

UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS

Washington, DC

UNITED STATES

v.

Jose R. CRUZ
Fireman Apprentice, U.S. Coast Guard

CGCMG 0158

Docket No. 1128

7 August 2000

General Court-Martial convened by Commander, Maintenance and Logistics Command Atlantic. Tried at Norfolk, Virginia on 16 November 1999.

Military Judge:	CAPT Robert Bruce, USCG
Trial Counsel:	LCDR Scott Memmot, USCG
Detailed Defense Counsel	LT Carlos Mendoza, JAGC, USNR
Appellate Defense Counsel:	CDR Jeffrey C. Good, USCGR
Appellate Government Counsel:	LCDR C. P. Reilly, USCG

BEFORE
PANEL FIVE
BAUM, WESTON, AND McCLELLAND
Appellate Military Judges

Per Curiam:

Appellant was tried by a general court-martial before a military judge alone. Pursuant to his pleas of guilty, entered in accordance with a pretrial agreement, he was convicted of the following offenses: five specifications of wrongful use of marijuana; two specifications of introduction of marijuana onto a vessel of the Armed Forces; and one specification of wrongful importation of marijuana into customs territory of the United States, all in violation of Article 112a Uniform Code of Military Justice (UCMJ). The judge sentenced Appellant to a bad-conduct discharge and confinement for twenty months. The convening authority approved the adjudged sentence, but suspended confinement in excess of twelve months for a period of twelve months from the date of his action. He also waived for six months automatic forfeitures mandated by Article 58b UCMJ, ordered that amount paid to Appellant's wife by involuntary allotment. The convening authority's action complied with the terms of the pretrial agreement.

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.

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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.



For the Court,

//s//

James P. Magner
Clerk of the Court