthony D. Ortiz.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Major Matthew S. Ward, and Major Donna S. Rueppell.

Before

**FRANCIS, SOYBEL, and BRAND
Appellate Military Judges**

This opinion is subject to editorial correction before final release.

PER CURIAM:

Contrary to her plea, the appellant was convicted by a special court-martial composed of officer members of one specification of wrongful use of cocaine, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. The adjudged and approved sentence consists of a bad-conduct discharge, hard labor without confinement for 45 days, restriction for 45 days, and reduction to E-1. The appellant asserts the military judge erred by denying her motion to suppress her oral and written admissions due to lack of corroboration. Finding no error, we affirm.

Admission of Statements

We review the military judge's decision to admit the appellant's statements for an abuse of discretion. *United States v. Ayala*, 43 M.J. 296, 298 (C.A.A.F. 1995). In doing so, we evaluate the military judge's factual findings under a "clearly erroneous" standard, while reviewing conclusions of law de novo. *Id.*; see also *United States v. Young*, 49 M.J. 265, 266-67 (C.A.A.F. 1998).

Mil. R. Evid. 304(g) requires corroboration before an accused's inculpatory statements may be used as evidence against her. However, "corroboration" does not equate to "proof." Rather, the rule only requires independent evidence that raises an "inference of the truth" of the essential facts admitted. *United States v. Grant*, 56 M.J. 410, 416 (C.A.A.F. 2002) (emphasis added). This is a very low threshold, with the quantum of corroboration needed only "very slight". *Id.*; see also *United States v. Baldwin*, 54 M.J. 464, 465 (C.A.A.F. 2001).

We find no abuse of discretion. The military judge concluded that the testimony of Senior Airman H provided sufficient corroboration. To support his ruling, the military judge made detailed findings of fact and fully explained the basis for his determination that such facts established the required inference of truth as to the essential facts contained in the appellant's admissions. The military judge's findings of fact are supported by the evidence of record and we adopt them as our own for purposes of this review. We find no error in the military judge's application of those facts to the applicable law and agree with his conclusion.

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). Accordingly, the approved findings and sentence are

AFFIRMED.

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