

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

**Washington, DC**

**UNITED STATES**

**v.**

**Michael N. BEFFORD**

**Seaman, U.S. Coast Guard**

**CGCMG 0165**

**Docket No. 1144**

**23 April 2001**

Special Court-Martial convened by Commanding Officer, USCG POLAR SEA (WAGB 11). Tried at Seattle, Washington on April 4-5, 2000.

Military Judge:	LCDR Rosanne Trabocchi, USCG
Trial Counsel:	LT Daniel C. Kelleher, USCG
Assistant Trial Counsel:	LTJG David O'Connell, USCGR
Detailed Defense Counsel:	LT Stanley F. Orszula, JAGC, USNR
Appellate Defense Counsel:	LT Benes Z. Aldana, USCGR
Appellate Government Counsel:	CDR Chris P. Reilly, USCG

**BEFORE**

**PANEL THREE**

**BAUM, KANTOR & BRUCE**

Appellate Military Judges

Per Curiam:

Appellant was tried by special court-martial, military judge. Pursuant to his pleas of guilty, entered in accordance with a pretrial agreement, Appellant was found guilty of the following offenses: five specifications of wrongful use of marijuana; two specifications of wrongful possession of marijuana; two specifications of wrongful distribution of marijuana; one specification each of wrongful use, wrongful possession, and wrongful distribution of hallucinogenic mushrooms containing psilocyn; and one specification of wrongful introduction of marijuana onto an installation used by the Armed Forces in violation of Article 112a of the Uniform Code of Military Justice (UCMJ); one specification of accessory after the fact in violation of Article 78, UCMJ; and one specification of one half hour's absence without leave in violation of Article 86, UCMJ. Appellant was sentenced to confinement for six months, reduction to pay grade E-1, and a bad-conduct discharge. The convening authority approved the sentence as adjudged but suspended all confinement in excess of 120 days for twelve months, which

was within 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.

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