

**UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS**

**Washington, DC**

**UNITED STATES**

**v.**

**Andrew M. DEWEY**

**Food Service Specialist Third Class, U.S. Coast Guard**

**CGCMS 24178**

**Docket No. 1119**

**28 FEBRUARY 2000**

Special court-martial convened by Commanding Officer, USCGC MOHAWK (WMEC). Tried at Jacksonville, Florida, on 16 and 17 March 1999.

Military Judge: CAPT Carl A. Swedberg, USCG

Trial Counsel: LCDR S. A. Memmott, USCG

Assistant Trial Counsel: LTJG Patrick Flynn, USCGR

Detailed Defense Counsel: LCDR Todd Wynkoop, JAGC, USN

Appellate Defense Counsel: LT Sandra Selman, USCGR

Appellate Government Counsel: LCDR Chris P. Reilly, USCG

**BEFORE  
PANEL TWO**

**BAUM, KANTOR, McCLELLAND\***

Appellate Military Judges

**PER CURIAM:**

Appellant was tried by a special court-martial, military judge alone. Pursuant to his pleas of guilty, entered in accordance with a pretrial agreement (PTA), Appellant was convicted of one specification of a false official statement in violation of Article 107 of the Uniform Code of Military Justice (UCMJ) and three specifications of wrongful use of marijuana in violation of Article 112a, UCMJ. Appellant was sentenced to be reduced to pay grade E-1, to be confined for three months, and to be separated from the Coast Guard with a bad conduct discharge. The Convening Authority approved the sentence as adjudged, but suspended confinement in excess of 60 days for 12 months pursuant to the terms of the PTA.

Before this Court, without admitting that the findings and sentence are correct in law and fact, Appellant has submitted this case on its merits as to any and all errors. We have reviewed the record in accordance with Article 66, UCMJ. Upon such review, we have determined that the findings and sentence are correct in law and fact and on the basis of the entire record should be approved. Accordingly, the findings and sentence, as approved and partially suspended below, are affirmed.

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For the Court,

//s//

James P. Magner  
Clerk of the Court