

**UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS
Washington, D.C.**

UNITED STATES

v.

**Lewis A. GARCIA,
Yeoman Third Class (E-4), U.S. Coast Guard**

CGCMS 24257

Docket No. 1195

4 February 2004

Special Court-Martial convened by Commanding Officer, Coast Guard Activities San Diego.
Tried at Naval Station San Diego, California, on 30 April 2003 and 1 May 2003.

Military Judge:	CDR Frederick W. Tucher, USCG
Trial Counsel:	LT Michelle C. Bas, USCG
Defense Counsel:	LT Eric M. Governo, JAGC, USNR
Appellate Defense Counsel:	LCDR Nancy J. Truax, USCG
Appellate Government Counsel:	LT Sandra J. Miracle, USCG

**BEFORE
PANEL THREE
BAUM, KANTOR, & McCLELLAND**
Appellate Military Judges

Per Curiam:

Appellant was tried by special court-martial, military judge alone. Pursuant to his pleas of guilty, entered in accordance with a pretrial agreement, Appellant was convicted of the following offenses: two specifications of unauthorized absence, of one day and ten days, in violation of Article 86, Uniform Code of Military Justice (UCMJ); one specification of flight from apprehension in violation of Article 95, UCMJ; and one specification of wrongful use of marijuana and methamphetamine, in violation of Article 112a.

Appellant was sentenced to a bad-conduct discharge, reduction to E-3, and confinement for a term equal to the time served in pretrial confinement, which the military judge determined

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to be sixty-nine days. The Convening Authority approved the adjudged sentence, which was permitted by 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, the findings and sentence are determined to be correct in law and fact and, on the basis of the entire record, should be approved. Accordingly, the findings of guilty and the sentence, as approved below, are affirmed.



For the Court,

Roy Shannon Jr.
Clerk of the Court