

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

UNITED STATES

v.

**Alex B. CLIFFORD,
Seaman Apprentice (E-2), U.S. Coast Guard**

CGCMS 24324

Docket No. 1247

30 January 2006

Special Court-Martial convened by Commander, Coast Guard Activities New York. Tried at Alexander Hamilton Customs House, New York, New York, on 5 April 2005.

Military Judge:	CAPT Brian Judge, USCG
Trial Counsel:	LCDR Luke M. Reid, USCG
Defense Counsel:	LT Lynn R. S. Capuano, USCG
Appellate Defense Counsel:	LCDR Nancy J. Truax, USCG
Appellate Government Counsel:	LT Donna D. Leoce, USCG

**BEFORE
PANEL TWO
BAUM, KANTOR, & TEAL**
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 making false official statements, in violation of Article 107, Uniform Code of Military Justice (UCMJ); one specification of wrongfully using cocaine, one specification of wrongfully distributing some amount of marijuana to a seaman, and one specification of wrongfully using marijuana, in violation of Article 112a, UCMJ; and two specifications of wrongfully and falsely altering his own and another's military identification cards by scratching out numbers on the date of birth to change the birth year from 1984 to 1981, which he knew to be false, in violation of Article 134, UCMJ. The military judge sentenced Appellant to a bad-conduct discharge, confinement for five months, forfeiture of \$823 pay per

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month for five months, and reduction to E-1. The Convening Authority approved the sentence as adjudged, but, in accordance with the pretrial agreement, suspended confinement in excess of 105 days and forfeitures in excess of \$617.00 pay per month for five months.

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 and partially suspended below, are affirmed.



For the Court,

Jane Lim
Clerk of the Court